
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 1: Legal and Procedural Requirements
--

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

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

Q1.1 In preparing the plan did the Council engage constructively, actively and on an on-going basis with neighbouring authorities and relevant prescribed bodies (as defined in Regulation 4 of the 2012 Local Planning Regulations) on matters having a significant impact on at least two planning areas? Is this engagement fully documented and evidenced?

The Council has co-operated with relevant local planning, including Waste and Mineral authorities, and the appropriate prescribed bodies on cross boundary strategic matters, including housing and employment land needs and shortfalls, in preparing the Sandwell Local Plan (SLP). This started with the preparation of the Black Country Plan and then continued throughout the preparation of the SLP.

Following the demise of the Black Country Plan those on the consultation database were informed by letter (see Appendix 1 to this paper) that work on the BCP had ceased and the four Black Country Authorities (BCA) would be proceeding with their own plans.

Engagement on the BCP was also undertaken at Member level, through ABCA (see paragraphs 19 – 45 and appended letters in DtC001). Since then, strategic planning matters have been discussed at officer level.

Representations and responses to the Issues and Options [SUB010], Regulation 18 [SUB011] and Regulation 19 consultations [SA/ED2, SA/ED2A] provide details of the representations received from neighbouring authorities and prescribed bodies to the 2024 Publication Plan (Regulation 19) Consultation.

Appendix 2 of the Duty to Cooperate (DtC) Statement 2024 [DtC/001] details DtC engagement undertaken relating to the Black Country Plan (BCP) and the Sandwell Local Plan (SLP).

Additionally, Table 1 in Appendix 2 to this paper details engagement through meetings and correspondence and consultation stages where responses were received from prescribed bodies and neighbouring local authorities and sets out implications for the plan.

Minutes and agendas of meetings referred to in Appendix 2 of the DtC statement [DtC/001] are set out in Appendix 3 to this paper.

The joint working that took place during the preparation of the abandoned BCP is still relevant to the Council's legal duty to co-operate in preparing the SLP, despite the BCP itself being withdrawn. The collaborative work undertaken during its development remains relevant evidence that can help demonstrate that the Council met its duty to co-operate:

The BCP preparation involved joint studies (e.g., housing needs assessments, employment land studies, Green Belt reviews, transport studies). These remain valuable and have been used to support the SLP and updated and refreshed as needed. The work undertaken for the BCP demonstrates that Sandwell engaged positively in cross-boundary strategic planning.

Sandwell engaged constructively, actively and on an ongoing basis in relation to identified strategic matters with other relevant identified authorities / bodies throughout the preparation of the SLP and are signatories to several Statements of Common Ground (SoCG) set out in Table

2 of DtC Statement 2024 [DtC/001]. Sandwell also actively engaged in the production of the Greater Birmingham HMA Strategic Growth Study 2018 [HOU007], and subsequent updated position statements [HOU/011 - 14] and in the update of the Strategic Growth Study that is currently underway.

In relation to housing provision, the council has engaged with the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) and other neighbouring authorities throughout the plan making process. This is reflected in SoCGs [SA/ED16, SA/ED37]

In relation to employment provision, the council engaged with the authorities within the Black Country Functional Economic Market Area (FEMA) and wider area throughout the plan making process. This is reflected in SoCG [SA/ED15] and [SA/ED36].

In relation to air quality, the council worked with neighbouring authorities and Natural England on producing a cross-boundary air quality evidence base [ENV/011], which has subsequently informed the Habitat Regulations Assessment 2024 [ENV/001]. This is reflected in SoCG [SA/ED10], which details the collective work undertaken.

In relation to highways, discussions continued to seek to address issues set out in their Technical Note of 21st November 2024 [SA/ED13]. SA/ED12; SA/ED13 and SA/ED31 highlight that National Highways do not consider the outstanding matters set out in their Technical Note to be matters that would affect the soundness of the SLP.

In relation to Gypsy, Traveller and Travelling Showperson provision, the Council wrote to local authorities within the GBBCHMA [DtC 001 Appendix 6], includes table of responses] setting out that SMBC could not meet all of its G&T need and sought to understand if they were able to meet their own need and also contribute to SMBC. SoCG with Dudley Council and South Staffordshire DC set out that SMBC are not able to contribute to their shortfalls.

Q1.2 Have all Statements of Common Ground been submitted consistent with the expectations of the NPPF and the associated Planning Practice Guidance? Have they all been signed by all relevant parties?

Yes, all Statements of Common Ground (SoCG) have been submitted consistent with the expectations of the NPPF and associated Planning Practice Guidance (PPG).

SoCG have been uploaded on the Council's website at the various stages of consultation whether draft or fully signed and updated as necessary.

All are based on appropriate geographies such as the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) for housing matters and the Functional Economic Market Area (FEMA) along with other related local planning authorities for employment matters, neighbouring authorities and Natural England for air quality issues.

All SoCGs document the progress made by strategic policy making authorities during the process of planning for strategic cross-boundaries matters, all contributions to shortfalls are clearly set out and clearly show what matters Councils agree and disagree on.

At the time of submission, seven SoCGs had been drafted; not all were signed at that time. Updates to the SoCG post submission are also listed for information:

- BC FEMA SoCG [SA/ED15]
- Dudley SoCG [DtC001, SA/ED11]
- GBBCHMA Development Needs Group SoCG [DtC001, SA/ED16, SA/ED37, SA/ED38]

- Shropshire SoCG [DtC001, SA/ED35]
- South Staffordshire SoCG [DtC001]
- South Staffordshire Employment Land Requirement and Supply, August 2024 [DtC001]
- Telford and Wrekin Council [DtC001]
- Statement of Common Ground in relation to Air Quality [DtC001, SA/ED10]

Following submission, SMBC have continued conversations and discussions, and further signatures have been added to the SoCG submitted at Plan Submission stage.

