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## Sandwell Local Plan 2024-2041 - Examination

Inspector

Mrs Catherine Jack

Programme Officer

Ms Louise St John Howe

[louise@poservices.co.uk](mailto:louise@poservices.co.uk)

07789 486419

Examination website

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Tuesday 15 July 2025 starting at 9.30am and continuing at 2.00pm

### **Hearing Sessions Agenda**

Week 1 Day 1

Please Note:

- All participants are encouraged to familiarise themselves with the hearing statements (and any relevant evidence) produced by the Council and other parties in respect of the matters to be discussed at this session. These are available on the examination website.
- The relevant Matters, Issues and Questions (SA/ED33) for this session are attached to this agenda for ease of reference. The discussion will typically follow the MIQs in order, focused on points upon which the Inspector requires further information or clarification. Some questions will require little discussion, and others may require significant discussion. The Inspector is also likely to have additional associated questions relating to the plan's soundness and/or legal compliance.
- Morning hearing sessions will typically finish no later than 1pm and will include a mid-morning break. Afternoon hearing sessions will finish by 5pm, with a mid-afternoon break.

### **1. Inspector's Opening and Introductions**

### **2. Council's Opening Statement**

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

### **3. Issue 1a – The Duty to Cooperate (Questions 1.1 to 1.5)**

Areas for discussion:



- Consideration of unmet development needs in Sandwell and neighbouring authority areas
- Statements of Common Ground

#### **4. Issue 1b – Habitats Regulations Assessment (Questions 1.6 and 1.7)**

Areas for discussion:

- The HRA – general methodology and robustness
- Air quality
- Whether any necessary recommendations and mitigation have been included in the plan

#### **5. Issue 1c – Other legal and procedural requirements (Questions 1.8 to 1.15).**

Areas for discussion:

- Local Development Scheme
- Statement of Community Involvement
- Sustainability Appraisal
  - Reasonable alternatives
  - Flood risk
  - Hazardous waste
- Plan period
- Equalities
- Other Matters

#### **6. Close**



## **MATTERS, ISSUES AND QUESTIONS (MIQs)**

### **MATTER 1: Legal and Procedural Requirements**

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

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

- Q1.1** In preparing the plan did the Council engage constructively, actively and on an on-going basis with neighbouring authorities and relevant prescribed bodies (as defined in Regulation 4 of the 2012 Local Planning Regulations) on matters having a significant impact on at least two planning areas? Is this engagement fully documented and evidenced?
- Q1.2** Have all Statements of Common Ground been submitted consistent with the expectations of the NPPF and the associated Planning Practice Guidance? Have they all been signed by all relevant parties?
- Q1.3** Has cooperation with other local planning authorities produced effective and deliverable policies on strategic cross-boundary matters? What specific outcomes have resulted from engagement undertaken in preparing this plan? Including in relation to:
- a. housing needs (including for travelling communities)
  - b. employment need
  - c. transport and infrastructure
  - d. natural and historic environment
  - e. minerals and waste.
- Q1.4** Are there any relevant strategic matters that have not been specifically identified and addressed on a cross-boundary basis, or any concerns that have been raised by any nearby local authority or prescribed body regarding duty to cooperate compliance that remain unresolved?
- a) If so, which matters or concerns and why is this the case?
  - b) What was the Council's response?
- Q1.5** In overall terms, has the duty to cooperate been discharged? Is there any substantive evidence to indicate that the Council has failed to discharge its duty to cooperate in a manner consistent with NPPF paragraphs 24-27 during the preparation of the submitted plan?



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

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

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

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

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

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

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

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

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

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

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



**Q1.12** Does the plan include policies designed to ensure that the development and use of land in the Sandwell plan area contributes to the mitigation of, and adaptation to, climate change in accordance with the legislation<sup>1</sup>?

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

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

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

- a) Including policies to address the strategic priorities for the development and use of land within the Sandwell plan area?
- b) Making sufficiently clear which of the plan's policies are strategic policies?
- c) Making sufficiently clear which plans and policies will be superseded if the plan is adopted?
- d) Taking into account policies and proposals in any Neighbourhood Plans, as set out in the Planning Practice Guidance<sup>2</sup>?
- e) Whether plan preparation had regard to all relevant additional matters set out in Section 19 of the 2004 Act and in Regulation 10 of the 2012 Regulations?

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

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

<sup>2</sup> PPG Reference ID 61-006-20190723