
Sandwell Local Plan 2024-2041 - Examination

Inspector

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Examination website

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EXAMINATION GUIDANCE NOTE FROM THE INSPECTOR

This Guidance Note should be read in conjunction with the separate **Matters, Issues and Questions** (SA/ED33) and **Preliminary Hearing Programme** (SA/ED34).

References in brackets are to the documents in the examination library which can be viewed on the examination website.

National Planning Policy Framework (NPPF)

In accordance with the implementation arrangements set out in the NPPF published on 12 December 2024 (revised 7 February 2025), this plan is being examined under the relevant previous version of the NPPF dated December 2023. All references I make to the NPPF are to the December 2023 version, unless otherwise stated.

Please ensure you refer to the provisions of the December 2023 NPPF, as relevant, when submitting any responses to these Matters, Issues and Questions.

Key dates

Friday 9 May 2025	Inspector's Matters, Issues and Questions, guidance notes, and preliminary hearing programme published.
Thursday 12 June 2025 (by 12 noon)	<u>Deadline</u> to confirm with the Programme Officer whether you wish to exercise your right to appear at a hearing session programmed for Week 1 (if applicable, see 'participation at the hearing sessions' below for details).
Thursday 12 June 2025 (by 12 noon)	<u>Deadline</u> for submission of hearing statements for Week 1 hearing sessions.
Tuesday 15 July 2025 (at 09.30)	Examination hearing sessions to begin. See draft hearing programme for other scheduled hearing dates.
25 July 2025	Inspector's Matters, Issues and Questions, guidance notes, key dates, and draft hearing programme for Week 2 and Week 3 hearing sessions due to be published.

Purpose of this guidance note

1. This note provides guidance to representors on the procedural and administrative arrangements for the examination of the Sandwell Local Plan.
2. All representors should familiarise themselves with the contents of this note, particularly those who intend to submit further statements and / or take part in the hearing sessions.
3. More information on the examination process can be found in the government's [Planning Practice Guidance](#) including the guidance on [Plan-making](#), and in the Planning Inspectorate's [Procedure Guide for Local Plan Examinations](#). There is also a [Short Guide](#), which may be particularly helpful if you have not previously been involved in a local plan examination.

The Inspector's role in the examination

4. Before a local plan can be formally adopted, it must be subject to an independent examination. I have been appointed by the Secretary of State to examine the soundness of the plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and the associated Regulations.
5. The plan being examined is the Sandwell Local Plan 2024-2041 Submission Version dated December 2024 (SUB 001) on which consultation took place for 6 weeks from 23 September to 4 November 2024. The plan was submitted for examination on 11 December 2024.
6. My task is to examine whether the plan is 'sound' and meets relevant legal and procedural requirements. The NPPF makes clear that, to be sound, **a local plan should be positively prepared, justified, effective and consistent with national policy.**
7. There are three possible outcomes of the examination:
 - The submitted plan is sound, meets relevant legal requirements and does not need to be changed; or
 - The submitted plan is not sound and/or does not meet relevant legal requirements but could be made sound and compliant by changes to it (known as main modifications). If necessary, this may follow additional evidence work; or
 - The submitted plan is not sound and/or does not meet relevant legal requirements and it could not be made sound and compliant by changes. In this situation, I would be likely to recommend that the Council withdraws the plan.
8. I aim to work collaboratively with the Council and the other participants in a proactive, pragmatic, and solution-orientated manner to deliver a positive social, economic, and environmental outcome for the district. However, this approach does not necessarily mean that the plan will be found to be sound.

9. At the end of the examination, I will prepare a report to the Council with my conclusions. The report will deal with broad issues rather than with individual representations.

The Programme Officer

10. The Programme Officer for the examination is Ms Louise St John Howe who is working under my direction, independently of the Council. Louise can be contacted using the details at the head of this note.
11. The main tasks of the Programme Officer are to act as a channel of communication between all parties and the Inspector, to liaise with the parties to ensure the smooth running of the examination, and to ensure that all documents received are recorded and distributed.
12. Any procedural questions or other matters that you wish to raise before the hearing sessions should be made through the Programme Officer, and please let her know if you have specific needs in relation to attendance or participation at the hearing sessions.

Examination webpages and documents

13. Copies of supporting evidence documents can be found on the examination website, where all the most up-to-date examination documents and updates will be found. **You are advised to check the examination documents on the website as some documents have been updated and additional documents have been added since the plan was submitted.** Any participant who does not have access to the internet should contact the Programme Officer to arrange access to library documents.

The examination process

14. The examination is likely to move through the following general stages, which are set out in more detail in the Procedure Guide:
 - Preparation of statements in advance of hearing sessions
 - Hearing sessions
 - Consultation on any Main Modifications (necessary changes to the plan)
 - My final report
15. The timing and stages are subject to change depending how the examination proceeds. For example, there may be additional stages if I find that more evidence needs to be prepared.

Changes to the submitted plan

16. The starting point is that the Council has submitted a plan which it considers to be sound and ready for examination. The Council should rely on the evidence put together while preparing the plan to show that it is sound. However, the Council has formally asked me to recommend to it any modifications that I consider are necessary to make the plan sound and legally compliant.