For information - Updates to SoCG following Plan Submission

- BC FEMA – Two further signatures obtained, remaining authorities to sign - Solihull Council and Shropshire Council [SA/ED36].
- GBBCHMA Development Needs Group – all local authorities have now signed the SoCG with the exception of Telford and Wrekin who have forwarded a letter [SA/ED37, SA/ED38] stating that they will be in a position, in principle, to sign an updated SoCG once available.
- Shropshire Council (SC) wrote to Sandwell MBC, 28th April 2025 [SA/ED35] to provide an update on the examination of their Local Plan. The letter advised that following correspondence from the examining Inspectors, SC felt that they had little choice but to seek to withdraw their Local Plan from examination. SC intend to formalise the withdrawal through a decision of Council in July 2025. The withdrawal of their plan will result in there no longer being a mechanism to accommodate any contributions to unmet needs forecast to arise in the Black Country.
- Moving forward SC intend to commence work on the next Local Plan for Shropshire under the new plan making system later in 2025. SC would like to engage with Sandwell MBC as part of early and ongoing cross boundary discussions but highlight recent changes that will have implications for plan making. The increase of Local Housing Need in Shropshire from 1,070 to 2,005 dwellings per annum, changes to the approach to Green Belt and conclusions from their examining Inspectors on the appropriate geography in Shropshire within which any contributions to the Black Country can sustainably be accommodated.
- Air Quality SoCG - Following the signing of the SoCG Natural England wrote to the council [SA/ED41] stating that there were changes to the Nitrogen Deposition Critical Load Ranges and that plans not at Regulation 19 would need to reflect the changes. However, it is clear that those local authorities at Regulation 19 stage, which SLP was, can proceed with the current report.
- Letters issued to National Highways [SA/ED12 and SA/ED31] addressing matters they raised in their technical note [SA/ED13]; the letter states that NH confirmed in their email of 12th February 2025 that they do not consider the outstanding matters set out in their Technical Note of 21st November 2024 to be matters that would affect the soundness of the SLP. The Council has committed to further collaboration.
- Telford and Wrekin Council met with the four BCAs, 15th April 2025, [SA/ED47]; agreed that Telford will look to draft a SoCG with BCAs for housing and to confirm there are no other cross-boundary issues. Their Regulation 19 Plan proposes a contribution of c. 2,448 homes to the BCAs.

Q1.3 Has cooperation with other local planning authorities produced effective and deliverable policies on strategic cross-boundary matters? What specific outcomes have resulted from engagement undertaken in preparing this plan? Including in relation to:

- a. housing needs (including for travelling communities)
- b. employment need
- c. transport and infrastructure
- d. natural and historic environment
- e. minerals and waste.

Yes, cooperation with neighbouring local planning authorities and prescribed bodies has produced effective and deliverable policies; implications for the plan following engagement is set out in Table 1 Matter 1 Appendix 1. As set out in Q1.1 SMBC worked with the three other BCAs constructively and actively in commissioning evidence and drafting policies for the BCP, many of which have been carried forward into the SLP. The joint working that took place during the preparation of the now abandoned BCP is still relevant to the Council's legal duty to co-operate in preparing the SLP, despite the BCP itself being withdrawn.

The BCP preparation involved joint studies (e.g., housing needs assessments, employment land studies, Green Belt reviews, transport studies). These remain valuable and have been used to support the SLP and updated and refreshed as needed. The work done on the BCP demonstrates that Sandwell engaged in cross-boundary strategic planning.

The SLP [SUB001] sets out that it is not able to meet all of its housing and employment land needs. Cooperation with other local planning authorities has resulted in some "offers" to the Black Country and also to the Greater Birmingham and Black Country HMA. This is reflected in Policy SDS1, which states that:

"... development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas".

All strategic matters requiring cross boundary co-operation have been identified. The council engaged constructively, actively and on an ongoing basis in relation to these matters with other relevant identified authorities / bodies. It has reached agreements where possible.

a. Birmingham and Black Country HMA (BBCHMA)

The BBCHMA SoCG [SA/ED16] sets out the shortfalls and contributions for unmet housing needs across the HMA. It also sets out an agreed approach between the contributing authorities, at the time of drafting, and the receiving authorities on how the contributions will be apportioned amongst the relevant authorities. Some of the offers are made expressly to the Black Country, whereas others are made to meet a shortfall arising in the GBBCHMA as a whole.

The approach is based on net migration flows between the exporting local authority and each of the receiving authorities. It is based on the quantum of net migration as a proportion of net migration between the exporting authority and all Black Country local authorities (where the contribution is made specifically to the Black Country authorities) or to Birmingham and the BCAs. The agreed dataset to base this approach on is migration data available on an annual basis from ONS, which is based on a combination of administrative data taken from the National Health Service Central Register, the Patient register Data System and the High Education Statistics Agency.

Table 3 sets out the percentage and number of homes from identified contributions and is as

follows:

- Cannock Chase DC – contribution of 500 to GBBCHMA; potential for Sandwell = 62 homes
- Shropshire Council – contribution of 1500 to BCA; potential for Sandwell = 257 homes
- South Staffordshire DC – contribution of 640 to GBBCHMA; potential for Sandwell = 71 homes

The SoCG also sets out that the GBBCHMA is committed to working together and with all neighbouring Local Plan areas to progress a programme of evidence base work to inform the work of the HMA. This includes updating the 2018 Housing Market Area Growth Study to re-evaluate the housing shortfall and to develop scenarios designed to address the shortfall. This work was commissioned in January 2025 with a final study expected later in 2025.

Total potential contributions from the GBBCHMA SoCG equate to 390 homes to SMBC.

However, since submission, as set out in **Q1.2** - Shropshire Council will be withdrawing their plan from examination and subsequently there will no longer be a mechanism to accommodate any contributions to unmet needs forecast to arise in the Black Country.

