
Sandwell Local Plan 2024-2041 - Examination

Inspector

Mrs C Jack BSc (Hons), MA, MA(TP), PGDip (CHE), MRTPI

Programme Officer

Ms Louise St John Howe louise@poservices.co.uk

07789 486419

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

MATTER 3: The Spatial Strategy (Policy SDS1) and other Framework Policies (SDS2 – SDS8)
--

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?

The Spatial Strategy is considered by the Council to be justified and based on a robust body of evidence that identifies the ongoing housing and employment land shortfalls across the borough, Sandwell's desire to deliver a sustainable and challenging quantum of available land and sites to address them and the steps it has taken to ensure this happens.

This approach has been supported by independent external work confirming the lack of additional brownfield land [WMCA001], updates to Duty to Co-operate discussions with other authorities on their capacity to contribute towards Sandwell's housing and employment needs [SA/ED9, SA/ED11, SA/ED15, SA/ED16, SA/ED17], and up-to-date housing and employment evidence / monitoring within and beyond Sandwell [HOU001, HOU003, HOU006, ECON002A, ECON006A, ECON007].

The SLP strikes a balance between maximising the delivery of development land available to it and working towards an uplift in the quality of life of its residents. The SLP Vision pictures a borough that delivers both economic and housing growth while also improving the health and life chances of its residents, overcoming the challenges of climate change and protecting and enhancing its natural and built environment. To achieve this requires positive and difficult choices to be made on the approach to securing growth in the borough, especially in the light of the shortfalls in housing and employment land that have been demonstrated, the lack of suitably sized and redundant brownfield sites and the importance of the borough's network of green spaces and green belt.

As part of the work on producing the SLP the council produced a Spatial Strategy Paper [SA/ED42] that set out the intentions and considerations leading to the spatial strategy that informs the plan. The paper was published as part of the evidence for the Local Plan at both

Regulation 18 and Regulation 19 stages of consultation. This work forms the basis of the spatial strategy set out in Policy SDS1 and provides a detailed background and rationale for the decisions that were made.

- a. The Balanced Green Growth approach is justified given the reasonable options that were available to Sandwell when considering how to meet its housing and employment needs in a pragmatic and deliverable way. The Council acknowledges that the chosen spatial growth strategy will **not** meet the shortfalls identified for either housing or employment land, but it believes that the approach taken offers challenging and deliverable targets for both.

In addition, the Balanced Green Growth approach offers a holistic solution to addressing some of the challenges faced by the borough and its residents around health, wellbeing, climate change, and on the protection and enhancement of the natural and built environment. Given the scale of the shortfalls and the scarcity of vacant or underused available land, essentially it would be impossible for Sandwell to meet them in full without significantly undermining the existing quality of life of residents, Sandwell's social, economic and physical infrastructure and its wider environment.

The Balanced Green Growth strategy offsets the delivery of new housing and jobs with environmental protection and infrastructure capacity. It promotes a spatial distribution pattern that:

- prioritises regeneration areas and urban centres;
- avoids significant incursion into greenfield or green belt areas; and
- aligns with corporate objectives including health, climate resilience, and sustainable transport.

The Council took the strategic decision that it would not meet the housing and employment shortfalls at any cost to the borough, given the scale of those shortfalls, the identified constraints that apply in many parts of Sandwell and the dearth of sufficient available and suitable sites in the borough. This position acknowledges that the spatial strategy cannot justify major greenfield or green belt release, which would undermine the SLP's wider health, sustainability, and environmental goals. The matter has also been addressed in the Spatial Strategy [SA/ED42] – paragraphs 5.1 and 5.2 refer to the approach adopted by the Council towards the decision to exclude green belt / greenfield sites.

This position was reaffirmed by Government in their changes to the NPPF that resulted in paragraph 145 of the 2023 version reiterating that councils did not have to redraw green belt as part of local plan reviews.

The detailed consideration of Sandwell's green belt took place during the BCP preparation work, including a comprehensive green belt study [GREB001] and landscape sensitivity study [GREB006] and had been subject to several rounds of public consultation. When the BCP folded, Sandwell stated publicly that it would be re-using both policies included in the BCP and the evidence base, where these remained relevant to Sandwell itself.

As part of the consideration of a spatial strategy for Sandwell, the outcomes of the BCP green belt study were taken into account. Given the findings of the LUC work as it related to Sandwell, it became clear that Sandwell's green belt not only performed well against the purposes of its designation but also contained significant areas of absolute constraint [figure 7.2c, GREB001]. The study also identified that much of the green belt in Sandwell would suffer significant harm from development being allowed within it [figure 7.3c, GREB001]. In addition, compared to the other BCAs, Sandwell did not have a large number of green belt

sites identified for potential development.

The SLP's spatial strategy and Policy SDS1 instead focus a sustainable and realistic quantum of development in existing residential and employment areas, especially on previously developed land. It also supports increasing densities where appropriate and achievable, utilises existing and planned infrastructure, services and facilities and continues Sandwell's ongoing and successful programme of regeneration. This is also in line with the sustainability requirements set out in the NPPF (paragraphs 11, 35). As such, the approach adopted by Sandwell is positive in identifying housing and employment targets that represent what are (in the Sandwell context) challenging growth targets, justified by the extant circumstances identified in the borough and represents an effective approach to maximizing development and protecting vulnerable environments.

Background to shortfalls

The sub-regional housing shortfall was highlighted in an independent report and subsequent related updates [HOU007 – 014] covering the Greater Birmingham and Black Country Housing Market Area, which considered the housing need for the wider HMA and examined scenarios for distributing the identified housing shortfall. The study concluded that the supply of brownfield land across the HMA was insufficient to accommodate this shortfall.

Separate evidence [ECON001 – 007] pointed to the need for additional employment land. This increased and sustained demand arose because of a growing requirement for sites suitable for industrial / manufacturing and warehousing uses, which was not anticipated or planned for in the Black Country Core Strategy.

In the Core Strategy, it was anticipated that industry would continue to decline as employment shifted to the office and service sector, which generally requires less land. Much of the employment land was therefore expected to become surplus to requirements and thus be available for reallocation to meet housing needs. This shift did not occur and many of the employment sites allocated for housing have continued in active and successful employment-related use.

External Evidence

In response to queries around the capacity of the Black Country to deliver additional housing on brownfield sites during the preparation of the Black Country Plan, a study was commissioned by the West Midlands Combined Authority that considered the approach to land allocation undertaken by the four authorities, and whether additional brownfield land could be made available given different approaches [paragraph 3.21(i) - (vii) of SA/ED42]. It concluded that there was little, if any, spatial capacity within the Black Country able to provide additional housing at the scale required to meet the shortfall [WMCA001].

This is very apparent in Sandwell in particular, where many of the sites allocated for housing in the SAD have remained in economic use and their landowners have confirmed a commitment to both continue and, in some cases, expand operations on those sites.

Over 250 landowners and businesses were approached as part of the SLP preparation and asked about their current and future intentions for their sites, and their responses were used to identify any sites that were likely to come forward during the plan period for redevelopment / reuse.

