

Sandwell Local Plan 2024-2041 - Examination

Inspector

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Examination website

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MATTERS, ISSUES AND QUESTIONS (MIQs) for Hearing Week 1

Important Notes

The plan being examined is the Sandwell Local Plan 2024-2041 (SUB 001).

References in brackets are the references for documents in the examination library. The library is available on the examination website.

Respondents should only answer questions that directly relate to their previously submitted written representations on the plan. Please clearly indicate in your statement(s) the question(s) you are answering.

Statements should be proportionate in length to the number of questions being answered and in total should not exceed 3000 words per Matter. This word limit does not apply to the Council as it is required to answer every question.

I am examining the plan as submitted by the Council. At this stage I will not be considering the merits of sites not included in the plan (sometimes called 'omission sites'). If I find there is a need for additional or different sites to be allocated, I will ask the Council to consider how it would like to proceed with the examination.

The MIQs concern soundness and legal compliance and are primarily focused on the plan's policies. Insofar as the questions relate to the soundness/legal compliance of other elements of the plan, including the explanatory text, they will usually be considered as part of the discussion about the relevant policies.

These MIQs should be read together with the Inspector's Examination Guidance Note and the latest draft of the Hearing Programme, which are available on the examination website. These MIQs are for the Week 1 hearing sessions. MIQs for subsequent hearing weeks will be published in due course.

National Planning Policy Framework (NPPF)

In accordance with the implementation arrangements set out in the NPPF published on 12 December 2024 (and revised 7 February 2025), this plan is being examined under the relevant previous version of the NPPF dated December 2023. References to the NPPF in these MIQs are to the December 2023 version and respondents should also refer to the December 2023 version in responding to the questions.

MATTER 1: Legal and Procedural Requirements

Issue 1a – Whether the Council has complied with the Duty to Cooperate in the preparation of the plan.

Note: The duty to co-operate relates to the preparation of a local plan as far as it relates to strategic matters, as defined in S33A (4) of the Planning and Compulsory Purchase Act 2004. It covers the time up to, but not after, the submission of the plan for examination. Q1.1 – 1.5 relating to the duty to cooperate therefore concern the engagement undertaken by the Council during the preparation of the submitted plan and do not directly relate to the content of the plan or whether it is sound which will be considered under other Matters.

- Q1.1** In preparing the plan did the Council engage constructively, actively and on an on-going basis with neighbouring authorities and relevant prescribed bodies (as defined in Regulation 4 of the 2012 Local Planning Regulations) on matters having a significant impact on at least two planning areas? Is this engagement fully documented and evidenced?
- Q1.2** Have all Statements of Common Ground been submitted consistent with the expectations of the NPPF and the associated Planning Practice Guidance? Have they all been signed by all relevant parties?
- Q1.3** Has cooperation with other local planning authorities produced effective and deliverable policies on strategic cross-boundary matters? What specific outcomes have resulted from engagement undertaken in preparing this plan? Including in relation to:
- a. housing needs (including for travelling communities)
 - b. employment need
 - c. transport and infrastructure
 - d. natural and historic environment
 - e. minerals and waste.



Q1.4 Are there any relevant strategic matters that have not been specifically identified and addressed on a cross-boundary basis, or any concerns that have been raised by any nearby local authority or prescribed body regarding duty to cooperate compliance that remain unresolved?

- a) If so, which matters or concerns and why is this the case?
- b) What was the Council's response?

Q1.5 In overall terms, has the duty to cooperate been discharged? Is there any substantive evidence to indicate that the Council has failed to discharge its duty to cooperate in a manner consistent with NPPF paragraphs 24-27 during the preparation of the submitted plan?

Issue 1b – Whether the requirements of the Conservation of Habitats and Species Regulations 2017 have been met.

Q1.6 Is the Habitats Regulations Assessment (HRA) (ENV 003) robust and does the plan include all recommendations and measures identified in the assessment as necessary to ensure compliance with the Habitats Regulations?

Q1.7 Overall, have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?

Note: Q6 and Q7 focus on legal compliance with the Habitats Regulations in broad terms. Any implications of the HRA for the soundness of the plan will be considered under other Matters.

Issue 1c – Whether the plan has been prepared in compliance with other legal and procedural requirements.

Q1.8 Has the plan been prepared in accordance with the adopted Local Development Scheme (MON 001)?

Q1.9 Has consultation on the plan been carried out in accordance with the adopted Statement of Community Involvement (MON 002) and the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)?

Q1.10 Does the Sustainability Appraisal (SA) provide a comprehensive and robust basis to inform the strategy and contents of the plan, particularly in terms of:

- a) Whether the methodology is appropriate?
- b) Its assessment of the likely effects of the plan's policies and site allocations?

- c) Its consideration of reasonable alternatives, including alternative spatial strategy options, and why they were rejected/discounted?