This reduces the total potential contribution to SMBC to 133 homes.

Other outcomes from engagement include SMBC responding to Dudley's local plan consultation, disagreeing with their spatial strategy approach, as set out in the SoCG [SA/ED11] with them, which identify areas of agreement and disagreement and sought release of previously identified suitable land to meet their housing needs. The Council also responded to the South Staffordshire consultation, expressing disappointment at the reduced contribution to the wider HMA housing need.

In relation to Gypsy, Traveller and Travelling Showperson provision, the Council wrote to local authorities within the GBBCHMA [DtC001 Appendix 6, includes table of responses] setting out that SMBC could not meet all of its G&T need and sought to understand if they were able to meet their own need and also contribute to SMBC. Statements of Common Ground with Dudley Council and South Staffordshire DC set out that SMBC are not able to contribute to their shortfalls.

Telford and Wrekin Council

For information, since submission SMBC, along with the three other BCAs, have met with Telford and Wrekin Council (TWC) [SA/ED47] who consulted on their Reg 19 plan between March and May 2025. In the plan Telford proposes a contribution of 153 homes per year to address the unmet BCA housing need; this represents an overall potential contribution of c.2448 homes to the BCAs between 2024 – 2041 and a potential contribution of 441 homes to Sandwell. TWC will be drafting a SoCG. In the meeting, the BCA requested that TW make it clear in their submission plan that the allocations proposed in their plan were the maximum capacity for the borough and therefore no additional capacity was available to meet BC needs.

Total Contributions

Total potential external contributions to SMBC could therefore realise 574 homes.

b. Employment need

- South Staffordshire District Council – contribution of 112 (min) hectares to BC FEMA. The 2021 Stantec report "*West Midlands Strategic Rail Freight Interchange*" on the apportionment of the consented land at West Midlands Interchange (WMI) recommends that 67ha could be allocated to meet needs arising in the Black Country. Of the total land

apportioned in the Black Country FEMA, 18ha is apportioned to Sandwell. The South Staffordshire Employment Land Requirement and Supply SoCG 2024 [DtC001] indicates it can provide 45.2ha to the Black Country FEMA. This has not been apportioned between the four BCA.

- Shropshire Council – contribution of 30 hectares to BC FEMA
- Total contribution to BC FEMA 142 (min) hectares – leaving a shortfall of 115 hectares

However as set out in Q1.2, Shropshire Council will be withdrawing their plan from examination and subsequently there will no longer be a mechanism to accommodate any contributions to unmet needs forecast to arise in the Black Country.

This will reduce the total contribution of employment land currently identified to 112 hectares to the Black Country FEMA and a shortfall of 145 hectares.

c. Transport and Infrastructure

Transport planning and the development of schemes to support transport strategies in Sandwell is carried out as part of a wider West Midlands approach. The Integrated Transport Authority for Sandwell is the West Midlands Combined Authority (WMCA) through its transport arm, Transport for West Midlands.

The West Midlands Local Transport Plan and its supporting plans and strategies have been developed against the future land-use scenario included in the adopted and emerging local plans of the seven metropolitan area local authorities. The strategic transport model (PRISM) is used to assess the impact of the policies contained in the LTP and its infrastructure proposals. PRISM includes all reasonably forecastable land use changes.

Ongoing cooperation on transport planning and infrastructure development between WMCA / TfWM and the seven LPAs including Sandwell is facilitated through the following bodies which meet monthly, and which include local plans as either regular or standing agenda items:

- West Midlands Strategic Transport Officers Group
- West Midlands Transport Support Group
- Individual mode-based coordination groups (bus, active travel, network resilience etc.)

Joint planning of rail infrastructure and service provision takes place through the West Midlands Rail Executive, which consists of fourteen local authorities (including Sandwell) and WMCA. Again, responding to local plans forms part of this body's remit.

In addition to the regional structures, at Black Country sub-region level, the four LAs of Dudley, Sandwell, Walsall and the City of Wolverhampton have a body, Black Country Transport (BCT), which is tasked with joint transport planning and infrastructure development under the auspices the Association of Black Country Local Authorities (ABCA). BCT has facilitated the joint approach to Local Plan transport modelling that forms part of the evidence base for the SLP.

Sandwell and National Highways hold quarterly meetings to discuss and agree joint approaches to matters of mutual concern. The Local Plan is a standing item on the agenda at these meetings and is the vehicle through which the letter of 21st March 2025 was agreed and through which future joint working on mitigation measures will be facilitated.

d. Air Quality

Councils worked together to create an evidence base, which informed the Habitat Regulations

Assessment 2024. This was set out in the SoCG [SA/ED41], which detailed the collective work undertaken and concluded that although air pollution resulting in exceedance of critical loads and / or levels is present at the four European sites set out in paragraph 16 of the SoCG, adverse effects on site integrity can now be ruled out.

e. Minerals and waste

Waste - The Council is a member of the WMRTAB. Sandwell, along with Dudley, Walsall and Wolverhampton Councils, worked collaboratively on a joint Waste Study, which formed the evidence base for the Black Country and was used to inform the waste policies in the Plan [WAS/001-6].

Minerals – The Council is a member of the WMAWP. Sandwell, along with Dudley, Walsall and Wolverhampton Councils worked collaboratively on a joint Minerals Study which formed the evidence base for the Black Country. It was used to inform the minerals policies in the Plan [MIN/001-9]. Sandwell Council, along with the other Black Country authorities, have worked jointly to produce the West Midlands Local Aggregates Assessment (LAA).

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

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

a. The Council are satisfied that all relevant strategic matters have been identified and addressed on a cross-boundary basis.

b. As above.

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

The council considers that the duty to cooperate has been discharged. There is no substantive evidence that the Council has failed to discharge its duty to cooperate in a manner consistent with NPPF paragraphs 24-27 during the preparation of the submitted plan.