This situation has not changed during the ongoing development of the SLP, as evidenced by the results of new and updated evidence on housing and employment demand, supply, delivery monitoring [MON004 – 005] and site assessments [SAA001 – 005]

The Inspector is respectfully referred to Sandwell Council's Housing [SA/ED24] and

Employment [SA/ED18] Topic Papers for further background and evidence.

In view of the levels of both housing and employment land needs, it is apparent that Sandwell would not be able to meet them in full on previously developed land within the borough or across the plan period. Sandwell is highly urbanised in nature and its location at the heart of the main West Midlands conurbation means it is surrounded by other densely developed areas. It is neither feasible nor realistic to identify reasonable alternative approaches that require the allocation of large tracts of vacant / available brownfield sites / land, as these are not available in the borough. Brownfield sites of a strategic scale / size are generally not available in Sandwell, given the current levels of demand for such sites for employment purposes.

To try to meet the identified levels of housing need in the urban parts of Sandwell would also result in significant and harmful levels of overdevelopment in those areas, and the loss of open and green spaces within them. This level of development would also have an adverse effect on the living environment, health and wellbeing of Sandwell's residents, alongside exacerbation of climate change impacts and the degradation of the natural and built environment, habitats and green and blue infrastructure. It is also very likely to put additional pressure on the supply of employment land and sites that are required to drive forward Sandwell's economic recovery.

The Balanced Green Growth approach grew out of the work undertaken to consider reasonable alternatives that would help to deliver significant amounts of housing and employment development, given the shortfalls and the underpinning dearth of available and suitable sites of sufficient size as set out above. It was subject to sustainability appraisal through the identification and testing of reasonable alternatives, which are identified in both the Spatial Strategy report [SA/ED42] and the SA [see Chapter 5 of the Regulation 19 SA – SUB007].

Chapter 5 of the Regulation 19 SA [SUB007] summarises the reasonable alternatives considered. Full evaluation of each growth / spatial option was undertaken in the Regulation 18 (II) Draft Plan SA [SA/ED46]. This was in accordance with both planning legislation and best practice.

The first stage of the consideration of reasonable alternatives identified the growth options, in terms of the quanta of development required to address the needs identified in evidence and the broad spatial delivery options used to distribute that development across Sandwell.

The following reasonable alternatives for the overall quantum of development to be addressed were considered in the Spatial Strategy Report [SA/ED42]:

- six alternative options for the provision of housing [paragraph 4.14];
- four alternatives for employment land [paragraph 4.19]; and,
- three options for the provision of sites for Gypsies, Travellers and Travelling Showpeople [paragraph 4.28].

The next stage set out more refined spatial growth options, which considered how the overall level of homes and area of employment land (and other types of land use where applicable) could be strategically distributed, thus helping to meet some of the strategic aims of the SLP.

Four potential spatial growth strategies were identified; the following is a summary of them [SA/ED42 paragraph 6.1] –

A – Balanced Growth

- Prioritise development within existing urban and employment areas.
- Focus on brownfield sites and utilise existing infrastructure.
- Improve environmental, accessibility, and socio-economic factors in existing areas.
- Explore use of vacant urban open spaces and increased housing density in town centres.
- Protect ecological, historic, geological, and landscape assets.

B – Green Growth

- Limit development to brownfield sites with highly sustainable transport access.
- Emphasise low/zero-carbon construction and sustainable design.
- Focus growth in energy-efficient redeveloped areas.
- Enhance green spaces, biodiversity, and climate resilience.
- Protect all open spaces and heritage/environmental features.

C – Economic Growth

- Safeguard and intensify all employment land.
- Redevelop commercial areas and underused urban land for jobs.
- Prioritise large employment sites via redevelopment and site assembly.
- Ensure housing and services support employment hubs.
- Conserve ecological, historic, industrial, and geological assets.

D – Housing Growth

- Concentrate housing in urban and brownfield areas.
- Reuse underused land and redevelop older housing for higher density.
- Shift some employment land to housing use.
- Build near transport hubs, with taller buildings where suitable.
- Boost housing density and service capacity, while protecting environmental and heritage assets.

Again, these alternatives were tested through the SA and used to inform the decision on the preferred option [paragraph 5.6.6 - 5.6.7 and accompanying text, SUB007]. The outcome of the Sustainability Appraisal of those options formed an important part of the Council's examination of the alternatives, the results of which considerations are set out in a table in paragraph 7.32 of the Spatial Strategy report [SA/ED42].

As referred to elsewhere in the Council's responses, for each type of reasonable alternative evaluated in the SA process, Chapter 5 of the Regulation 19 SA [SUB007] documents the Council's outline reasons for selecting the preferred option in light of the reasonable alternatives.

The Council commented at the time the SA was undertaken,

*" ... No single **[spatial growth]** option would have no adverse environmental or sustainability impact; however, it is clear from the summary assessment that two options (Housing-led **[Option D]** and Employment-led **[Option C]**) would not support the balanced and sustainable mix of development and environmental and social benefits required to*

deliver transformational change in Sandwell. It is apparent that the most appropriate and deliverable strategy for housing, employment and environmental protection and improvement in Sandwell, which will also confirm our ambitions to improve the health and wellbeing of residents, would be a combination of options A and B [Option A is balanced growth and Option B is green growth].“

The Balanced Green Growth approach will allow Sandwell to provide a significant quantum of housing and additional employment opportunities in the borough. At the same time, it is promoting a bold strategy supporting the delivery of climate change adaptation and mitigation, environmental protection and enhancement, the conservation and enhancement of the historic environment and the delivery of green and blue infrastructure. This in turn will support the Council's wider aims and objectives in improving the physical health and mental wellbeing and life chances of people in Sandwell.

This will thus provide the quantum of development identified in Policy SDS1 through adopting a strategic and realistic approach to what can be achieved given Sandwell's constraints.

- a(i). The approach taken in the SLP looks to balance the need for sustainable and deliverable growth across the plan period with a clear focus on improving the lives of Sandwell's residents, with evidence pointing to health, economic and social disparities between them and other areas of the West Midlands and country.

The provision of as much housing and employment development as can be sustainably and realistically delivered makes the target challenging. Given acknowledged issues around lack of sufficient housing and employment land in Sandwell, it is important to ensure that the use of hard constraints has been justified. Sandwell Council believes that the decision to uphold the constraints-based approach to site assessment and allocation is justified and backed by evidence. In considering the use of constraints, it is apparent that where further investigation has been carried out, in some cases those constraints have not precluded the use of sites for appropriate development.

The use of gateway constraints ensures that the most sensitive locations are protected from harmful development, in line with the NPPF. Paragraph 123 requires local authorities to make effective use of previously developed land,

“... while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

It also refers to the need to protect and enhance biodiversity (paragraphs 180, 186a), to avoid harm to the green belt (paragraphs 142, 145) and giving great weight to avoiding harm to designated heritage assets (paragraph 205).

