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

Inspector

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### **MATTERS, ISSUES AND QUESTIONS for Hearing Week 2**

<b>Matter 8: Economy and Centres</b>
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## **Matter 8: Economy and Centres (Policies SEC1 – SEC6, SCE1 – SCE6, and SWB1 - SWB2)**

### **Issue 8a – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for the local economy.**

**Q8.1** Are the requirements of policy SEC1 justified, effective, and consistent with national policy? Including:

- a. Should the policy be more flexible in relation to potential changes of use of employment sites to residential uses, either in general or in any particular circumstances?
- b. Is it justified that criterion 3 safeguards a portfolio of sites for industrial employment uses only? Should any other employment uses be included?

**Q8.2** Are the range of safeguarded uses and ancillary employment-generating uses set out in policy SEC3 justified including in relation to viability and supporting regeneration? For soundness, is it necessary for any other uses to be included and/or for greater flexibility in the policy's requirements?

**Q8.3** Are the requirements of policy SEC4 justified, consistent with national policy, and will they be effective in supporting the plan's strategic objectives 2 and 8? Is the policy appropriately flexible?

**Q8.4** Overall, are policies SEC2, SEC5, and SEC6 positively prepared, justified, effective and consistent with national policy?

**Q8.5** For soundness, should the plan's policies on Sandwell's Economy, Sandwell's Centres, and West Bromwich specifically reference the historic environment and/or any economic and regeneration benefits associated with the presence of heritage assets?

**Q8.6** In terms of this issue, are any main modifications necessary for soundness?

<b>Qn. No.</b>	<b>Response</b>
Q8.1	<p>Yes, it is considered that Policy SEC1 is line with the NPPF (December 2023).</p> <p>It is considered that Policy SEC1 meets the "Economic Objective" set out in the NPPF in that the policy aims to build a strong, responsive and competitive economy, and this will be achieved by:</p> <ul style="list-style-type: none"><li>• ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and</li><li>• by identifying and co-ordinating the provision of infrastructure.</li></ul> <p>NPPF paragraph 85 states that,</p> <p><i>Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.</i></p> <p>Paragraph 8.10 of the SLP seeks to ensure that a sufficient quantum of development opportunities is provided to meet the demand for economic growth and support the diversification of Sandwell's economy.</p>

Qn. No.	Response
Q8.1a	<p>No, the policy aims to protect and promote employment land for industrial / warehouse and logistics use (E(g)(ii), E(g)(iii), B2, and B8), as Sandwell has an employment land shortfall of 185 hectares up to 2041.</p> <p>The loss of allocated employment land to non-employment uses falling outside the following uses - (E(g)(ii), E(g)(iii), B2, and B8 - would further increase the demand for employment land when there is already a significant shortfall up to 2041.</p> <p>Potential change of use to residential should be justified as a departure from the policy. It is not appropriate to try to anticipate what the justification might be or should be in any particular case. Policy SEC4 is more permissive.</p>
Q8.1b	A <b>major modification</b> will be required in Policy SEC1 Point 3 – please see response to <b>Q8.6</b> below.

Qn. No.	Response
8.2	<p>Yes, the range of safeguarded uses is a legacy from the Black Country Core Strategy - Policy EMP3 - and the approach to uses listed in Policy SEC3 was endorsed in the EDNA 1 [ECON002].</p> <p>It is considered that these sites are expected to serve local markets. The justification for identifying the range of uses has proved a very useful way to guide and coordinate planning and development control in the Black Country to date, and the Council wishes to continue this approach in the successor plan.</p> <p>NPPF (December 2023) Paragraph 87 states:</p> <p><i>Planning policies and decisions should recognise and address the specific locational requirements of different sectors.</i></p>

Qn. No.	Response
Q8.3	<p>Yes, the policy provides a level of protection for other employment sites, while it allows for a change of use if the existing employment-related uses are no longer viable or cease to operate on the site.</p> <p>Proposals for redevelopment to other non-employment uses such as residential could give rise to significant regeneration benefits. It is considered that the policy will be effective in supporting the plan's strategic objectives 2 and 8.</p>