Issue 1b – Whether the requirements of the Conservation of Habitats and Species

Regulations 2017 have been met.

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

Yes, the Habitats Regulations Assessment (HRA) is robust and the SLP is in accordance with the recommendations and measures to ensure compliance with the Habitats Regulations.

The HRA has been prepared in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and using best practice guidance, including national Planning Practice Guidance (PPG) and the David Tyldesley and Associates (DTA) HRA Handbook.

The HRA has been carried out as necessary and appropriate at each relevant stage of the SLP's preparation, to ensure that the plan's strategy, and the distribution of development, avoids and mitigates any adverse impacts upon the site integrity of any European site, either alone, or in-combination.

The Issues and Options HRA (2023) [SA/ED40] included a screening of those matters contained within the consultation and made recommendations that were used to inform policy wording. Subsequently, in Autumn 2023, a further public consultation under Regulation 18 was held and an HRA produced [ENV02], which set out a preliminary appropriate assessment of the impacts of the proposed plan. At both stages, possible Likely Significant Effects (LSE) on European sites were identified.

At the Regulation 19 stage, an HRA was produced [ENV001], which provided an appropriate assessment of air quality and water quality / quantity as they related to the following European sites:

- Cannock Extension Canal – air quality and water quality/quantity LSEs;
- Ensor's Pool SAC – water quantity LSE;
- Fens Pools SAC – air quality and water quality/quantity LSEs;
- Humber Estuary AC – water quality LSE at functionally linked watercourses;
- Humber Estuary Ramsar – water quality LSE at functionally linked watercourses;
- River Mease SAC – water quantity LSE;
- Severn Estuary SAC – water quality LSE at functionally linked watercourses;
- Severn Estuary Ramsar – water quality LSE at functionally linked watercourses

The Regulation 19 HRA concluded that there would be no adverse impacts on site integrity at any European site either alone or in-combination.

As required in the Habitats Regulations, Natural England was consulted at all stages of the HRA process. At Regulation 18, Natural England provided feedback which welcomed the consideration of issues set out in the Regulation 18 HRA report [ENV 002].

Natural England provided a response to the Regulation 19 SLP consultation in December 2024. In this response, they recommended that air quality impacts at Cannock Chase SAC also be considered through the HRA AA. Natural England also recommended that air quality impacts considered in the Regulation 19 HRA should be updated to include the outputs of a strategic joint air quality commission that had been ongoing at the time through the Cannock Chase SAC Partnership air quality study group. Both the Council and Natural England were

part of this study group. Natural England's expertise fed into the outputs from this group. It should be noted that the outputs from this group were not available at the time the Regulation 19 HRA was prepared.

A Submission HRA [ENV003] was subsequently prepared, which took into consideration Natural England's Regulation 19 consultation response [SA/ED2a], the outputs of the strategic joint commission air quality work [ENV10, ENV11] and the Statement of Common Ground that was prepared with Natural England in relation to the consideration of air quality effects [SA/ED10].

In the Submission HRA [ENV 003] LSEs were identified at the following European sites through the screening process. The screening stage took no account of mitigation measures associated with the SLP. The screening stage took into consideration in-combination effects, as set out in Appendix A of the Submission HRA [ENV 003]:

- Cannock Chase SAC – air quality LSEs;
- Cannock Extension Canal – air quality and water quality/quantity LSEs;
- Ensor's Pool SAC – water quantity LSE;
- Fens Pools SAC – air quality and water quality/quantity LSEs;
- Humber Estuary SAC – water quality LSE at functionally linked watercourses;
- Humber Estuary Ramsar – water quality LSE at functionally linked watercourses;
- River Mease SAC – water quantity LSE;
- Severn Estuary SAC – water quality LSE at functionally linked watercourses; and
- Severn Estuary Ramsar – water quality LSE at functionally linked watercourses.

The HRA then proceeded to an Appropriate Assessment. The Appropriate Assessment took into consideration effects upon the conservation objectives of each European site. An assessment was made of the Plan's impact upon the 'maintenance' or 'restoration' of site integrity to a Favourable Conservation Status, in the context of its qualifying features. This explored the following matters in more detail, as set out in Chapters 5 and 6 of the Submission HRA [ENV003]:

- Impacts on designated features affected by a possible deterioration in air quality;
- Impacts on water quality and quantity associated with increased levels of built development; and
- Consideration of impacts at associated functionally linked land.

The Appropriate Assessment drew on outputs from the Cannock Chase SAC Partnership Air Quality Study Group and the conclusions of the Statement of Common Ground with Natural England [SA/ED10]. The Submission HRA stated in its conclusion that,

"7.1.3 A range of potential threats and pressures that might be exacerbated by the SLP were identified through the assessment process. The Precautionary Principle has been used in circumstances where likely effects were considered to be uncertain. The protective policies set out in the SLP, alongside existing protection measures in existing high level strategic and planning policy frameworks, have been factored into the assessment process.

7.1.4 Taking into consideration these factors, it is concluded that the SLP would have no adverse impact on site integrity at any European site, either alone or in-combination."

Sandwell Council is of the view that any significant and adverse impacts of the SLP on those European sites within its sphere of influence have been considered and assessed through the HRA process. As a result, it is satisfied that a suitably precautionary approach has been adopted, that the HRA assessment has been robust and comprehensive. As stated in the HRA itself, the SLP contains a number of policies designed to protect and enhance the quality of the environment and to ensure that such impacts are mitigated.

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

Yes, the Council is satisfied that the SLP complies with the Habitats Regulations.

The aim of the Conservation of Habitats and Species Regulations 2017 is to protect designated wildlife sites that appear across mainland Britain and the protected species that occupy such areas. They effectively transpose elements of EU legislation into UK law.