Please also see the Council's response to **Q2.3d**

Site Assessment and Allocation

The Council's decision to continue using constraints as part of the site assessment methodology in light of the housing and employment shortfalls and the available evidence is justified as part of the delivery of sustainable growth in Sandwell. They help ensure that sites that are chosen are genuinely deliverable and developable, with no significant barriers to their being brought forward. This provides a degree of certainty on the scale of development expected to come forward during the plan period and ensures that scale of delivery is realistic.

The site selection methodology detailed in the Site Assessment Report [SAA/001-4] is aligned with the Local Plan's spatial strategy, ensuring growth is directed to the most

sustainable locations and maximising the use of brownfield land whilst limiting impact on sensitive or constrained areas. The methodology identified “Gateway Constraints”, whereby sites that were impacted by certain issues were filtered out and not assessed for potential development.

The gateway constraints were first identified and used as part of the work undertaken on the Black Country Plan and the approach was subject to consultation as part of that process as well as through Sandwell’s own public consultations. The constraints included:

- ancient hedgerows;
- ancient woodland,
- common land,
- Flood risk zone 3;
- HSE Zone 1;
- Local Nature Reserves;
- operational burial grounds;
- registered parks and gardens;
- Scheduled monuments;
- Sites of Importance for Nature Conservation;
- SSSI/ SAC;
- strategic open space.

Green Belt is considered a gateway constraint in Sandwell, given the importance attached to its retention, its vulnerability to development pressures and the important role it plays in preventing coalescence, encouraging regeneration and maintaining a sense of openness.

The Council believes that even if these gateway constraints were set aside, in whole or in part, the amount of additional land that might subsequently become available for development is unlikely to make up sufficient additional supply to meet development needs shortfalls. Doing so would however result in the permanent loss of and significant harm to local environments and the health and wellbeing of people within the borough.

In addition, some of the identified constraints relate to physical issues, such as hazardous sites or flood zones. If set aside, these issues would need to be remediated or addressed as part of any development, which would have implications for development costs and viability.

The use of constraints as a means of assessing the suitability of land and sites for development purposes is therefore justified when considered in terms of the spatial strategy approach and the importance of ensuring sites are genuinely deliverable.

General constraints

Green belt - compared to neighbouring authorities, Sandwell has very little green belt (it falls mainly within Sandwell Valley) [SA/ED7, paragraph 4.10 – 4.12] and very few vacant / unused undeveloped open spaces. The areas of undeveloped and open land it does contain are extremely important to the borough’s environment and the health and wellbeing of its population and are generally formally identified as open space, parks, or other designations.

Development in Sandwell's green belt would not conform to the requirements for sustainable growth. New housing or employment development would require the delivery of supporting infrastructure including upgrading / creating roads, installing water supplies and sewerage systems, providing links to energy networks, other utilities and facilities; even then, development needs are highly unlikely to be fully met. Sandwell's green belt / Sandwell Valley is also covered by various environmental and other designations, as well as containing a country park, agricultural activity and acting as a major location for recreation and leisure for Sandwell and sub-regionally.

A recent appeal decision (July 2024) on a site in Sandwell's green belt has been included as evidence [SAA006]. It indicates that the Council's approach to the retention and protection of green belt was appropriate and its assessment of the importance of green belt to the borough was reasonable. Although the decision refers to a specific site and proposals (not under consideration in the SLP), the Council would suggest that given the appeal inspector acknowledged the housing shortfall and still dismissed the appeal, this decision reflects the strategic importance of Sandwell's green belt and highlights the role it performs. The appeal inspector referred to the release of green belt as being a matter for the SLP, and the Council has considered the matter in detail as part of the site assessment and allocation process.

Notwithstanding the importance of Sandwell's green belt to both the purposes and objectives set out in national guidance and legislation, Sandwell Valley itself also performs a significant role as a recreational asset, as set out above. This is entirely compatible with its green belt status and makes it a location that can make a significant contribution to the SLP's aims around health, activity and wellbeing in Sandwell now and in the future. It is also identified as the location of the Council's initial habitat bank / receptor site, which once established will support housing delivery on those development sites where schemes cannot deliver their statutory 10% BNG uplift.

Heritage assets - Sandwell's industrial history has left a legacy in the form of the borough's architectural heritage. Sandwell has a responsibility to protect its built heritage, which includes nine conservation areas, over 200 statutorily listed buildings and a further 176 locally listed buildings. Following the Regulation 18 consultation, Sandwell undertook discussions with Historic England and following both consultations have amended the SLP considering the comments received from HE and others. At the suggestion of Historic England, it also undertook an assessment of the potential impact of proposed allocations on the historic environment, which forms part of the evidence base for the SLP [SAA005].

This work demonstrated that there was sufficient flexibility in the approach adopted by the SLP to allow for development to take place within areas of historic interest or adjacent to heritage assets without those assets being harmed. It effectively meant that the historic environment and heritage assets did not of themselves act as an in-principle barrier to development for those sites allocated in the SLP [paragraphs 5.4 and 6.1, SAA005].

Infrastructure

While infrastructure as a broad topic did not form a specific part of the list of gateway constraints, there has been considerable attention paid to its role in enabling and supporting housing and employment growth in the borough. The Inspector is respectfully directed to the submitted infrastructure evidence [DEL001 – 003] for further information on the specific requirements and proposals. The executive summary set out in the Infrastructure Needs Assessment [DEL001] states that,

“There are no infrastructure types for which our discussions with stakeholders have

indicated a fundamental inability to deliver this quantum of growth over the plan period.”

It goes on to identify several types of infrastructure where there might be expected to be impacts arising from development, but generally there are no “showstoppers” that appear to have been highlighted in the report.

Biodiversity / nature conservation

The presence of Sites of Importance for Nature Conservation (SINCs) was treated as a gateway constraint for the purposes of site assessment / allocation in the SLP. These sites are significant at a wider than local level based on the ecology / habitats they sustain. They are also identified in the nature conservation hierarchy set out in Policy SNE2 and have the same status across the other Black Country boroughs and wider sub-region. This means they provide an important part of biodiversity networks and are a fundamental aspect of the emerging local nature recovery strategy work being led by the WMCA.

In contrast, while SINCs are treated as an absolute constraint, in line with the way they are identified across the sub-region and beyond, sites of local importance for nature conservation (SLINCs) allow for slightly more flexibility where development may be proposed that affects them. Compensation for their partial or complete loss can be accepted if appropriate in certain circumstances, such as where the need for a particular development might outweigh their retention (Policy SNE2).

As set out elsewhere in this response, the Council has also undertaken to set up a habitat bank in Sandwell’s green belt, to enable developers to purchase biodiversity net gain units (should they wish to) to compensate for any deficit they may encounter when developing sites in the borough.

A programme of resurveys on extant SINCs and SLINCs is underway and has been ongoing for several years, with the revised evidence used where it related to potential development sites.

