
Sandwell Local Plan 2024-2041 - Examination

Inspector

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MATTERS, ISSUES AND QUESTIONS for Hearing Week 2

<p>Matter 10: Transport, Infrastructure, and Viability (Policies STR1–STR10 and SID1–SID4)</p>

Issue 10 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for transport, infrastructure and delivery.

- Q10.1** Are the requirements of policies STR1 and STR2 justified, and will they be effective? Including:
- a. Are the key transport priorities identified in policy STR1 justified and appropriate? For soundness, is it necessary to include any other key transport priorities in the policy?
 - b. For soundness, should consideration of the historic environment be specified in policy STR1 and/ or STR2 in relation to safeguarding land for future transport development?
- Q10.2** Should policy STR3 explicitly encourage housing development in proximity to railway stations and metro stops?
- Q10.3** Overall, are policies STR4 to STR10 positively prepared, justified, effective and consistent with national policy?
- Q10.4** Does the Infrastructure Delivery Plan (DEL 001 and DEL 002) contain the full range of infrastructure necessary to support the development proposed in the plan, and how will the Infrastructure Delivery Plan respond to changes in circumstances?
- Q10.5** Are the requirements policy SID1 and its approach to infrastructure provision and viability assessments justified and consistent with national policy, and will they be effective?
- Q10.6** Are the requirements of policies SID2, SID3, and SID4 positively prepared, justified, effective and consistent with national policy?
- Q10.7** In terms of this issue, are any main modifications necessary for soundness?

Qn. No.	Response
Q.10.1a	<p>The transport modelling work carried out to inform plan making at all four Black Country local authorities identified the locations that require interventions in order to support the growth set out in those plans. This modelling work assumed that several regional level schemes would be delivered by the plan horizon year, such as the metro extensions in Birmingham City centre and between Wednesbury and Brierley Hill, along with further rapid transit routes (to Walsall and Stourbridge).</p> <p>For Sandwell it identified the following locations where improvements or mitigations are required over the plan period:</p> <ul style="list-style-type: none"> • A4123 Corridor. • Burnt Tree (A4123 / A461). • Birchley Island (A4123) / M5 Junction 2. • A461 Corridor. • Approaches to M5, Junction 1. • A4031 / A4041 Junction (All Saints Way / Newton Road). <p>Fuller details are contained in the Transportation Topic Paper (Doc. Ref. SA/ED30, paragraphs 3.1 to 3.6). Of these, all have funding secured to deliver them, or to develop proposals for future funding rounds, or in some cases, both. The majority will be funded through the devolved City Region Sustainable Transport Settlement (Transport for City Regions Fund from 2027). Details of the funding arrangements are contained in paragraph 3.6 of the Transportation Topic Paper.</p> <p>At the strategic level, the 2016 West Midlands Local Transport Plan-Movement for Growth (LTP4) and the emerging LTP5 identify the transport priorities for the West Midlands as whole, based on all growth identified in adopted in SHLAAs, local plans or in those where reviews are at an advanced stage. This was done by Transport for West Midlands maintain a robust ‘uncertainty log’ that is regularly updated by LPAs. The LTP transport priorities are reflected in SLP Policy STR1, and the Black Country Local Plan modelling work has confirmed their appropriateness, whilst not identifying any further locations or corridors requiring intervention that are not also identified for intervention in the Local Transport Plan.</p> <p>Policy STR2 seeks to safeguard the development of the Key Route Network (KRN). The power to identify a KRN is conferred on combined authority mayors through legislation. The West Midlands KRN was established in 2016 through the WMCA Order with the agreement of all seven WM local highway authorities, adjacent county LHAs and the Department for Transport. The West Midlands KRN is the only one of its kind in England that is statutorily defined. All the highway-based interventions identified by the local plan modelling work lie on the KRN.</p> <p>The transport priorities listed in STR1 and the KRN identified in STR2 are therefore justified through transport modelling at both LTP and Black Country local plan level and are appropriate in that they contribute to objectives of both the Local Plan and the WM Local Transport Plan.</p>