Qn. No.	Response
Q8.4	<p>Yes, it is considered that Policies SEC2, SEC5 and SEC6 are positively prepared, justified, effective and consistent with national policy (NPPF).</p> <p><b>Policy SEC2</b> seeks to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, as set out in paragraph 85 of the NPPF (December 2023).</p> <p>In addition, the approach taken will allow Sandwell to build on its strengths, counter any weakness and address challenges of the future.</p> <p><b>Policy SEC5</b> is consistent with national policy.</p> <p><b>Policy SEC6</b> is consistent with national policy and the “Agent of Change” principle set out in paragraph 193 of the NPPF (December 2023).</p>

Qn. No.	Response
Q8.5	<p>With regard to Sandwell’s economy and the historic environment, and/or any economic and regeneration benefits associated with the presence of heritage assets, it is considered that NPPF paragraph 221 provides policy guidance that a local authority should consider if a regeneration proposal comes forward in an employment area that could potentially conflict with the allocation.</p> <p>NPPF Paragraph 221 states:</p> <p><i>Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.</i></p> <p>The West Bromwich Masterplan specifically references the historic environment with regard to the Cultural Quarter Character Area. The proposed development area contains the West Bromwich High Street Conservation Area and several listed buildings. In addition, the masterplan contains an analysis of the heritage assets in the town centre.</p> <p>Regarding centres, it is agreed that policies on Sandwell’s economy, centres, and West Bromwich should specifically reference the historic environment and/or any economic and regeneration benefits associated with the presence of heritage assets. See response to Q8.6 below.</p>

Qn. No	Response
Q8.6	<p><b>Policy SEC1</b> Point 3 - amend text</p> <p><i>These sites will be safeguarded for <del>industrial employment</del> uses <b><u>within Use Classes E(g)(ii), E(g)(iii), B2, and B8.</u></b></i></p>

Qn. No	Response
	<p>Add new bullet point to Policy SCE1 -</p> <p><i>6d ... coverage where appropriate.</i></p> <p><b><u>7. Proposals should recognise, protect and make use of heritage assets so that they can contribute to environmental, economic and community regeneration consistent with their status, securing their long-term viability through sensitive repair, restoration, and adaptive reuse.</u></b></p> <p><b><u>Proposals will be supported where they sustain historic character, contribute to town centre vitality, and deliver public benefits that outweigh any potential harm.</u></b></p>

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**Issue 8b – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for Sandwell’s centres including its specific policies for West Bromwich.**

- Q8.7** What evidence justifies the three tiers comprising strategic centres, town centres, and district and local centres in the hierarchy of centres set out in policy SCE1 and Table 10?
- Q8.8** Are the plan’s policies for the centres clear, justified and effective in relation to managing generally declining levels of in-person retail?
- Q8.9** Are the plan’s policies for the centres clear, justified and effective in relation to circumstances where new residential uses above or among existing centre uses would be supported?
- Q8.10** Overall, does the plan set out a positively prepared, justified and effective strategy for Sandwell’s centres that is consistent with national policy?
- Q8.11** In terms of this issue, are any main modifications necessary for soundness?

Qn. No.	Response
Q.8b	<p>The policies are positively prepared as they seek to meet identified residential need in sustainable locations. Dwellings delivered in centres will contribute to meeting these identified needs.</p> <p>The policies are justified as robust and consistent; evidence from the centres study and addenda<sup>1</sup> forecast little, no, or negative capacity in Sandwell’s centres in the period up to 2042.</p>

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<sup>1</sup> Black Country Centres Study 2020

Black Country Centres Study 2021 Update

Black Country Centres Study Addendum 2022

Black Country Centres Study Refresh 2024)

Qn. No.	Response
	The Chilmark Report <sup>2</sup> noted that opportunities arising from repurposing existing vacant and under-utilised commercial floorspace, especially retail, could help to drive new capacity for residential uses in strategic and Tier Two centres.