- b. There is a strong preference on the part of the Council to ensure that new development (for both housing and employment development) takes place on brownfield or previously developed land. Much of Sandwell is already developed and as a result there is a regular “churn” of sites coming forward for development that have already been built on in the past. This is particularly true for employment land and sites. The SLP encourages this approach through the policies it contains. The Spatial Strategy paper [SA/ED42] explains the Council’s approach to the allocation of greenfield sites and its commitment to using previously developed land wherever possible.

However, given the identified and significant shortfall in both housing and employment land supply to help meet future needs, it was necessary to consider the allocation and development of a limited number of greenfield sites. Although this is not the preferred solution, such new development will take place in sustainable locations where it can make use of existing infrastructure, support existing services and facilities and deliver improvements to them where necessary. In addition, the Council will ensure that housing schemes in particular offer significant capacity for improved and additional green spaces, landscaping, environmental provision and climate change mitigation.

The sites allocated in the SLP that have the character of greenfield sites are:

- Lion Farm [site reference SM2]

- Friar Park [site reference SH18]
- Brandhall [site reference SH34]
- Rattlechain [site references SH35, SH36]

The greenfield nature of these sites makes them an exception in terms of the wider development strategy of the SLP; the outcome of the sustainability appraisal of the proposed growth options suggests that the presumption should be in favour of identifying opportunities for development on brownfield and previously developed sites. Small or medium-sized sites that are greenfield, green belt, ecologically valuable or in recreation, leisure or community use are very unlikely to be considered suitable for future development.

With specific regard to the sites listed above, it is important to note that except for Brandhall, which was formerly a golf course, they were all previously developed at some point; they now have the appearance of open greenfield sites, having revegetated over time. Therefore, they do not meet the NPPF definition of previously developed land.

- c. Yes, the Spatial Strategy is justified and based on a robust body of evidence that identifies the ongoing housing and employment land shortfalls across the borough, Sandwell's desire to deliver a sustainable and challenging quantum of available land and sites to address them and the steps it has taken to ensure this happens. Policy SDS1 sets out the minimum requirement for the number of net new homes and provision of employment land over the plan period and has been arrived at via an extensive and robust assessment of available land in the borough. Given the constraints and the wider issues around land supply, c10,500 new homes is a significant achievement and will create opportunities to deliver a range of housing to meet the needs of local people.

The Inspector is respectfully directed to the Density and Design Topic Paper [SA/ED8], which analyses and describes the Council's approach to delivering higher densities on residential development sites. It sets out the approach the Local Plan takes to ensure that densities are optimised and contribute to the achievement of sustainable development whilst remaining deliverable within the plan period.

Furthermore, Policy SH03 sets out minimum density requirements for residential development to prevent the inefficient use of land.

- d. Yes, the spatial strategy has been appropriately informed by a robust and up-to-date strategic assessment of flood risk from all sources, current and future in the borough in accordance with the latest guidance described in the NPPF and the Planning Practice Guidance (PPG). These are detailed in the key evidence base documents for water and flooding [WAT 001 – WAT 030] produced by JBA Consulting for Sandwell Council and appendix E of the site assessment report [SAA 004]. The Environment Agency (EA) was consulted throughout the process and raised concerns relating to the sequential test, level 2 strategic flood risk assessment (SFRA) and the potential flood risk implications for several of the plan's site allocations during the Reg 19 consultation. The Council undertook work to address these issues and proposed amendments to address their concerns. The EA responded, finding the proposed amendments satisfactory and withdrew their objections on soundness to the Local Plan in a formal letter [SA/ED20] issued to the Council.

- e. Paragraph 3 of the policy explains that

“development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation”.

Paragraphs 3.15 - 3.19 of the policy's justification text goes on to explain that the council has discharged the duty to cooperate during the plan making process through open and constructive working with neighbouring authorities. This is set out in the Duty to Co-operate Statement [DtC 001]. The Council has done its best to seek to export development needs that cannot be accommodated within the borough to sustainable locations in neighbouring local authority areas. It will continue to do so as these authorities bring forward their local plans.

The text within Policy SDS1 does not specify the quantum of unmet development needs arising from the Sandwell Local Plan that are proposed to be exported to appropriate and sustainable locations in nearby authority areas. Nevertheless, paragraphs 3.13 and 3.14 of the justification text clarifies that the unmet development needs arising from the Sandwell Local Plan include 15,916 homes and 169ha employment land over the plan period.

f. Paragraph 11 of the NPPF explains that plans and decisions should apply a presumption in favour of sustainable development, which for plan-making means:

- Promoting a sustainable pattern of development that seeks to: meet development needs; align growth and infrastructure; improve the environment; and mitigate climate change and adapt to its effects; and
- As a minimum provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless policies within the NPPF that protect areas or assets of particular importance provide a strong reason to restrict this, or adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in the NPPF taken as a whole.

The Sandwell Local Plan has sought to provide for objectively assessed needs for housing (including affordable housing and Gypsy and Traveller pitches) and employment land. As explained in detail in the Housing Topic Paper [SA/ED24] and Employment Land Topic Paper (SA/ED18), the Local Plan is unable to accommodate objectively assessed needs in full and there is no capacity to provide for needs that cannot be met within neighbouring areas.

Growth levels in the Local Plan are reflective of the capacity of existing and planned infrastructure. The Infrastructure Delivery Plan (IDP) [DEL/001 and DEL/002] concludes at paragraph 5.1 that "*there are no apparent infrastructure-related obstacles for the levels of growth that are planned.*" The IDP acknowledges that a significant number of infrastructure projects included on the Infrastructure Schedule benefit from public funding and will happen irrespective of the Sandwell Local Plan. The IDP identifies nine infrastructure projects that are essential for growth to happen. All nine projects relate to utilities infrastructure for electricity distribution and wastewater treatment and will be primarily funded and delivered by National Grid Electricity Distribution or Severn Trent Water.

The improvement of Sandwell's environment and mitigating climate change and adapting to its effects run as key themes throughout the Local Plan. The Balanced Green Growth spatial strategy will ensure that the level of growth required by the plan is offset by environmental enhancement and responding to the challenges of climate change.

Policy SDS2 sets out how development should be designed to mitigate climate change impacts and adapt to its effects. The policy links to numerous other policies in the plan, particularly SCC1 – 4 which provide a set of aspirational and viability-tested policies which seek to raise the standard of building design in the borough in relation to climate change mitigation and adaptation.

Policy SDS8 sets out the Local Plan's approach to Green and Blue Infrastructure. It details how Sandwell's environment will be improved and links to numerous other policies,

particularly SNE1 – 6 which identify environmental assets and designations within the borough and how the planning process will be used to conserve and enhance them in line with their importance.

- g) The remaining requirements of the policy are soundly based and will ensure that the growth envisaged by the local plan contributes to sustainable development. The remaining requirements are necessary to deliver the priorities and strategic objectives set out at Table 3 of the plan.

