



# **Matter 1 | Legal and Procedural Requirements**

## **Written statement**

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**Sandwell Local Plan 2024-2041  
Submitted for Examination**

**Vulcan Property II Limited**

**June 2025**

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# Preliminaries

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## Local authority

Sandwell Council

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## Local plan

Sandwell Local Plan 2024-2041

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## Written statement

The following table sets out Matters, Issues and Questions to which the written statement relates

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# 1. Introduction

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- 1.1 Sevo Planning Consultancy (Sevo) had prepared this Regulation 22 written statement for Vulcan Property II Limited (Vulcan). The written statement responds to matters, issues and questions as set out by the Inspector at *SA/ED33 Sandwell Local Plan 2024-2041 – Examination Matters, Issues and Questions (MIQs) for Hearing Week 1* of the Sandwell Local Plan (the SLP) Examination.
- 1.2 This submission is made ahead of the Local Plan Examination Week 1 hearing sessions scheduled to be held between Tuesday 15 July 2025 and Thursday 17 July 2025. Friday 18 July 2025 is a *Week 1* reserve day.
- 1.3 This written statement responds to the issues and questions associated with **Matter 1 | Legal and Procedural Requirements**. The corresponding hearing session is scheduled to take place on **Tuesday 15 July 2025**. Sevo intends to attend this hearing session to give oral evidence for Vulcan. Ahead of its attendance at the hearing session, Sevo has submitted this written statement ahead of the deadline of **midday Thursday 12 June 2025**.
- 1.4 Vulcan owns a site of 1.14ha at Brades Road, Oldbury. Vulcan put the site forward in response to the Local Plan Call for Sites as suitable for brownfield housing development. The site is included in the submission version of the plan, as a proposed housing allocation.
- 1.5 Vulcan has previously submitted representations at the following stages of development plan preparation:
- Issues and Options / Call for Sites – February and March 2023
  - Regulation 18 Preferred Options – six weeks to 18 December 2023
  - Regulation 19 Publication Draft – six weeks to 4 November 2024
- 1.6 Vulcan also made submissions following a draft Sandwell Housing Market Assessment Update (HMA) stakeholder workshop, held in June 2024.
- 1.7 Preparation of the SLP was preceded by the Council, together with Dudley Council, Walsall Council and the City of Wolverhampton, progressing The Black Country Plan 2039 (the BCP). The BCP reached Regulation 18 stage before being abandoned in October 2022 because the four councils were unable to reach agreement on the approach to planning for future development needs within the framework of the BCP. Vulcan had made representations at Issues and Options/Call for Sites and Regulation 18 stages, with its Brades Road site included in the BCP as a proposed housing allocation.
- 1.8 Reference to the National Planning Policy Framework (the Framework) are to the version published in December 2023, unless explicitly stated otherwise.
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## 2. Matter 1 – Written statement

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### M1 Legal and Procedural Requirements

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

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

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

M1.14.1 Section 19 (1B) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) states that each local planning authority (LPA) must identify the strategic priorities for the development and use of land in its area.

M1.14.2 Specifically, in respect of delivering enough new homes, Paragraph 11b) of the National Planning Policy Framework, December 2023 (the Framework) is clear that strategic policies should, as a minimum, provide for objectively assessed needs (OAN) for housing and other uses, as well as any needs that cannot be met within neighbouring areas.

M1.14.3 The only exceptions to this paragraph 11b) requirement are: i) where application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale type or distribution of development in the plan area; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

M1.14.4 The draft SLP does not cite either of the Framework paragraph 11b) exceptions, and so the strategic policies of the Local Plan should, as a minimum, provide for objectively assessed needs (OAN) for housing and other uses.

M1.14.5 Framework paragraph 20a) continues that strategic policies should make sufficient provision for housing, employment, retail, leisure and other commercial development.

M1.14.6 Framework paragraph 21 sets out that strategic policies should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues).