Such sites include Special Areas of Conservation Special Protection Areas and Ramsar sites. As described above, the SLP benefitted from an HRA process that looked closely at the likely significant effects (LSE) of the proposals and policies of the SLP upon European sites.

The HRA considered impacts in combination with other projects and plans and the outputs of consultation with statutory consultees such as the Environment Agency and Natural England. The HRA included an Appropriate Assessment of those European sites in the West Midlands that the SLP could potentially have impacted upon (set out in the answer to Q1.6), used the precautionary principle to help consider circumstances where LSEs were uncertain, and concluded that the SLP would have no adverse impact on the site integrity of any European site from the SLP, either alone or in combination.

The November 2024 Statement of Common Ground concerning air quality impacts at European sites [SA/ED10], was signed between Sandwell Metropolitan Borough Council, other interested parties and Natural England. This relates to air quality impacts at European sites and drew on the findings of the strategic joint commission on AQ. The Submission HRA report [ENV003] includes outputs from the SoCG.

As a result, the Council is satisfied that the SLP complies with the Regulations.

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

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

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

Yes, the Plan has been prepared in accordance with the latest Local Development Scheme timescales and was submitted at the beginning of December 2024.

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

Yes, the consultation on the plan has been carried in accordance with the adopted Statement

of Community Involvement [MON002], the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Full details can be found in the SLP Consultation Statement (submission version) [SUB009] and previous iterations of the Consultation Statement.

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

- a) Whether the methodology is appropriate?
- b) Its assessment of the likely effects of the plan's policies and site allocations?
- c) Its consideration of reasonable alternatives, including alternative spatial strategy options, and why they were rejected / discounted?

a. Yes, the Sustainability Appraisal (SA) has applied a robust and consistent methodology to evaluate the environmental, social and economic effects of the SLP and reasonable alternatives, in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) and best practice guidance.

The methodology used by the Council's experienced consultants (Lepus) for the SA is set out in detail in chapter 4 of the Regulation 19 SA [SUB007]. Within Volume 3 of the Regulation 19 SA [SUB008], Appendix D outlines the assessment receptors, data sources and assumptions applied in the evaluation of reasonable alternative sites.

The SA has consistently used a tool called the SA Framework to evaluate effects [see Appendix B of document SUB008]. The SA Framework was originally prepared as part of the SA Scoping Report (2023) [SA/ED45] and was subject to consultation with the statutory bodies (Natural England, Historic England and the Environment Agency). The SA Framework consists of 14 SA Objectives, reflecting the topics presented in Section 6 of Schedule 2 of the SEA Regulations, as well as additional social and economic topics

Table 4.1 of the Regulation 19 SA [SUB007] includes a summary of the SA's identified objectives and their relevance to the SEA Regulations. The intention was to identify the likely significant effects on the environment when SLP allocations, policies and reasonable alternatives were assessed against those objectives.

The appraisal methodology uses objective geographic information relating to environmental receptors, the SA Framework including its decision-making criteria, and established standards (where available) to help make the assessment decisions transparent and robust.

SA operates at a strategic level and uses available secondary data for the relevant SA Objective. To enable evaluation on a comparable basis, all reasonable alternatives and preferred options are assessed using the same method as other options of the same type. To help evaluate significance, a high-level scoring system has been used to guide the reader. These scores must be read in conjunction with the assessment narrative.

The sensitivity of receptors and the magnitude of potential impacts were also addressed using the methodology, which produces a single value reflecting the likely outcomes of proposed development or policy-based decisions on sustainability. A worst-case (precautionary principle) approach has been applied. This meant that even where positive outcomes were identified based on a specific criterion, if another criterion within the same SA objective recorded a negative impact, the overall impact was recorded as negative.

As a result, the methodology that has been used reflects a cautious and transparent approach

to establishing the likely sustainability of proposals, allocations, policies and reasonable alternatives in the SLP and the Council is satisfied that it is appropriate and robust. The methodology follows best practice established in PAS guidance and RTP1 guidance (Therivel, 2018). The methodology is also informed by government policy in national planning policy guidance, which advocates that SEA is integrated within SA. The consultants confirm that they have used the same method for various plans that have now been successfully adopted including the Greater Norfolk Local Plan, the North East Derbyshire Local Plan, and the Royal Borough of Windsor and Maidenhead plan among others.

- b. The SA's assessment of the likely effects of the plan's policies and site allocations is considered to be comprehensive and robust.

Policies

Table F1.1 in Appendix F of the Regulation 19 SA [SUB008] sets out a guide to how the effects generated by the policies in the SLP were scored, in accordance with the methodology set out in Chapter 4 of the SA [SUB007]. The high-level scoring system provides a clear means of ascertaining immediately what impacts were anticipated and how a policy might affect the sustainability or otherwise of the SLP, summarising the full evaluation that is contained in the assessment narrative for each policy.

At the Regulation 18 Draft Plan stage, 87 draft policies were prepared by the Council and assessed in the Regulation 18 (II) SA (2023) [SA/ED46], with the full assessment of policies in Appendix D of that document.

The sustainability performance of each draft policy was evaluated against the SA Framework, where the majority of policies were found to result in negligible, minor positive or major positive effects. A greater range of sustainability effects, and in some cases uncertain effects, were identified for policies that had the potential to introduce new development; for example, the housing and economy policies, as well as the site allocation policies. Recommendations to improve the sustainability performance of draft policies were identified and provided to the Council.

At the Regulation 19 stage, the draft policies were reviewed and updated by the Council, drawing on recommendations made in the SA process, new evidence, and feedback received during the Regulation 18 consultation. The 88 revised policies were assessed in the Regulation 19 SA and presented in Appendix F [SUB008].

Site assessments

Chapter 5 of the Regulation 19 SA Report [SUB007] documents the identification, description and evaluation of reasonable alternatives during the SA process alongside the SLP preparation.