17. There are now only two means by which changes can be made to the submitted plan:
 - a. Main Modifications recommended by the Inspector.
 - b. Additional Modifications made by the Council on adoption.
18. I can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted plan unsound or not legally compliant, having regard to my own assessment of the plan and the representations made on it. Main modifications are changes which, either alone or in combination with others, would materially alter the plan or its policies. Any potential main modifications must be subject to consultation, and further sustainability appraisal and assessment under the Habitats Regulations may also be needed.
19. 'Additional modifications' are those changes which would not materially affect the policies in the plan and are also sometimes referred to as 'minor modifications'. They are made by the Council on adoption, and are likely to include corrections of typographical errors, factual updating, and minor consequential changes. The Council is accountable for any additional modifications, and these do not fall within the scope of the examination.
20. The Council has suggested a series of changes to the submitted plan following the Regulation 19 consultation, which are set out in the Council's schedule Potential Additional Modifications (SA/ED3). The Council is also consulting on a separate schedule of Potential Main Modifications, which it proposes to submit to the examination in due course. However, at this stage, the suggested changes are useful indicators of areas where the Council considers modifications could be made to the plan. In addition, the Council has also provided an Errata Sheet (SUB 002). As part of the examination, I will consider whether any of the suggested changes are necessary as main modifications for the plan to be sound and legally compliant, and any such main modifications would be consulted upon as part of the examination process at a later stage.
21. It is important to remember that the basis for the examination is the submitted plan, and that I will only recommend changes to the plan if they are required to ensure it is sound and/or meets the relevant legal requirements. It is not the purpose of the examination to improve the plan where it is already sound.

Representations on the plan

22. **In examining the plan, I will give the same weight to written representations as to those made orally at hearing sessions.** Therefore, participation at a hearing session is only necessary if, in the light of my Matters, Issues and Questions, you have relevant points to contribute to the discussion.
23. Representations made on the plan at the Regulation 19 consultation stage have been submitted and I will take them all into account. The Council has also prepared a Regulation 22 Consultation Statement (SUB 009), a summary

report of representations (SUB 014), full sets of representations made during the consultation (SUB012 and SUB013), and a spreadsheet of representations with the Council's responses (SA/ED2), which are all available on the examination website. The legislation does not require me to take account of any representations made at any earlier stage, including under Regulation 18.

Representations proposing alternative site allocations

24. Some representations have proposed that different or additional sites to those included in the submitted plan should be allocated for development. These are sometimes referred to as "omission sites". As my role is to examine the soundness of the submitted plan, not the soundness of promoted sites that are not in it, I have not scheduled a hearing session to discuss omission sites, and I do not propose to discuss their merits in detail at other sessions. However, as part of my assessment of whether the submitted plan is sound, I will consider through Matter 2 whether the approach by which sites were selected for inclusion in the plan, in comparison with possible alternatives, was objective and robust and whether it is sound.
25. The Council is currently (28 April 2025 to 9 June 2025) undertaking a further Regulation 19 consultation on an additional site that it would like to include as an allocation in the plan, and which it proposes to submit to the examination in due course as part of the Council's suggested schedule of Potential Main Modifications. The Council will submit any representations arising from that consultation for my consideration after the consultation period has closed.

Site visits

26. Where I consider it necessary to my assessment of the soundness of the plan, I shall visit sites and areas referred to in the representations before, during, or after the hearing sessions. I will do this on an unaccompanied basis unless, exceptionally, there is a need to enter land that is not publicly accessible, in which case I will arrange access through the Programme Officer.

Arrangements for the hearing sessions

27. The examination hearing sessions are currently scheduled to take place on:

Week 1: 15 - 17 July 2025

Week 2: week commencing 22 September 2025

Week 3: week commencing 29 September 2025

In addition, several reserve sessions (see below) will be identified in the hearing programme.

28. The hearing sessions will start at 09.30 on Tuesday 15 July 2025. The format of the hearing in Week 1 will be in person at the **Council Chamber at Sandwell Council House, Freeth Street, Oldbury B69 3DE**. The format and venue for sessions in Weeks 2 and 3 will be confirmed in due course and may use a virtual format.

29. The draft hearing programme available with this note sets out the preliminary timetable and the headline matters to be discussed at the hearing sessions. It includes some **reserve dates** in case of any over running of programmed sessions. **Please note that the location, duration, time, and headline matters, for the sessions may be subject to change from that shown the preliminary draft programme. You are therefore advised to always check the latest version of the programme on the examination website.** Further details for Week 2 and Week 3 hearing sessions will be provided in late July.

