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## **Sandwell Local Plan 2024-2041 - Examination**

Inspector

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### **MATTERS, ISSUES AND QUESTIONS for Hearing Week 3**

<b>Matter 6: Health and Wellbeing</b>
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**Issue 6 – Whether the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies for health and wellbeing.**

- Q6.1** Are the requirements of policy SHW1 justified and reasonably proportionate?
- Q6.2** Are the requirements of policy SHW2 justified and appropriately flexible? Should police and emergency services infrastructure be added?
- Q6.3** Is policy SHW3 justified and consistent with national policy in its approach to air quality?
- Q6.4** Are the requirements of policy SHW4 justified, including in relation to development viability. Will the policy be effective?
- Q6.5** Are policies SHW5 and SHW6 justified and consistent with national policy? Will they be effective?
- Q6.6** In terms of this issue, are any main modifications necessary for soundness?

Qn. No.	Response
Q6.1	<p>The Council believes Policy SHW1 is justified and proportionate in its approach to health impact assessments and the need for planning proposals to take into account issues around health and wellbeing. The policy supports the strengthening of the link between spatial planning and public health, in line with government guidance on the promotion of healthy environments.</p> <p>The approach adopted in the policy sets out trigger points at which various levels of health impact assessment will be required. This means that the policy is proportionate in its approach to the level of detail required for different types and scales of development.</p> <p>Criterion 4 of the policy refers to conditioning permissions for shops to prevent them being converted into off-licenses without requiring planning permission. However, changes to planning legislation mean that an off-license would be a sui generis use, and thus any proposal to change the use of existing retail premises to an off-license would automatically require consent. As a result, criterion 4 of the policy would no longer be required and could be deleted.</p> <p>The Inspector is respectfully directed to the Council's proposed amendment as set out in <b>Q6.6</b>.</p>

Qn. No.	Response
Q6.2	<p>The Council believes the requirements of Policy SHW2 are justified and flexible. The policy sets out the requirements for the provision and scope of healthcare infrastructure. It recognises that in some cases local capacity and viability will be insufficient to meet the needs of occupants of new developments and in those cases, planning agreements / obligations may be sought. This provides flexibility, as does the recognition in part 6 that in some cases impacts on development viability may be a relevant consideration.</p> <p>The policy also seeks to ensure that new healthcare infrastructure is sustainably located and that extant local services are protected and retained.</p> <p>The Sandwell Infrastructure Delivery Plan [DEL001 – 002] considered the potential needs for additional healthcare in light of the allocations identified in the SLP. Paragraph 3.5 of DEL002 addresses emergency services provision, and stated,</p> <p><i>Engagement with the West Midlands Ambulance Service (WMAS) indicated that future requirements to increase staff and vehicles numbers is typically looked at through NHS national requirements for Ambulance Services. The Sandwell Hub (Oldbury) is a relatively new site and replaces four older sites, meaning there are currently no plans or significant need for expansion or additional sites within the Sandwell area.</i></p> <p>On that basis, there would appear to be no need to amend the policy to include reference to ambulance services, as part of the healthcare focus of the policy.</p>

<b>Qn. No.</b>	<b>Response</b>
	<p>The Inspector is respectfully directed to the Council's proposed amendment as set out in <b>Q6.6</b>.</p> <p>While there is currently no evidenced need to include reference to ambulance services as part of the focus on healthcare in the policy, should it become apparent during the life of the SLP that additional provision is required (for example through the annual review of the infrastructure Development Plan), the policy could be amended to reflect such a circumstance arising.</p> <p>The matter of police infrastructure was discussed during the first session of the Examination and some proposed modifications have been tabled to reflect their requirements. In the context of Policy SHW2, the Council feels there is no need to include police infrastructure, primarily as this policy is specific to healthcare provision.</p>

<b>Qn. No.</b>	<b>Response</b>
Q6.3	<p>The Council is of the view that Policy SHW3 is justified and consistent with the requirements of national policy on air quality. As set out in paragraph 6.35 of the justification, inclusion of the policy is in line with national guidance on dealing with poor air quality and its impacts on public health. The policy allows for impacts on air quality of development to be considered through the use of an appropriate air quality assessment as part of the planning application process.</p>