At the Regulation 18 Draft Plan stage, a total of 120 reasonable alternative sites were identified by the Council and evaluated in the Regulation 18 (II) Draft Plan SA (2023) [SA/ED46]. At the Regulation 19 stage, the Council identified a further four reasonable alternative sites, and changes to the proposed use or boundaries of some previously assessed sites. Therefore, the Regulation 19 SA included the updated assessment of a total of 124 reasonable alternative sites, with the full assessment presented in Appendix E [SUB008].

All reasonable alternative development sites were assessed through the SA process using both SLP "policy-off" (pre-mitigation) and "policy-on" (post-mitigation) approaches, to ensure that a realistic site assessment baseline could be established and was not subject to unintentional "greenwashing". This is considered best practice, achieves transparency in the SA process and allows for an understanding of how well the proposed policies will work to

mitigate adverse impacts. Full details are presented in Appendix G of the Regulation 19 SA [SUB008].

The SA process was used to evaluate reasonable alternative sites on a comparable basis against the SA Framework, using the methodology as presented in Appendix D of the Regulation 19 SA [SUB008], to identify likely sustainability impacts. The findings relating to reasonable alternative sites were fed back to the Council on an iterative basis to assist in decision-making regarding the selection or rejection of each site [Appendix H of SUB007 sets out those reasons in outline, as required by the SEA Regulations (Schedule 2, paragraph 8)].

- c. Chapter 5 of the Regulation 19 SA [SUB007] documents the identification, description and evaluation of reasonable alternatives. It includes information on the process by which decisions were made on sites, policy approaches and the SLP's spatial strategy. The Council identified a variety of reasonable alternatives using various methods, including public consultation (through a call for sites), consultation with stakeholders and statutory consultees, Member briefings, discussions with other council officers and local knowledge. SA was carried out at all stages of the SLP's development process, and the outcomes were used to determine the approach to the eventual development strategy and the disposition of policies.

It is possible to derive reasonable alternatives for different aspects of a local plan. There is no prescribed formula or procedure about which aspects of a local plan require reasonable alternatives. As explained in planning practice guidance (PPG),

“Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan” (018 Reference ID: 11-018-20140306).

As set out in the Regulation 19 SA at paragraph 5.2.4 and summarised in Figure 5.1 [SUB007], various reasonable alternatives were considered throughout the plan-making process. Reasonable alternatives were examined for the quantum of housing and employment growth, the provision of sites to meet the needs of Gypsies and Travellers, potential spatial growth options underpinning the SLP strategy and the various development sites, as set out above.

The options for the spatial strategy / growth were examined in depth through the Regulation 18 SA [SA/ED46]. The SA considered how the overall number of homes and the employment land supply (and other forms of land use where applicable) could best be distributed, thus helping to meet some of the strategic aims of the emerging SLP.

Given the constrained nature of Sandwell's land supply, and its highly urbanised landform, the Council felt it was limited in the number and extent of reasonable alternative options for housing and employment land provision in the borough it could consider. This is set out in more detail throughout the Spatial Strategy [SA/ED42], which described the process by which alternative options for development were considered. Chapters 4 and 5 indicated that given the limited amount of green belt in Sandwell, it was not felt to provide a reasonable alternative, in addition to its wider value as an area of open space for leisure and recreation and its environmental value.

While no specific analysis of potential green belt provision was undertaken, the housing quanta that involved meeting very high levels of housing need (options B, C and F in the table in paragraph 4.14) by implication would have involved identifying a number of open and greenfield sites, potentially including green belt allocations. Paragraph 5.5 sets out the various initial options that were considered, including a broad reference to using green belt land as part of a set of potential delivery choices.

Sandwell contains a relatively small area of green belt, concentrated around Sandwell Valley

(around 9% of the total area of Sandwell, compared to Dudley's [18%] and Walsall's [38%] quanta of green belt in particular). Given its location, it serves a strong green belt purpose in preventing the coalescence of adjacent built-up areas and maintaining openness.

Sandwell Valley was also discounted as a reasonable alternative solution to address housing / employment shortfalls because it meets additional needs that are an intrinsic part of the SLP's strategic framework – providing land for recreational, environmental / ecological, agricultural and climate change mitigation purposes. In addition, it contains hard constraints and other designations that would be adversely affected by, or impact on, development.

While there are some significant areas of open space in Sandwell, for example in and around Sandwell Valley, or forming part of Sandwell's network of parks and community open spaces, these serve a vital purpose in delivering health, environmental and climate change mitigation benefits to local communities and were not therefore considered as a suitable source of available and undeveloped land. It was also considered unrealistic to identify reasonable alternatives that proposed the use of other large tracts of vacant land, either brownfield sites or land that is classified as greenfield / undeveloped, as this type of site does not typically exist in Sandwell.

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]."

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

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

Yes. The Plan is anticipated to be adopted in early 2026; as the plan period extends to April 2041, this would cover 15 years from adoption.

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

Yes, the SLP takes a robust line on climate change throughout, including through the inclusion of a suite of policies that directly address the issue, and ensuring that other policies across the plan also contribute to mitigation and adaptation where possible. This has created a multi-layered and integrated approach to the matter, reflecting its potential to impact Sandwell's residents and environment at both the borough-wide and local levels.

The SLP has been based on a spatial strategy that prioritises managed green growth – the idea being to ensure that as much housing and employment development as possible is

delivered in a way that also delivers environmental, biodiversity, social and climate change mitigation benefits at the same time.

This approach, and the links between these policies and the aims and objectives of the SLP, are clarified in Table 3 of the plan. The first priority identified in Table 3 is climate change and its two objectives -

- Objective 1: *Ensure new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change,*
- Objective 2: *Deliver sustainable development in locations where people can access jobs and services, delivering wider positive social and economic outcomes and protecting and enhancing local built and natural environments.*

- are linked to various policies across the SLP. These policies, when taken together, should start to help reduce the adverse impacts of the development proposed within the SLP regarding climatic factors, such as greenhouse gas emissions, flooding, air quality and the need for resilient design.