The remaining requirements relate to:

- The delivery of physical, social and environmental infrastructure, such as
 - new open space
 - active travel routes
 - improved education and healthcare infrastructure
 - opportunities for people to make healthier choices
- Conserving and enhancing
 - green and blue infrastructure
 - areas of ecological value
 - the historic environment
 - the function of the green belt, and
- Minimising and mitigating the likely effects of climate change, and minimising carbon emissions arising from the construction and occupation of new development.

Physical, social and environmental infrastructure

Requirements relating to the delivery of physical, social and environmental infrastructure are positively prepared. They will ensure that the delivery of the plan's housing requirement will be supported by the necessary supporting infrastructure to create sustainable and resilient communities in line with strategic objectives 3, 7, 10, 11, 12, 16 and 18.

As illustrated in Table 3 of the plan, the requirements will be delivered through a series of more detailed policies. These are justified, having been subject to the Sustainability Appraisal process at Regulation 18 and 19 stages [SUB/008 Appendix F]. They are evidenced by a robust and up-to-date evidence base comprising a Health Impact Assessment [HEW/001] and Health Evidence Base [HEW/002], Infrastructure Delivery Plan [DEL/001 and 2], Open Space Assessment [PPOS/001], Green Spaces Strategy [PPOS/003], and a Playing Pitch Strategy and Action Plan [PPOS/004 - 6].

The requirements are effective. They have been viability tested [VIAB/001 – 2] and in some cases reflect proposals at a sub-regional scale, such as proposals relating to active travel which respond to the Black Country Walking, Wheeling and Cycling Plan.

They are consistent with national policy and would contribute to achieving sustainable development. Paragraph 8(b) of the NPPF recognises the importance of accessible services and open spaces that reflect current and future needs to support health and social wellbeing. Chapter 8 sets out national planning policy with regards to achieving healthy and safe communities. Paragraph 108(c) explains that from the earliest stage of plan-making consideration should be given to opportunities to promote walking and cycling.

Green and blue infrastructure and areas of ecological value

Requirements to protect and improve green and blue infrastructure (such as parks, woodlands and trees), protect habitats and areas of ecological value are positively prepared. They are necessary to realise the spatial strategy of Balanced Green Growth which is addressed in detail in response to MIQ 3.1(a). The preferred spatial strategy was selected as following the Sustainability Appraisal process it became apparent that the most appropriate and deliverable strategy for housing, employment and environmental protection and improvement in Sandwell was through combining the 'balanced' and 'green' growth options.

Therefore, it is justified as thorough consideration has been given to reasonable alternatives. It is effective and will contribute to the delivery of identified development requirements set out elsewhere in the policy. It reflects cross-boundary working, including the emerging Local Nature Recovery Strategy that is being prepared for Birmingham and the Black Country.

It is consistent with national policy. NPPF paragraph 8(c) explains that the environmental objective of sustainable development is to protect and enhance our natural environment. Chapter 15 relates to the conservation and enhancement of the natural environment, with paragraph 181 requiring plans to take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.

The historic environment and areas with geological and landscape value

Paragraph 195 of the NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The historic development of Sandwell and the other Black Country Authorities has been shaped by its varied and unique geology which is recognised by UNESCO as a Global Geopark. The conservation and enhancement of heritage assets, the borough's unique landscape and geology is imperative to the achievement of the NPPF's environmental objective of sustainable development.

The requirement is expanded on within Policies SNE4 and SHE1 – 4, which are consistent with the policy requirements for heritage assets set out in the NPPF.

The green belt

As addressed in detail in response to MIQ 3.1(a), the spatial strategy determines that development within the green belt would not conform to the requirements for sustainable growth. The plan seeks to protect the green belt from inappropriate development. The development requirements set out elsewhere in Policy SDS1 do not require development within the green belt to be realised. Therefore, the openness, integrity and function of Sandwell's green belt can be protected as part of this positively prepared local plan which seeks to provide as much as Sandwell's objectively assessed needs as sustainably possible.

The approach taken to protect the green belt from inappropriate development is justified by the Spatial Strategy report [SA/ED42] and the conclusions of the Black Country Green Belt Study [GREB/001 - 4] which was prepared jointly by the Black Country authorities using a consistent methodology.

The approach is consistent with national policy. Paragraph 145 confirms that there is no requirement for green belt boundaries to be reviewed or changed when plans are being prepared. Clause 1(h) of policy SDS1 would allow exceptions to inappropriate development in the green belt as detailed at paragraph 154 of the NPPF.

Mitigating against and adapting to climate change

Paragraph 8(c) of the NPPF explains that mitigating and adapting to climate change forms part of the environmental objective of achieving sustainable development. The requirement is

therefore necessary to ensure that the policy is positively prepared and adheres to strategic objective 1 of the plan.

The requirement is set out in detail in Policies SCC1 – 4 and reflected in policy wording throughout the plan. Policies SCC1 – 4 are informed by a robust and up-to-date climate change evidence base [CLIM/001 - 005] which has resulted in ambitious policies that have been viability tested to ensure they remain deliverable.

The requirement responds to the preferred spatial strategy that was selected following a Sustainability Appraisal process which considered reasonable alternatives.

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

While the Council is satisfied that it has submitted a sound plan, should the Inspector be minded to recommend any further modifications without which she would consider the SLP to be unsound, the Council would be pleased to receive them.

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?

The plan’s development strategy is financially viable in broad terms, with cumulative policy costs appropriately tested in accordance with the NPPF (2023), particularly paragraphs 34, 58 and 62.

The assessment [VIAB001 and VIAB002] tested a range of residential typologies across brownfield and greenfield sites and across three value zones. Both fully policy-compliant and more pragmatic scenarios were assessed, reflecting how developers might respond in lower-value areas through cost engineering and flexible profit expectations.

The appraisals incorporated:

- The provision of affordable housing (up to 25%)
- Carbon reduction measures required by policies SCC1-4 (as per the climate change evidence, CLIM/001-5)
- Adherence with Nationally Described Space Standards, provision of accessible and adaptable dwellings standards in Building Regulations (such as M4(2)), legal requirements to secure biodiversity net gain, and other policy requirements that affect design
- Expected Section 106 contributions needed to make development acceptable in planning terms and indexed CIL rates

The results of the appraisal show that development is viable in most medium and higher value locations and can come forward in lower value areas through flexibility (Policy SID1), funding support, and ongoing regeneration programmes.

Employment land and traveller accommodation were not specifically appraised. However, the employment strategy focuses on existing and safeguarded sites with secured infrastructure funding, and Policy SHO9 addresses traveller needs through intensification of existing sites, minimising viability impact.

The Regulation 18 Viability Report [VIAB/001] includes a policy matrix at Appendix 1 which assesses the implications for viability of policies in the draft version of the SLP. The matrix does not identify any direct impacts from the draft employment policies on the viability of the SLP.

In conclusion the scale and distribution of development proposed in the plan is viable in broad terms and consistent with the NPPF’s requirements for plan-making viability.

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?

The SLP [SUB001] has a housing requirement of 10,434 homes; the plan has allocated 72 sites. 38 sites are less than one hectare in size and provide for 1,961 homes, which equates to 19% (rounded up). Therefore, it is 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?