- M1.14.7 The draft SLP includes 18 strategic objectives, covering climate change, enhancing the historic and natural environment, housing that meets all needs, a strong, stable and inclusive economy, health and wellbeing, social inclusion, good design, brownfield first, town centre vitality, sustainable travel and resources and infrastructure. Objective 6, concerning housing, states that the strategic objective is addressing the identified wide-ranging housing needs by supporting the provision of high-quality new homes to include a wide mix of housing types and tenures.
- M1.14.8 The March 2025 *Topic Paper – Housing (SA/ED24)* addresses determining the housing requirement in the draft SLP. It states that its *Spatial Strategy* sets out an explanation of how it arrived at an appropriate strategy founded on the principles of sustainable development. Its starting point was the standard method (SM) target of 1,550 dpa, with it then taking account of a range of spatial growth options and the outcome of detailed site assessments in assessing options for housing allocation. It found, what it considers to be, the most appropriate and deliverable option to be a *Balanced Green Growth* option which would provide a significant quantum of housing and additional employment opportunities whilst at the same time promoting a strategy supporting:
- the delivery of climate change adaption and mitigation;
  - environmental protection and enhancement;
  - the conservation and enhancement of the historic environment; and
  - the delivery of blue and green infrastructure.
- M1.14.9 Expanding upon this, regarding the housing requirement, paragraph 3.12 of the draft SLP states that:
- ‘The Council recognises that it is not possible to provide for all the identified housing and employment land needs within its administrative boundaries, given the circumstances around land deliverability, extant land-use constraints and the need to protect the unique natural and built heritage’.*
- M1.14.10 A January 2025 schedule of additional modifications (SA/ED3) proposes further elaboration on the paragraph 3.12 reasoning, in stating that the Council will continue to regularly monitor the land supply position and keep under review any opportunities for additional supply. It continues that mechanisms for such monitoring and review include: an annual SHLAA, wherein density and other capacity assumptions can be reconsidered and a call for sites undertaken; the Brownfield Register; forthcoming design codes; masterplans or equivalent for specific areas or sites; the Housing Delivery Test Action Plan (where applicable); and the Authority Monitoring Report.
- M1.14.11 SA/E3 and SA/ED24 add nothing further on the draft SLP approach to density. This is left to an explanation of approach as set out within the draft SLP. Paragraph 3.9 of the draft SLP suggests that the Council has identified and made effective and extensive use of brownfield and urban sites and has also undertaken density uplifts in relation to both existing and new allocations. Paragraph 7.1 refers to a focussing of high-density housing in areas of greatest accessibility being at the heart of the *Spatial Strategy*, helping to deliver a number of the draft SLP strategic objectives. Paragraph 7.5 refers to application of a density uplift to existing allocations likely to gain planning permission after 2025, in line with policy SH03. Table 8 of policy SH03 sets a series of site characteristics for sites that would be considered appropriate for very high (100+ dpa), high (45+ dpa) and moderate (40+ dpa) density development. Table 6 of policy SH03 sets transport accessibility standards.

- M1.14.12 Referring back to the *Spatial Strategy*, paragraph 7.15 of the draft SLP states that achieving appropriate density and a mix of housing types is crucial to both the success of each housing development and the overall strategy. It continues by setting out that major housing development should contribute to providing a mix and density that best aligns with local needs.
- M1.14.13 It is clear that new housing development is central to the strategic priorities of the Council. Strategic policies are required to be consistent with the Framework and they should ordinarily, as a minimum, seek to meet OAN. The Council is running with its *Balanced Green Growth* housing requirement, which is significantly less than the housing requirement generated by the applicable SM.
- M1.14.14 In determining whether this approach meets the Framework paragraph 11b) test of meeting OAN, an important consideration is whether the Council has done all that it can to maximise housing delivery through optimising target densities. Only then could it be said that the Council has exercised its duty in addressing the strategic priorities for the development and use of land within the Sandwell plan area.
- M1.14.15 In its response to the Regulation 18 representations submitted by Vulcan, the Council emphasises that policy SH03 sets out minimum density standards for new development and that *“the Council will encourage proposals to exceed the minimum requirement where appropriate and the scheme is designed well.”* The Council also referred to its statutory duty to prepare a Design Code and that this *“will provide design guidance for housing developments and explain how high density residential development can be designed well.”*
- M1.14.16 Vulcan considers that the policy wording in SH03 still needs to be stronger, to state that high density development will be expected where appropriate and where design allows. In light of the *Balanced Green Growth* approach being pursued by the Council, it is essential that every opportunity is taken to maximise housing density where appropriate and where design allows. The policy text of the draft SLP needs to be firm on this, emphasising that a key approach to addressing the below SM requirement that is being planned for is a commitment to maximising density and supporting high density development wherever possible. This is necessary to push the quantum of delivery to its maximum.
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