The relationships between the priorities, objectives and policies of the SLP are at the heart of ensuring that development takes account of environmental issues, in particular the potential impacts of climate change. They have been informed by the Habitats Regulation Assessment [ENV001-003] and Water and Flooding Assessments [WAT001 – WAT030] as well as holistically across the body of work that supports the Local Plan including, for example Health Impact Assessment [HEW001].

Sections 19(1a) to 19(1e) of the Planning and Compulsory Purchase Act 2004 (as amended, particularly by the Planning Act 2008 and the Planning and Climate Change Act 2008) impose specific legal duties on local planning authorities when preparing local plans. The NPPF and national planning guidance also require local plans take a proactive approach to mitigating and adapting to climate change and contribute to a radical reduction in greenhouse gas emissions.

Section 19 (1a) of the 2004 Act states:

“Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.”

The inspector’s attention is respectfully drawn to the submitted Environment Topic Paper [SA/ED7], which sets out the Council’s approach to (among other issues) the importance of addressing climate change through the local planning process. The Council has addressed this requirement directly, through the commissioning of work on a series of detailed climate change policies [CLIM001 - CLIM005] that are designed to facilitate climate mitigation and adaptation when development takes place in Sandwell.

Policy SDS2 provides the strategic context for this approach, and is supported by Policy SDS8, while the specific policies in the climate change section emphasise and enhance the Council’s commitment, as follows:

- SCC1 and SCC2 employ the powers available under the Planning and Energy Act 2008 to set energy efficiency standard which exceeds current Building Regulations and require a proportion of energy from renewable sources in new residential dwellings and in major non-residential development.
- SCC3 outlines requirements for new development to be climate adaptive through

sustainable design and construction.

- SCC4 outlines requirements (and recommended limits) for embodied carbon.
- SCC5 outlines requirements for site specific flood risk assessments with consideration to the impacts of climate change.
- SCC6 outlines requirements for all development to employ sustainable drainage systems and supports systems which contribute to the conservation and enhancement of green infrastructure and biodiversity.

In addition, policies on design (SDM1), infrastructure (SID1) and the environment (SNE2 and SNE3) also provide additional guidance and support for climate change mitigation and adaptation.

The SLP Vision provides a description of how Sandwell may look after the policies and proposals it contains have been allowed to work over the plan period. As part of this, it envisages a role for Sandwell in developing and delivering climate change adaptation and mitigation technologies, together with ensuring its buildings and structures are also adapted to and mitigate against the impacts of climate change on its population and the wider environment.

Overall, the Council is of the view that the submitted plan addresses both mitigation of, and adaptation to, climate change in a robust yet pragmatic and flexible manner across the suite of policies contained in the SLP. The approach to climate change in the SLP will deliver new development that is 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. The policies and objectives it included in the SLP addressing climate change are robust, proportionate and pragmatic and will help deliver increased levels of mitigation and adaptation, while recognising the wider issues of viability and deliverability that are discussed elsewhere in the Council's evidence. They also meet the mandatory requirement for such policies as set out in the relevant planning legislation.

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

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

The Equalities Act 2010 states at s.149:

149 Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to —

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The Council thus has a duty under the Equality Act 2010 and the associated Public Sector Equality Duty (PSED) to ensure that the objectives and options considered through the SLP

do not lead to unlawful discrimination (direct and indirect), advance equality of opportunity and foster good relations between those with a protected characteristic and other sections of the community.

Throughout the preparation of the SLP, the Council has borne in mind the requirements of the Equality Act. To ensure the SLP reflected the requirements of the legislation, an equalities impact assessment (EqIA) was undertaken for both the Regulation 18 draft SLP and the Regulation 19 version. The Inspector is respectfully directed to document SUB 005, the EqIA that was submitted alongside the draft SLP, which explores in more detail how the protected characteristics covered by s149 are specifically addressed in or impacted by the SLP's policies.

Plan preparation occurred in part using information from the extant Black Country Core Strategy and the draft Black Country Plan. Both documents contained policies and proposals that reflected the needs of different sections of the community in the sub-region, and the SLP continues this approach. As a result, the SLP includes policies and guidance on the need to plan for all parts of the community and to encourage positive interactions between different users of buildings and spaces.

The intention of the SLP policies is to minimise and, where possible, exclude opportunities for antisocial behaviour or negative interactions, and to support the shared use of spaces. This is reflected in the SLP's Vision and its priorities, as set out in Table 3, several of which relate to improving the health and wellbeing of residents and promoting social inclusion.

Objectives include:

- promoting health and physical activity, encouraging social interactions and discouraging harmful behaviours;
- ensuring new development and open spaces support the health and wellbeing of all residents; and
- providing support to community health and wellbeing through minimising pollution, providing healthy homes, reducing the impacts of climate change and maintaining safe streets.

This will help to deliver safer, more welcoming places and foster better social interactions.

Other strategic objectives of the SLP include:

- providing housing that meets the needs of all sections of the community, including allowing for adaptation to meet future needs,
- ensuring communities are safe and resilient and promoting social cohesion,
- increasing accessibility to training, work and open spaces,
- requiring new development to offer high standards of design and to create greener and safer places for people to occupy and use.