While the Council is satisfied that it has submitted a sound plan, should the Inspector be minded to recommend any further modifications without which she would consider the SLP to be unsound, the Council would be pleased to receive them.

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.

Climate change impacts are of particular concern to Sandwell Council, as if left unchecked they will tend to have a disproportionately harmful effect on communities experiencing deprivation and ill-health, such as some of those in the borough.

As a result, the SLP has addressed climate change not only through proposing a suite of policies specifically designed to promote suitable mitigation and adaptation in the built and natural environment (Policies SCC1 – SCC6) but also through identifying the need to address it as a strategic priority Policy SDS2).

As set out in the Environment Topic Paper [SA/ED7], the key legislative provision in respect of climate change that bears directly on authorities in the preparation of local plans is section 19 (1A) of the Planning and Compulsory Purchase Act 2004, which requires local plans (taken as a whole) to include policies designed to ensure that the development and use of land in an authority's area contribute to the mitigation of, and adaptation to, climate change. Other relevant legislation includes:

- The Climate Change Act (2008) - commits the UK government by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050. This requires local authorities to align their policies with the national goal of net zero, including through adopting planning policies that support reductions in emissions (such as through promoting sustainable transport, renewable energy and energy-efficient buildings).
- The Planning Act (2008) - introduced a requirement on local development plans to include policies which ensure that they contribute to both climate mitigation and adaptation. Policies should address the reduction of emissions (mitigation) and the need to cope with climate impacts such as flooding or rising temperatures (adaptation)
- The Planning and Energy Act 2008 gave local planning authorities powers to set requirements for energy efficiency of buildings and renewable energy generation.

The NPPF and national planning guidance also include sections on meeting the challenges of climate change [SA/ED7, paragraphs 9.11 - 9.26].

The Environmental Topic Paper [SA/ED7] and Sandwell's Climate Change Studies [CLIM001 - CLIM003] also reference the Written Ministerial Statement (WMS) from December 2023. It is acknowledged that the WMS has a role as a material consideration in plan making, however local planning authorities retain the ability to set higher energy efficiency standards under the Planning and Energy Act 2008 providing that are well reasoned and that the need for policies could be substantiated at a local level.

The introduction to Policy SDS2 sets out those aspects of legislation and guidance that inform

it and identifies that the policy aims to ensure that future development addresses those requirements.

Policy SDS2 requires proposals for development to mitigate and adapt to climate change impacts and address the need for net zero outcomes on residential and major non-residential buildings. The remainder of the policy identifies those aspects of development that can be used to enact climate change mitigation and adaptation and identifies the relevant detailed policies in the SLP that are designed to ensure this will occur.

In terms of the requirements of national legislation, such as outlined above, the policy includes references to:

- design-related adaptations and mitigation,
- sustainable transport,
- the mitigation of poor air quality,
- sustainable infrastructure such as SuDS,
- reduction in flood risk,
- reduction in carbon emissions.

As set out in paragraph 3.25 of the policy's justification text, it should also be read in conjunction with Policy SCC1, in relation to the use of renewable energy sources and low-carbon and energy-saving measures.

The Climate Change Study – Output 3 Evidence Base [CLIM003] provides a detailed response on the alignment of the SLP's policies with national legislation and the WMS2023, and it is the view of Sandwell Council that its approach to climate change as set out in Policy SDS2 and elsewhere in the SLP is entirely aligned with national planning policy and guidance, and complies with the mandate of the Planning and Compulsory Purchase Act (2004), the pursuit of net zero under The Climate Change Act (2008) and powers granted under the Planning and Energy Act 2008.

SA/ED7 also includes discussion of the Written Ministerial Statement (WMS) from December 2023 (paragraphs 9.27 - 9.28). The view taken by the Council, following advice from its climate change consultants was that while the WMS had a role as a material consideration, local planning authorities retained the ability to set higher energy efficiency standards providing they could substantiate the need for those standards locally.

- a. In terms of the relationship to the historic environment, Sandwell Council worked with Historic England (HE) following their engagement with the Regulation 18 public consultation stage. As a statutory consultee, it was important for Sandwell to ensure HE's concerns were considered and addressed as far as possible. To this end, the changes suggested by Historic England to the draft SLP were widely adopted by the Council. This meant textual changes being included in the Submission version of the SLP that reflected both the written requests made during the previous consultation and following a Duty to Co-operate meeting held with HE on the 7th of February 2024. Matters raised by / discussed with HE in their representations included climate change and the potential impacts created by needing to adapt historic assets to mitigate or adapt to climate change.

The NPPF sets the context for considering the need to adapt existing buildings including historic assets for climate change purposes – the December 2023 version of the NPPF states that,

“... should give significant weight to the need [for] energy efficiency and low carbon heating

improvements to existing buildings ... (including ... heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect ... heritage assets, [then] also apply the policies [of NPPF] chapter 16." [paragraph 164].

National planning guidance also addresses the issues around energy efficiency improvements to existing buildings. It does not clarify exactly how local policy should address them but does state that local planning authorities "... *should ensure any advice to developers is co-ordinated to ensure consistency between energy, design and heritage matters*" [paragraph 008], and notes that many energy improvements may not need planning permission.

Given this position, it appears to the Council that while the onus is on it to give significant weight to any requirement to retrofit existing buildings to provide for energy efficiency and renewable energy adaptations, in the case of heritage assets, consideration of such proposals should also be undertaken in the light of the guidance set out in Chapter 16 of the NPPF.

The NPPF makes it clear that where proposals would impact on a designated asset, great weight should be given to the asset's conservation and any harm to its significance will require "... *clear and convincing justification*" (paragraph 205). Substantial harm to or loss of the significance of a designated asset of the highest importance (e.g. scheduled monuments, Grades I and II* buildings etc.) should be **wholly exceptional** and in other cases should be **exceptional**. This places a clear responsibility on the Council to ensure any proposals involving designated and other historic assets are of sufficient merit to warrant any harm they may cause, as set out in paragraph 207. This will form a central part of the planning balance to be considered when decisions are taken on applications involving changes to heritage assets.

Policy SDS2 requires any alterations to heritage assets be considered in light of the suite of historic environment policies in the SLP and for applicants and developers to ensure that any harm to the significance of the asset (including its setting) is balanced against the public benefits, including where appropriate, securing the assets optimum viable use. Therefore, there is a high standard to be met by developers and applicants before harmful climate change adaptations will be permitted, and decision making remains contextual to the significance of the asset. Policy SDS2 recognises this tension and looks to balance these requirements in relation to both designated and undesignated heritage assets (parts 2i and 2j of the policy). Where a suitable balance cannot be struck, Policy SDS2 and the policies of the heritage section of the SLP together make it clear that permission will not be forthcoming.