<b>Qn. No.</b>	<b>Response</b>
Q6.4	<p>Yes, the requirements of SHW4 are justified and the policy will be effective.</p> <p>Paragraph 102 of the NPPF recognises that access to a network of high-quality open spaces is important for health and well-being of communities and can fulfil other roles such as benefiting nature and supporting efforts to address climate change. It explains that planning policies should be based on robust and up-to-date assessments of the need for open spaces, including quantitative or qualitative deficits or surpluses. Information from assessments should be used to determine what open space is needed, which plans should then seek to accommodate.</p> <p>The Sandwell Open Space Assessment (PPOS 001) was published in September 2024 to support the preparation of the SLP and includes an up-to-date assessment of the need for open space. It found that there is a significant variation in the distribution of open space by ward, the most extreme comparison being West Bromwich Central which has 17 times more open space than Old Warley. The borough currently has an average of 3.258 hectares of open space per 1,000 population. This has decreased from 2017 when provision was 3.633 hectares per 1,000 population. The borough population is predicted to grow by around 10% by</p>

Qn. No.	Response
	<p>2043 and assuming the open space provision remains static, this will result in the amount of open space falling even further to 2.963 hectares per 1,000 population. Whilst the FiT benchmark of 2.4 hectares per 1,000 population is exceeded across the borough, due to significant variation in provision between wards the Open Space Assessment recommends that a Borough wide quantity standard for all open space is set at 3.258 hectares per 1,000 population to reflect average level of provision currently.</p> <p>Proposed Additional Modifications PAM21-27 seek to make factual amendments to figures relating to open space provision in the SLP. The quantity standard is proposed to be reduced to 3.235 hectares per 1,000 population. This is in response to Regulation 19 representations raised by Severn Trent Water (ID 1372) and National Grid (ID 1373), which note that two sites identified as open space on the submitted policies map are not publicly accessible and should not be designated as open space.</p> <p>Policy SHW4 accords with the recommendations of the Open Space Assessment. It requires all residential developments of ten or more homes to contribute towards the provision of unrestricted open space in line with standards set out in Appendix J. The Reg.19 Viability Report [VIAB 002] at Table 5.6 adopts a cost assumption of £2,000 per unit for open space and play, which is applied to typologies above ten units. The expectation, therefore, is that planning proposals of ten homes or more will provide new unrestricted open space on site and this is financially viable. However, Policy SHW4 does allow for commuted sums to be provided in lieu where on site provision would make the development unviable or where there is no physical capacity to include it. The application of Policy SID1 would provide a mechanism for proposals to come forward that do not provide the required amount of unrestricted open space where the applicant can demonstrate that meeting the requirement would render the proposal financially unviable.</p> <p>Policy SHW4 seeks to improve the value of open space in Sandwell in other ways. It encourages efficient use of land by supporting proposals that make open spaces increasingly multifunctional and improve public access.</p> <p>Paragraph 103 of the NPPF explains that existing open space should not be built on unless at least one of three criteria is met. Policy SHW4 is consistent with and builds on the criteria in the NPPF. In response to the historic trend of decreasing provision of open space relative to population, paragraph 7 of Policy SHW4 requires that all applications for planning permission that would result in a loss of land allocated as open space demonstrate that a robust and overriding matter of public interest is at stake. Paragraph 7(b) of Policy SHW4 explains that open space is considered 'surplus to requirements' in a Sandwell context if:</p> <ul style="list-style-type: none"> <li>• Following the loss of open space, the amount of unrestricted open space at ward level would exceed 3.258 hectares per 1,000 population; and</li> <li>• Following the loss of the open space, the quantity and accessibility of all types of open space would not fall below the standards set out at Table 3 of Appendix</li> </ul>

Qn. No.	Response
	J at ward level, or if already below the standards that the quantity and accessibility of each type of open space would not become worse.

Qn. No.	Response
Q6.5	<p>Both policies SHW5 and SHW6 are revised / updated versions of previous local plan policies, as identified in Appendix M of the SLP [SUB003]. As such, the Council considers their subject matter and approach have been tested through previous adoption processes.</p> <p>Including allotments in new developments helps towards meeting the Council's statutory duty to provide allotments under Section 23 of the Small Holdings and Allotments Act (1908) and will help achieve many local and central government targets for sustainable, well -designed and healthy communities.</p> <p>In addition, both policies are considered to fulfil an important role in providing opportunities for residents to partake in both active and passive recreation and helping to protect land and sites suitable for such activity.</p>

Qn. No.	Response
Q6.6	<p>Q6.1 - <b>Policy SHW1</b> - delete criterion 4, on the basis that national planning legislation renders it unnecessary.</p> <p>Q6.2 - <b>Policy SHW2.2</b> – amend wording to introduce element of flexibility around the future opportunity to deliver additional healthcare infrastructure:</p> <p><i>... New or improved healthcare facilities, <b>infrastructure</b> and services will be provided ...</i></p>