Qn. No.	Response
Q8.7	<p>The three tiers were implicitly endorsed by the Centres Study, which recommended boundary changes and confirmed the status of Tier One and Tier Two centres.</p> <p>No examination of the <i>number</i> of tiers took place; the centres study did look at the components of the first and second tiers of Sandwell and recommended alterations or confirmed boundaries and places in the hierarchy of centres.</p> <p>Additional centres were proposed i.e. at Quinton (Holly Bush) and Bearwood (Abbey Road). Boundary amendments were identified to others, including Cradley Heath and Bearwood, and a local centre was deleted (at the junction of the A4123 and Hagley Road).</p> <p>This shows the hierarchy is fluid and capable of change as set out in paragraph 90 of the NPPF (December 2023).</p>

Qn. No.	Response
Q8.8	<p>The Plan's policies for centres are clear that the loss of in-person retail may create opportunities for other uses to come in, including residential to bolster the remaining retail elements. Where planning consent is required, other acceptable uses are listed and include Main Town Centre Uses (paragraph 9.72), additional uses that are highly compatible with main centre uses (paragraph 9.73) and complementary uses (paragraph 9.74).</p> <p>The policies are justified as the Centres Study provides forecasts and identifies trends that clearly point to the need for the consolidation, reduction and repurposing of physical retail space, rather than any significant expansion. It also demonstrates that there will be a need to reconfigure and potentially redevelop redundant space for alternative uses other than retail over the short, medium and long term.</p> <p>The policies will be effective as they set out what uses will be acceptable in and above centres (where planning consent is required). They also set robust mechanisms to restrict edge of centre and out of centre development that could otherwise adversely affect the vitality and viability of centres</p>

<sup>2</sup> West Midlands Combined Authority- Assessment of the Potential for Additional Brownfield Land Development Capacity

Qn. No.	Response
	They restrict ground floor non-E class developments that would otherwise have an unacceptable effect on the coherence of the retail core / primary shopping areas.

Qn. No.	Response
Q8.9	<p>Policy SCE1 sets out that residential use is a particularly appropriate complementary use (Policy SCE1, 6a), and in written justification paragraphs 9.18 and 9.26.</p> <p>Proposals for the change of use at ground floor level within retail core and primary shopping areas will be assessed against the criteria set out in Policy SCE2: <i>Non-E Class Uses in Town Centres</i>, where planning permission is required. The purpose of these criteria is to restrict the introduction of non-E Class uses, including residential, at ground floor level in retail core and primary shopping area locations, in order to safeguard their retail function and vitality.</p> <p>Provision for new residential development above, or in conjunction with, existing town centre uses is justified by the evidence set out in the Centres Study and subsequent addenda, which indicate an actual or projected decline in retail and office functions. Concurrently, there is a strategic requirement to support and reinforce the vitality of the remaining retail elements within centres.</p> <p>Sandwell is subject to a recognised shortfall in housing capacity; the introduction of additional dwellings in centre locations would contribute towards meeting the objectively assessed housing need in a sustainable manner.</p> <p>Such development will be directed so as to maintain the integrity and function of the retail core/ primary shopping areas.</p> <p>In terms of the NPPF (December 2023), it is justified as footnote 27 notes:</p> <p><i>27. In doing so, strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.</i></p> <p>This policy is effective as it is deliverable over the plan period.</p>

Qn. No.	Response
Q8.10	Regarding centres, the plan is <b>positively prepared</b> as it seeks to repurpose existing and forecast vacant town centre floorspace to appropriate uses.

Qn. No.	Response
	<p>Residential use is noted as particularly appropriate and will go towards meeting objectively assessed need.</p> <p><b>Justified:</b> Evidence from the Centres Study and Addenda indicates the retail element of town centre use may continue to contract, policies protect vitality and viability of centres by restricting inappropriate out of centre/edge of centre development.</p> <p>Policies further aim to direct released capacity to meet needs and identifies suitable replacement uses.</p> <p>Policy will be <b>effective</b> over the plan period, with additional policy clarification text as sought below.</p> <p>Policies are <b>consistent</b> with national policy as they seek to maximise objectively assessed needs, maximise brownfield uses in sustainable locations and protect retail core/primary shopping areas.</p>

Qn. No.	Response
Q8.11	<p><b>Policy SCE1.6b</b> - amend text.</p> <p><i>b. the consolidation and reconfiguration of vacant floorspace into a mix of uses, especially the <b>residential</b> use of upper floors <b>where appropriate</b>, and / or extensions to existing floorspace, with any new development being well-integrated with existing provision;</i></p>