- b. The viability of development proposals is a key issue for the SLP, which has been subject to a comprehensive viability assessment by external consultants. Aspinall Verdi were appointed by the Council to undertake this work and produced the Sandwell Local Plan Viability Study (November 2023) and Addendum Report (September 2024). Please see examination documents VIAB001 and VIAB002 for the work in question.

All the policies proposed in the SLP have been considered and their likely impacts on viability have been tested. In respect of the climate change policy suite (Policies SCC1-SCC4), CLIM004 provides a detailed assessment of the costs uplifts of these policies which has been incorporated into the whole plan viability. The Inspector is respectfully directed to paragraphs 9.25, 9.33 - 9.35, and 9.41 - 9.43 of the Environment topic paper [SA/ED7], which outlines how viability has been taken into account when the climate change policies were drafted. Policy SDS2 was assessed when it formed part of the climate change section. The approach taken by the viability consultants was to identify SDS2 as an overarching policy and costs were associated with the relevant policies it covered. As a result, the policy itself affects viability through the effects of the policies it supports.

These associated costs, including carbon reduction, Future Homes Standard compliance, and biodiversity net gain, were explicitly included in the viability appraisals and tested across all value zones and site types.

The viability of the climate change policies as they have been structured and their potential impacts on development in Sandwell have been considered in the climate change report produced by Edgars / Bioregional for Sandwell Council. Appendix 2 to CLIM004 sets out a summary of the various costings associated with the proposed uplift allowed for in the Council's viability work on the SLP. The consultants worked within the capped uplift to draft a suite of policies that recognised and reflected this limit for residential properties (£6,500) and which balanced not exceeding this cap with ensuring they went as far as possible in reducing carbon emissions.

Policy SDS2 is now a strategic policy and provides the framework within which climate change mitigation and adaptation can be carried out as part of the overall tasks of the SLP. The wording of Policy SDS2 does not directly address the consideration of viability requirements when climate change – related proposals are being considered. However, it does make clear reference to the suite of climate change policies, which themselves have been subject to robust scrutiny in relation to their potential impacts on development viability, and flexibility is embedded within the policies themselves if the requirements of the policy are not feasible or viable.

Furthermore, the intention to achieve net zero outcomes in new residential dwellings, and major non-residential development aligns with the Government's trajectory for net zero buildings through the Future Homes Standard and Future Buildings Standard, and as such the likelihood of alignment with these standards as part of a statutory Buildings Regulation requirement in the near future is significant.

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?

a. Policy SDS3 sets out the vision for the four Regeneration Areas and details the quantum of new homes that are expected to be delivered during the plan period within the Regeneration Areas and how much land will be retained for employment uses. The policy is written in synergy with several masterplans and development frameworks as set out in Appendix D of the Local Plan that have been prepared and adopted by Sandwell Council. The masterplans and development frameworks relate to specific parts of the Regeneration Areas that are expected to be subject to considerable regeneration and land use change.

The policy sets out that a minimum of 2,134 new homes (discounted) will be provided in the Regeneration Areas (excluding West Bromwich Strategic Centre). This target represents approximately 20% of the overall minimum housing requirement of 10,434 new homes in the borough over the plan period. At least 584 hectares of strategic and local employment areas will be retained comprising those sites identified as Employment Sites (SEC1), Strategic

Employment Areas (SEC2), Local Employment Areas (SEC3) and Other Employment Sites (SEC4) on the policies map. In effect, the policy complements SDS1 by setting out the strategy for the pattern, scale and design quality of places within the Regeneration Areas.

As detailed in the Housing Topic Paper [SA/ED24] and Housing Delivery Test Action Plan 2024 (MON 005), measurable progress has been made to realise the ambitions of the masterplans and development frameworks and deliver on the minimum development targets set in policy SDS3. An up-to-date summary of the progress made is as follows:

- West Bromwich and Carters Green: SMBC has acquired various town centre sites identified for mixed-use development in the West Bromwich Masterplan. SMBC is launching a procurement exercise to appoint a delivery partner at UKREiiF in May 2025. Please note, the housing and employment land figures in Policy SDS3 do not include West Bromwich Strategic Centre.
- Smethwick: Homes England funding is supporting various ongoing technical studies at Rolfe Street. £18 million Levelling Up Funding and money from Towns Fund has been secured from Government to progress site acquisitions (including via compulsory purchase) and site remediation at Grove Lane.
- Dudley Port and Tipton: £20 million Government funding has been secured for a regeneration project in Tipton. Development has commenced to deliver 55 new council homes at Owen Street District Centre.
- Wednesbury: Historic England's High Street Heritage Action Zone project is complete. £20.3 million Levelling Up Partnership funding has been secured from Government. SMBC progressing site acquisition and technical surveys to support the delivery of town centre housing sites.

- b. Policy SDS3 states that at least 584 hectares of strategic and local employment areas will be retained within the Regeneration Areas comprising those sites identified as Employment Sites (SEC1), Strategic Employment Areas (SEC2), Local Employment Areas (SEC3) and Other Employment Sites (SEC4) on the policies map. This is around 48% of the ongoing provision of 1,221 hectares of employment land in the borough over the plan period identified by policy SDS1.

Paragraph 3(b) explains that residential and employment growth will be sought at a transformation level within West Bromwich. Chapter 10 sets out the quantum of new employment-generating development including retail, office, food and beverage, community / leisure and health that is expected to be delivered on sites within West Bromwich. It is acknowledged that although these uses are employment-generating and appropriate within a town centre, paragraph 8.2 explains that offices are not classed as an employment use for the purposes of the economy policies within Chapter 8.

Paragraph 6(a) of policy SDS3 explains that new green neighbourhoods will be created in Smethwick on re-purposed employment land. This will take place on land allocated for residential uses on the SLP policies map. There is no double counting of these sites in the context of the ongoing provision of employment land.

Paragraph 7(a) provides support for the regeneration of industrial land along the Midland Metro Extension to include new employment development on vacant and underdeveloped land. This is compatible with the chapter 8 policies for the borough economy, with paragraph 2(b) of policy SEC1 giving specific support for the redevelopment, intensification, conversion and enhancement of existing employment sites identified as Strategic Employment Areas (SEC2),

Local Employment Areas (SEC3) and Other Employment Sites (SEC4).

- c. Policy SDS4 sets out that 474 new homes will be provided in towns and local communities outside West Bromwich and the identified Regeneration Areas. This target represents approximately 4.5% of the overall minimum housing target of 10,434 new homes in the borough over the plan period.

The target set out at policy SDS4 reflects the supply of suitable, available and deliverable housing sites within such areas, and accords with the recognition at NPPF paragraph 86(f) that residential development often plays an important role in ensuring the vitality of centres and that planning policies should encourage residential development on appropriate sites.