Qn. No.	Response
Q10.1b	<p>Land to be safeguarded is normally only capable of being identified at detailed design stage. It is therefore difficult at a plan level to identify what the impact might be on the historic environment, beyond identifying any heritage assets in proximity to the proposed interventions.</p> <p>LTP Paragraph 11.24 states that</p> <p><i>“the Council and its partners will exercise due diligence in preventing harm to the historic environment. Where appropriate (...) an historic impact assessment will be undertaken.”</i></p> <p>Many of the projects that emerge from the transport priorities will consist of work classed as permitted development when carried out by a local highway authority in exercise of its statutory functions. Therefore, as these projects don't require planning consent, there is no means of enforcing a requirement for a heritage impact assessment through the planning system. However, as a responsible local highway authority, it would be a normal part of a scheme's due diligence to consider any impact on heritage assets and the historic environment. This likewise applies to WMCA / TfWM as the Integrated Transport Authority for the local plan area.</p> <p>Larger projects/interventions will often fall under the auspices of Environmental Impact Assessment regulations. The introductory text of the GPDO clarifies that a proposed infrastructure scheme must be assessed against the Schedule 1 and 2 criteria of the EIA regs (article 3 (10-11) below):</p> <p>https://www.legislation.gov.uk/ukxi/2015/596/article/3</p> <p>Consequently, a screening opinion would be required on a case-by-case basis.</p> <p>If a development falls within Schedule 1 or Schedule 2 of the EIA Regulations, and it:</p> <ul style="list-style-type: none"> • is likely to have significant effects on the environment, and • has not been screened out via an EIA screening opinion, <p>then it cannot lawfully proceed under permitted development rights unless an Environmental Statement has been submitted and considered.</p> <p>EIAs include an assessment of the impact on heritage assets and the historic environment.</p> <p>The largest public transport proposals, such as metro extensions and new rail-based rapid transit projects, would require approval through an order under the Transport & Works Act 1992. As such, they would also be subject to EIA regulations, and by extension, need to assess their impact on the historic environment. The relative weight attributed to any identified impact would be examined by the appointed inspector at any resulting public inquiry and ultimately be considered by the Secretary of State as part of the decision on whether to confirm the order.</p> <p>Therefore, for those projects that would require planning consent or for which an EIA is required, the need for an assessment of impact on heritage assets and the historic environment is already contained in national policy and regulation. For those that are permitted development, there is no mechanism by which the Local Plan could require an EIA, and as such it is not considered necessary to amend policies STR1 and STR2.</p>

Qn. No.	Response
Q10.2	<p>Policy SDS1 – Spatial Strategy for Sandwell Part 2 (b) states:</p> <p><i>“The SLP seeks to ensure this growth (sic) is sustainable by requiring the following issues are addressed in planning proposals: ...</i></p> <p><i>b) allocating housing in locations with the highest levels of sustainable transport access to residential services (...)”</i></p> <p>The supporting text at 3.9 provides additional information. In addition, paragraph 2.30(g) also refers to allocating sites in sustainable locations with high levels of public transport accessibility.</p> <p>In practice, most housing allocations in the plan are within what would be considered an acceptable walking distance of either a railway station or an existing or proposed metro stop.</p> <p>Policy STR3 relates to the assessment of planning applications for allocated sites rather than the allocation of the sites themselves. As such it is a reactive rather than proactive policy. However, if it would improve the soundness of the plan, it is suggested that Part 2 (b) of Framework policy SDS1 be amended to read:</p> <p><i>b) allocating housing in locations with the highest levels of sustainable transport access to residential services (.....) such as near railway stations, metro stops and public transport hubs.</i>”</p>

Qn. No.	Response
Q10.3	<p>Policy STR4 – The Efficient Movement of Freight and Logistics, is in accordance with paragraphs 108 and 113 of the NPPF.</p> <p>Policy STR5 – Creating Coherent Networks for Cycling and Walking, is in accordance with paragraphs 108(c), 109, and 110(d) of the Framework.</p> <p>Policy STR6 – Influencing Demand for Travel and Travel Choices, accords with paragraphs 108, 109, and 110 of the Framework.</p> <p>Policy STR7 – Network Management, supports the objectives of paragraphs 108 (b), and 109 of the Framework.</p> <p>Policy STR8 – Parking Management. This policy was developed in accordance with paragraphs 111 and 112 of the Framework. Maximum parking standards have been adopted for non-residential development against the background of a highly congested highway network and the need to reduce single occupancy car use in order to mitigate the impact of traffic on the environment and the impact of congestion on the local economy. In addition, reduced levels of parking will make more efficient use of land in town centres as these adapt to their new role in a reducing retail environment. This latter is particularly relevant to compliance with paragraph 112.</p>

Qn. No.	Response
	<p>Policy STR9 – Planning for Low Emission Vehicles, accords with paragraphs 108 (d), 109 and 111 (e).</p> <p>Policy STR10 – Transport Innovation and Digital Connectivity, seeks to meet the objectives of paragraphs 108 (d), 112, and 119 of the Framework.</p>