The SLP contains policies that are intended to help address issues of equality and reflect the diverse requirements of local communities. Examples include (but are not restricted to):

- Policy SDS3, which promotes regeneration across Sandwell to improve the life chances of all sections of the population, including the provision of additional employment and housing delivery and sustainable access to opportunities.
- Policy SCC3, which promotes solutions to urban heating effects that may have disproportionate impacts on more deprived communities in urban areas

- Policy SHO5, which requires all new homes to meet the needs of people with disabilities or who are less mobile through age.
- Policy SHO8, which reflects the desire to protect and provide for the local Gypsy and Traveller and Travelling Showpeople community who live in and visit Sandwell, including liaising with the GTTS community on the location, design and required facilities of new sites.
- Policy SHO10, which looks specifically at meeting the needs of older people, people with disabilities and those with additional special needs.
- Policy SEC5, which promotes opportunities for people who experience social exclusion and / or disadvantages to participate in the employment market by making opportunities for work more accessible.

The outcome of the EqIA assessment was that the SLP did not create any significant or adverse impacts for communities with special characteristics, nor in terms of their relationships with the wider community. Indeed, the EqIA demonstrated that in most cases, the outcomes of the draft plan would have positive or at worst neutral impacts on those communities.

Romany Gypsies and Irish Travellers are legally recognised as ethnic groups and are protected from discrimination. The provision of new Gypsy and Traveller sites will assist in meeting the culturally specific accommodation needs of Gypsies and Travellers.

The SA Summary [SUB007] also confirms that following assessment, it is considered that inequalities will be addressed through the policies of the SLP and will result in residual positive effects for communities and individuals.

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

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

- The SLP, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the area, and complies with all other relevant legal requirements, including in the 2004 Act and the 2012 Regulations.

Paragraph 1.6 of the SLP contains **Table 3 - Priorities, Strategic Objectives and Policies**, which sets out the priorities and objectives for the SLP and cross-links them with the plan's policies, including the ones forming the strategic framework for the document. This identifies which of the SLP's policies will help deliver those priorities and objectives when decisions on land use proposals are being considered.

Paragraph 3.1 of the plan introduces the *Framework Policies* section, which comprises the overarching policies. These are high-level, cross-cutting policies intended to set the overall

direction for development and land use across the borough and are designed to offer opportunities to consider such matters in a wide-ranging context. They also identify in broad terms the themes of the SLP, by flagging up those land use policy topics considered to be of most importance to creating a successful Sandwell. Their main purpose is to provide a coherent strategic framework guiding the use and interpretation of non-strategic policies and informing decision-making on planning applications in a consistent and integrated manner.

- b. Yes, the preparation of the Sandwell Local Plan has complied with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In accordance with section 19(1b - f) of the 2004 Planning and Compulsory Purchase Act and Regulation 8(5) of the 2012 Regulations, the SLP distinguishes its strategic policies by setting them out separately at the front of the SLP and identifying them as an overarching framework, to ensure clarity and legal compliance.

- c. The list of superseded plans and policies is included as Appendix N of the SLP.

- d. Sandwell does not have any designated neighbourhood planning areas and at present there are no adopted neighbourhood plans in the borough.

- e. **Section 19** of the **Planning and Compulsory Purchase Act 2004** requires that a Local Plan must include policies to address the strategic priorities for its area and address certain specific legal duties, including sustainability / sustainable development, climate change mitigation and adaptation, the interaction of the plan with national policy on climate change and the status of the NPPF as planning guidance.

Regulation 10 of the **Town and Country Planning (Local Planning) (England) Regulations 2012** sets out the specific content that must be included in a Local Plan, including:

- details of the plan's subject matter and the area it covers
- how the SLP meets its legal requirements (including Section 19)
- a policies map
- a Duty to Cooperate statement

Section 19

Sustainable development (Section 19(1a)) - The SLP has been prepared with the objective of contributing to the achievement of sustainable development. It includes policies aimed at promoting economic growth, social inclusion, and environmental protection.

Climate change (Section 19(1b)) - The plan incorporates policies designed to secure that development and use of land in Sandwell contribute to the mitigation of, and adaptation to, climate change. This includes both strategic and more focussed policies for reducing carbon emissions and enhancing resilience to climate impacts.

National policies and guidance (Section 19(2)) - The SLP has been prepared having regard to national policies and guidance issued by the Secretary of State, including the National Planning Policy Framework (NPPF). It aligns with national objectives, processes and requirements for plan-making.

Local strategies (Section 19(2)) - The plan considers and incorporates elements of local strategies such as the Council Plan, other council strategies and locally relevant masterplans,

thus ensuring coherence with broader local objectives.

Regulation 10

Subject Matter and Area (Regulation 10(1)(a)) - The SLP clearly states the subject matter and the geographical area it covers, providing clarity on its scope and applicability. It contains a focused analysis of the social geography of Sandwell, including consideration of the challenges and opportunities presented by its environment, economy, demography and skills. The SLP also contains town centre profiles and associated local information / considerations for each of its main town and local centres, including brief analyses of strengths and weaknesses for each area and the identification of hyperlocal opportunity sites and proposals where available.

Explanation of Compliance (Regulation 10(1)(b)) - An explanation is provided on how the plan meets the legal requirements, including those specified in Section 19 of the 2004 Act. This includes details on how the plan addresses sustainable development and climate change.

Policies Map (Regulation 10(2)) - A policies map accompanies the SLP, illustrating geographically the policies contained within the plan, as required.

Statement of Representations Procedure (Regulation 10(3)) - The Council made available a statement setting out the procedure for making representations on the plan, including details on how and when to submit comments.

The Submission version of the Sandwell Local Plan demonstrates compliance with the key requirements of national planning legislation. It addresses sustainable development, climate change, alignment with national and local policies, and includes necessary documentation such as the policies map and statements on representations.

In addition, the SLP has identified several policies that are intended to maintain the approach set out in the SSADD on the need to manage sites with a legacy of hazardous substances or uses, deal with pollution and contamination and deliver a significant waste and recycling role.

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

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.

The chapter headed “3. *Framework Policies*” could be renamed “3. **Strategic Policies**”, for the sake of clarity.

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

² PPG Reference ID 61-006-20190723