Note: Q1.10 focuses on the SA in broad terms only. Any implications of the SA in relation to the soundness of specific aspects of the plan will be considered under other Matters.

Q1.11 Will the plan cover a minimum 15-year period from the anticipated date of adoption?

Q1.12 Does the plan include policies designed to ensure that the development and use of land in the Sandwell plan area contributes to the mitigation of, and adaptation to, climate change in accordance with the legislation¹?

Note: Q1.12 focuses on climate change policies in broad terms only. Issues relating to the soundness of specific aspects of relevant policies will be considered under other Matters.

Q1.13 In what ways has plan preparation and the plan's content had regard to the aims expressed in S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

Q1.14 Has the preparation of the plan complied with the 2004 Act Part 2 (as amended) and the 2012 Regulations (as amended) in all other respects, including in terms of:

- a) Including policies to address the strategic priorities for the development and use of land within the Sandwell plan area?
- b) Making sufficiently clear which of the plan's policies are strategic policies?
- c) Making sufficiently clear which plans and policies will be superseded if the plan is adopted?
- d) Taking into account policies and proposals in any Neighbourhood Plans, as set out in the Planning Practice Guidance²?
- e) Whether plan preparation had regard to all relevant additional matters set out in Section 19 of the 2004 Act and in Regulation 10 of the 2012 Regulations?

Q1.15 Are any main modifications necessary for legal compliance?

¹Section 19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended)

² PPG Reference ID 61-006-20190723

MATTER 2: Vision, Objectives, Sandwell's Housing and Employment Needs, and the Plan's Overall Scale of Growth
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Issue 2a – Whether the vision, priorities and strategic objectives have been positively prepared and are justified, effective and consistent with national policy for the achievement of sustainable development.

Q2.1 Are the plan's vision, priorities, and strategic objectives justified, consistent with national policy, and relevant for Sandwell?

Q2.2 In terms of this issue, are any specific main modifications necessary for soundness?

Issue 2b – Whether the assessment of housing needs and the plan's overall scale of housing growth for the settled community are justified, positively prepared, effective and consistent with national policy.

Note: This issue concerns the overall housing needs in the borough, and the housing requirement included in the plan. The soundness of other aspects of Policy SDS1 and the plan's other policies and allocations relating to housing for the settled community will be considered under other Matters.

Q2.3 Is the plan's total housing requirement of at least 10,434 net new homes (which the plan states would result in unmet need for 15,916 homes in the borough over the plan period 2024-2041), justified? Including:

- a) Is the assessment of local housing needs for Sandwell robust, sufficiently up to date, and has the standard method for assessing the minimum local housing need been correctly applied?
- b) Are there any exceptional circumstances that would justify calculating Sandwell's housing need on a basis other than the standard method?
- c) Have the levels of need in Sandwell for affordable housing and other specialist housing needs of particular groups, including for older people and people wanting to build their own homes, been appropriately assessed and considered?
- d) Are the assessments of land capacity for residential development in Sandwell, and the site selection methodology and process used to inform the selection of sites for allocation in the plan, sufficiently robust? Including:
 - i. How have constraints to development in the borough influenced site selection, capacity, and the Plan's overall spatial strategy?

- e) Have potential opportunities for housing development in the borough's area of designated Green Belt been appropriately considered?
Including:
- i. Is the evidence base relating to the Green Belt sufficiently up-to-date and robust? Is it consistent with relevant national policy?
 - ii. Is the plan's overarching requirement and strategy for housing provision consistent with the evidence base for the Green Belt?
 - iii. Do exceptional circumstances exist that would justify changes to Green Belt boundaries?
- f) Have all potential sources of housing land supply been explored and exhausted such that a housing requirement below the objectively assessed need could be justified?
- g) Overall, is the plan's housing requirement justified and positively prepared?

Q2.4 In terms of this issue, are any main modifications necessary for soundness?

Issue 2c – Whether the assessment of need and the plan's overall scale of growth for accommodation for Gypsies, Travellers, and Travelling Showpeople is justified, positively prepared, effective, and consistent with national policy.

Note: Q2.5 – 2.7 concern the overall level of need and overall amount of accommodation for the travelling community included in the plan (the number of pitches and/or plots), and the soundness of other aspects of Policy SH09 and relevant allocations in the plan will be considered under other Matters.

Q2.5 Does the Black Country Gypsy and Traveller Accommodation Assessment (HOU 004) provide a robust assessment of accommodation needs in the Sandwell plan area for the travelling community, is it sufficiently up to date, and does it apply an appropriate methodology in establishing the borough's requirement for additional pitches and/or plots?

Q2.6 Does the plan provide for all needs identified in the Black Country Gypsy and Traveller Accommodation Assessment? If so, how?