The supply takes into account:

- the allocation of previously identified housing sites or ones submitted as part of a Call for Sites exercise – such sites have a willing landowner and have been assessed as suitable for residential development.
- the repurposing of a small number of brownfield employment sites and other previously developed and surplus land for new housing;
- small-scale residential development opportunities in highly sustainable locations;
- housing renewal areas;
- estimating the capacity of vacant retail floorspace – this source of supply is recommended by the WMCA Brownfield Land Study [WMCA 001] to maximise the efficient use of previously developed land in the Black Country. Please see paragraphs 4.1-4.3 of the Housing Topic Paper [SA/ED24], the Strategic Housing Land Availability Assessment (SHLAA) (2024) [HOU 003] and Urban Capacity Appraisal (2024) [HOU 006] for further information.

The policy complements Policy SDS1 by setting out the strategy for the scale of development within towns and local communities outside West Bromwich and the identified Regeneration Areas. It reflects the spatial strategy for the plan set out in Policy SDS1, which seeks to:

- allocate housing in location with the highest levels of sustainable transport access to residential services,
- support and enhance the sustainability of existing communities through the focussing of growth and regeneration in particular areas including town centres, and to
- protect and enhance the quality of existing towns and local 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?

- a. As overarching policies, both SDS5 and SDS8 set the context for addressing issues such as biodiversity and blue / green infrastructure and as a result may not include further detail on every aspect of delivering those aspects; this would instead be the remit of the non-strategic and delivery-related policies.

Policy SDS5 deals with the subject of design and layout and provides support to the delivery of a design code for the borough, which in turn will be informed by the extant policies of the plan. These include the suite of policies on the natural environment, Policies SNE1 – SNE6, which cover biodiversity, environmental and ecological protection and delivery, geodiversity and habitats.

The natural environment policies will also fall to be considered in a number of other situations. Table 3 of the SLP sets out the SLP's priorities and strategic objectives coupled with the policies that will help deliver them. Under the priorities Climate Change and Good Design, the role of Policy SDS5 is highlighted as having a part to play in protecting and enhancing local built and natural environments and creating greener places for people to live in. While these do not specifically reference biodiversity, the policy's role in helping to preserve and create green and open spaces will have the effect of maintaining and delivering BNG.

In addition, the establishment of biodiversity net gain as a statutory part of the development process now means that this aspect is an automatic consideration as part of certain development proposals and so its delivery is assumed without needing to be covered in every policy.

With regard to **Policy SDS8**, paragraph 3.100 of the introductory text to the policy provides an indication of the types of land types that contribute to green and blue infrastructure and points out that this is not a closed list - other types of green and blue infrastructure might also qualify in specific circumstances. Paragraph 3.102 also identifies some of the functions of green infrastructure, and this introductory section provides the broad identification of and context for green and blue infrastructure. As a result, the scope of the policy in terms of what types of green and blue infrastructure it covers is outlined and examples given and the Council is satisfied that the policy offers a clear view on the types of green and blue infrastructure to which it applies.

Part 2 of the policy also identifies several types of green and blue infrastructure that make up wider networks; although the policy is not intended to relate exclusively to networks, linkages between areas of green and open spaces do provide a number of positive benefits and their value can be enhanced through appropriate design and layout of development sites. Again, this section of the policy relates directly to the natural environment policies including Policy SNE2, which addresses BNG and biodiversity in particular.

Part 4 of the policy also outlines those aspects of climate change – related infrastructure (such as green roofs, SuDs etc.) that can also count towards such provision.

- b. Policy SDS6 is designed to reflect the value to Sandwell of its rich multicultural and historic fabric, including the consideration of activities, buildings and locations that act as focal points for communities within and beyond Sandwell. As it is an overarching policy, it is designed to provide a strategic context for the consideration of planning proposals for development that might affect extant cultural infrastructure. The policy sets out high-level guidance within which proposals can be examined. They provide for a general presumption in favour of the retention and protection of such buildings and locations, while the more detailed policies of the SLP will be used to determine whether those proposals can be approved. The policy also supports the development or extension of such facilities, again in line with other policies of the plan. Loss of cultural or tourist-related buildings and facilities will be resisted, but there are criteria included whereby the loss could be sustained were certain conditions to be met. This offers a degree of flexibility to the decision-making process.

Where buildings or structures are designated heritage assets, they will be protected in line with both legislation and SLP policies on the historic environment. Policy SDS6 allows for additional

attention / protection to be offered to those buildings, areas and infrastructure that might not be of acknowledged historic importance, but which are valued by local communities. In addition, the protection and enhancement of locally important buildings and facilities, particularly where they relate to the religious and cultural needs of Sandwell's diverse local communities, will help contribute to social inclusion and wellbeing. In this regard, the policy reflects the SLP Vision of stronger and more cohesive communities.

The policy also seeks to protect existing cultural, religious and community facilities where their location or the activities they facilitate might come into conflict with incoming residents or businesses. The Council feels that the "agent of change" principle applies as much to such facilities and activities as it does to extant industrial activity adjacent to new housing sites, for example. As a result, the policy looks to ensure that only where there are obvious benefits to the community, or where a replacement provision can be made, will proposals to remove or redevelop existing uses be allowed.

The policy echoes Policy EMP6 of the Black Country Core Strategy, which was designed to protect, expand and promote existing cultural facilities, visitor attractions and associated businesses as the Black Country experienced transformational change. The role of such facilities as a driver of economic activity was also recognised, and there are clear benefits to being able to offer further support and security to this aspect of the borough's economic base.

While the Council is of the view that the policy is and remains sound, it could be clarified by making clear that where cultural and religious facilities exist and become the subject of proposals for removal or change of use, their importance to the community will be assessed robustly. This would require the use of a test such as that set out in section 6 of the policy, and a modification intended to strengthen and clarify this is set out below.

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?

Policy SDS7 is compliant with NPPF 2023; however, the provisions in Policy SDS7 section (4) (a), (b), (c) and (d) are covered in NPPF 2023 paragraph 154 (c), (d) and (g), and as this is a repetition of that paragraph, those requirements are not needed.

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

While the Council is satisfied that it has submitted a sound plan, it proposes the **deletion** of section (4) (a), (b), (c), (d) of **Policy SDS7 – Sandwell's Green Belt**, on the grounds that it unnecessarily repeats provisions already established in national policy, specifically the National Planning Policy Framework (NPPF) 2023 paragraph 154. The identified requirement of the policy offers no additional local interpretation, detail, or distinction that would warrant its retention within the Local Plan.

Policy SDS5 would be strengthened and clarified by the addition of a reference to green and blue infrastructure, to reflect its importance as an element of good placemaking – The Council would suggest the following amendment to section 5 of the policy.

*“ ... and show how development will make a positive contribution to place-making and environmental improvement, **including through the provision of green and blue infrastructure and improvements to local biodiversity**, using design codes, design and access statements, ...*

Policy SDS6 – for clarity, the policy could be amended to make clear the need for closer consideration of proposals that would result in the loss of a cultural or religious facility, in line

with the requirements set out in sections 1 and 6 of the policy.

*“... 14. In cases where new development could potentially prejudice the successful ongoing operation of an adjacent cultural/ religious / performance venue, the agents of change principle will be applied⁶³. **This will be supported by a general presumption against the loss of such facilities unless the parameters set out in Section 6 can be met**”*