Participation at the hearing sessions

30. Only those who made a representation seeking to change the plan have a right to appear before and be heard by the Inspector at the hearing sessions. However, anyone may attend to observe the hearing.
31. **If you have a right to be heard and you wish to exercise that right, you should contact the Programme Officer by 12:00 (noon) Thursday 12 June 2025 indicating which session(s) in the draft hearings programme you consider that you need to participate in. You must notify the Programme Officer regardless of anything you may have indicated previously about whether you would like to participate in the hearing. Please note that if you do not contact the Programme Officer by this deadline it will be assumed that you do not wish to appear, and you will not be listed as a hearing participant.**
32. Before deciding whether to appear, representors should study the Council's responses to the main issues raised in representations on the plan as set out in their Consultation Statement (SUB 009), their responses to representations (SUB 010/011 and SA/ED2), and the Council's Summary of Main Issues (SUB 014), to note how the Council may have dealt with the concerns you raised.
33. As I will take the same account of all representations regardless of whether they are made at a hearing session or previously in writing, it is important to note that it is **not** the purpose of the hearing for written representations to simply be repeated. Attendance at a hearing session will only be helpful to me if you intend to participate in the discussion about the Matters, Issues and Questions as relevant to your written representations.
34. Representors who are not seeking changes to the plan, including those who have made representations supporting it, do not have a right to take part in the hearing. However, I may invite additional participants to take part in particular hearing sessions if their participation would assist me in assessing the soundness and legal compliance of the plan.
35. Each hearing session will be run by me as a structured discussion, focusing on a specific topic. The published Matters, Issues and Questions will form the basis of the agenda for discussion and should also be the basis of any further written statements in advance of the hearing. The hearing sessions will not involve any formal presentation of cases or cross examination.

36. The hearing programme will be finalised as soon as possible after the deadline for submission of hearing statements and published on the examination website before the start of the hearing. **Please note that it is for individual participants to check the latest hearing programme, either on the website or with the Programme Officer, and to ensure that you are present at the right time.** If you are unable to attend a session for which you are listed as a participant, please let the Programme Officer know as soon as possible.

Further written statements

37. The Matters, Issues and Questions should form the basis of any further written statements prepared. I strongly encourage concise answers to the questions set out and, where appropriate, they can be answered by providing references to specified parts of the evidence base.
38. The Council should produce a written hearing statement for each Matter, which responds to all associated Issues and Questions. Other representors, whether they intend to participate in the hearing sessions or not, may also submit further written statements **but only on those questions of relevance to their previous representation.** However, it is not a requirement to do so.
39. Statements should be a **maximum of 3000 words** for each main Matter. Within this limit, statements should be focused, kept as short as possible, and proportionate to the number of issues and questions you are responding to. Therefore, I anticipate that most statements will not need to be as long as 3000 words. The word limit does not include any appendices, but you should only include an appendix where the material is directly relevant and necessary, and all appendices should be appropriately referenced in the associated statement.

In addition, you should:

- Submit a separate statement for each main matter being addressed.
 - Only answer the specific questions which are of direct relevance to your original representation made at the Regulation 19 consultation.
 - Clearly identify the number(s) of the question(s) being answered.
 - State whether any of the Council's suggested modifications would resolve any of your concerns and make the plan sound.
 - Indicate whether, in your view, any other changes are needed to make the plan sound in relation to aspects of direct relevance to your previous representation (providing detailed suggested wording for the change you seek and, if appropriate, any changes sought to the policies map).
 - State the name of the representor and the representation reference number of your previous representation, which is available from the Programme Officer if you do not have it.
40. **An electronic copy of each further statement for Week 1 hearing sessions should be submitted to the Programme Officer by 12:00 (noon) on Thursday 12 June 2025.** If you wish to submit paper copies instead, please contact the Programme Officer to make the necessary arrangements.

41. Unless there are agreed exceptional circumstances, late submissions will not be accepted. A separate deadline will apply for statements relating to Matters to be heard in Weeks 2 and 3.
42. Hearing statements will be posted on the examination website, so that they are available to all participants and anyone else who wishes to read them. As they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the website should contact the Programme Officer to make alternative arrangements for viewing.
43. Other than these statements no other written evidence will be accepted, unless I specifically request it. Neither written hearing statements or the hearing sessions should be used to introduce new evidence or arguments.

After the hearing sessions

44. I will advise the Council of the changes to the plan (main modifications) that I consider are likely to be necessary, either during the hearing sessions or in writing afterwards.
45. It will be for the Council to draft the main modifications and agree them with me, via the Programme Officer, before they are published for consultation. As part of this process, Sustainability Appraisal and/or Habitats Regulations Assessment of the main modifications may be necessary. I will consider representations made about the main modifications before reaching my final conclusions soundness and legal compliance.
46. I will then prepare a report to the Council setting out my conclusions and recommendations for any main modifications that are required. My report will deal with the main issues of soundness in broad terms, together with any procedural or legal issues. I will consider all written representations, and oral representations made during the examination hearing, but my report will not necessarily cover every issue, question, or representation.

Close of the examination

47. The Examination will close when my report is submitted to the Council, at which point my involvement with the plan will end. The Council must then decide whether to adopt the plan. It can only be adopted if it incorporates any main modifications that I recommend as necessary to make it sound and/or legally compliant.
48. The Council should publish my report as soon as reasonably practicable after receiving it.

Catherine Jack
INSPECTOR