- a) Is the plan's approach justified, positively prepared, and consistent with relevant national policy including Planning Policy for Traveller Sites?
- b) Is the level of need and the plan's requirement for any additional pitches and/or plots clearly set out in the plan?
- c) Should the plan include any additional site allocations to meet the identified needs over the plan period?

- d) Overall, is the plan's requirement for accommodation for Gypsies, Travellers and Travelling Showpeople justified and positively prepared?

Q2.7 In terms of this issue, are any main modifications necessary for soundness?

Issue 2d – Whether the assessment of employment need and the plan's overall scale of employment growth is justified, positively prepared, effective, and consistent with national policy.

Note: This issue concerns the overall level of need for employment land and the amount of land for employment included in the plan. The soundness of other aspects of Policy SDS1 and the plan's other policies and allocations relating to employment and the economy will be considered under other Matters.

Q2.8 Is the plan's approach of maintaining ongoing provision of around 1,221 hectares of allocated employment land soundly based? Including:

- a) Do the key evidence base documents for economy and employment (ECON 001 to ECON 007 with Topic Paper summary SA/ED18) provide a robust and sufficiently up to date assessment of employment needs in Sandwell over the plan period?
- b) On what basis has the figure of 1,221 hectares been derived and do the evidence base documents justify this level of provision in the plan?
- c) Does the plan include sufficient site allocations to meet its requirement to maintain the ongoing provision of 1,221 hectares of allocated employment land?
- d) Have all reasonable options for meeting the identified need for employment land, and reducing the shortfall over the plan period, been robustly explored?
- e) Overall, is the plan's employment requirement justified and positively prepared?

Q2.9 In terms of this issue, are any main modifications necessary for soundness?

MATTER 3: The Spatial Strategy (Policy SDS1) and other Framework Policies (SDS2 – SDS8)
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Issue 3a – Whether the strategy for the spatial distribution of new development (Policy SDS1) is based on robust evidence and is justified, positively prepared, effective and consistent with national policy.

Q3.1 Is the plan's spatial strategy as set out in chapter 2 and policy SDS1 based on robust evidence and justified in terms of the amount, type, and spatial distribution of development? Including:

- a) Is the “Balanced Green Growth” approach justified in light of reasonable alternative options and when considering plan’s shortfalls against the identified needs for housing and employment development? Including:
 - i. Have identified constraints, such as green belt, heritage assets, major infrastructure and biodiversity, been appropriately considered in this context and in light of robust and up to date evidence?
- b) Does the spatial strategy make effective use of land including previously developed land and underutilised land?
- c) Does the spatial strategy optimise the density of development?
- d) Has the spatial strategy been appropriately informed by robust and up to date strategic assessment of flood risk in the borough?
- e) Is the policy sufficiently clear how unmet development needs will be addressed?
- f) Is the policy consistent with the plan-making expectations of NPPF paragraph 11?
- g) Are the other requirements of the policy soundly based?

Q3.2 In terms of this issue, are any main modifications necessary for soundness?

Issue 3b – Whether the plan’s overall growth strategy is deliverable including in terms of viability.

Q3.3 In broad terms, is the plan’s scale and distribution of housing for the settled and travelling communities and scale and distribution of employment growth financially viable, including with regard to normal development costs and mitigation, and all relevant policy costs including affordable housing, habitats sites mitigation, infrastructure contributions, and design requirements?

Q3.4 Is it reasonably likely that at least 10% of the plan’s housing requirement will be delivered on sites no larger than one hectare?

Q3.5 In terms of this issue, are any main modifications necessary for soundness?

Issue 3c – Whether the plan is positively prepared, justified, effective, and consistent with national policy in relation to its other Framework Policies (Policies SDS2 – SDS8).

Q3.6 Are the requirements of policy SDS2 justified, effective and consistent with national policy? Including in relation to:

- a) the approach to heritage assets
- b) development viability, in broad terms.

Q3.7 Are the requirements of policies SDS3 and SDS4 justified and consistent with national policy? Including:

- a) Will SDS3 be effective in supporting delivery of new development, including at least 584ha of new employment development and a minimum of 2,134 new homes in the identified Regeneration Areas?
- b) Are the requirements of SDS3 compatible with the plan's chapter 8 policies for the borough's economy?
- c) Will SDS4 be effective in supporting delivery of 474 new homes in the towns and local communities outside West Bromwich and the identified Regeneration Areas?

Q3.8 Are the requirements of policies SDS5, SDS6, and SDS8 justified and consistent with national policy? Including:

- a) Do SDS5 and SDS8 appropriately cover biodiversity and blue/green infrastructure? Is it clear which types of green and blue infrastructure would be covered by SDS8?
- b) Does SDS6 appropriately cover the protection and/or loss of valuable cultural and religious buildings?

Q3.9 Are the requirements of Policy SDS7 justified and are they consistent with national policy for protecting Green Belt land? Are all the requirements necessary?

Q3.10 In terms of this issue, are any main modifications necessary for soundness?

END.