Qn. No.	Response
Q10.4	<p>The council is of the view that the Sandwell Infrastructure Delivery Plan (DEL 001 and DEL 002) does contain the full range of infrastructure necessary to support the development proposed in the plan, for the following reasons:</p> <p>Planning Practice Guidance (PPG) on Plan-Making (paragraph 059, reference 61-059-20190315) sets provides guidance on how a local plan should address infrastructure, particularly how it can be funded and delivered. Therefore, the council has worked with consultants to produce the Sandwell Infrastructure Delivery Plan (IDP).</p> <p>The Sandwell Infrastructure Delivery Plan (IDP) (DEL001 and DEL002)</p> <p>The IDP is an important part of the evidence base that supports the Local Plan, with the purpose of demonstrating that the infrastructure requirements necessary to support the proposed levels of growth set out within the Plan can be delivered. The Sandwell IDP outlines the costs of infrastructure delivery, highlights potential sources of funding and also the challenges associated with securing these funds. The IDP will be an important tool for the council when negotiating developer contributions through section 106 agreements, developing evidence of need for charging under the Community Infrastructure Levy (CIL) and when applying for other sources of grant funding. The Sandwell IDP was produced in two parts - Part 1 – Infrastructure Needs Assessment (DEL 001) and Part 2 Infrastructure Delivery Schedule (DEL 002)</p> <p>For the purposes of the Sandwell IDP, infrastructure is defined as:</p> <ul style="list-style-type: none"> • Transport - strategic road network, local road network, public transport – rail, public transport – bus, active travel (walking and cycling) • Utilities - electricity, gas, wastewater / water supply, • Flood Risk • Waste Infrastructure - Household recycling centres, Waste disposal • Telecommunications - Broadband, Mobile network • Education – Nursery, Primary, Secondary, SEND • Healthcare - Primary care (GP), Secondary care (Hospital) • Social care – adult social care • Emergency Services - Police service, Fire service, Ambulance service • Community Facilities - Community halls, Libraries, Archaeology and archives

Qn. No.	Response
	<ul style="list-style-type: none"> • Sport and Recreation facilities - Built facilities /courts and swimming, sports pitches, outdoor sports facilities • Green Infrastructure and Open Space - Natural green space, amenity space, equipped place space, civic space, allotments. <p>Part 1 – Infrastructure Needs Assessment (DEL 001)</p> <p>Review of existing evidence and strategy - a detailed review was undertaken of the national, regional and local policy and strategy context relating to infrastructure provision in Sandwell. A full list of the documents reviewed for the IDP is contained in Appendix A of the IDP (DEL 001). This exercise provided an understanding of existing infrastructure gaps and anticipated changes to the baseline levels of provision and performance within Sandwell.</p> <p>Engagement with infrastructure providers - stakeholder engagement set the infrastructure baseline / starting point for the SLP, providing understanding of capacity, limitations and opportunities, as well as identifying any investment or schemes that are already planned or under development. In addition, the infrastructure providers were able to consider the potential implications that emerging planned levels of growth may have on existing infrastructure and the likely requirements that this will generate over the lifetime of the SLP.</p> <p>A number of meetings were held with stakeholders in August and September 2023. A full list of stakeholders that were contacted and engaged throughout the preparation of the IDP are set out in Table 2 (DEL 001).</p> <p>Assessment of infrastructure needs – the consultants utilised the outcomes of the review of the existing evidence and strategy and the outcomes of the engagement with the infrastructure stakeholders to assess the borough’s current infrastructure capacity. This enabled them to provide the council with a commentary on the implications for future housing and employment growth which assisted the council in verifying the appropriateness and deliverability of its emerging development strategy. This commentary also included reporting on any existing infrastructure deficits that may need to be addressed, in addition to planned growth.</p> <p>Part 2 Infrastructure Delivery Schedule (DEL 002)</p> <p>The methodology for part 2 of the IDP included:</p> <ul style="list-style-type: none"> • Specific infrastructure schemes and costs - a schedule of individual infrastructure schemes, including information about the costs of infrastructure required over the lifetime of the SLP • Infrastructure prioritisation – the schedule contains an approach to prioritising infrastructure investment, allowing the Council to make development management and funding decisions to deliver the growth strategy. • Responding to Changing Circumstances -The IDP has always been seen as an iterative and living document that will change over time. The Council will assess whether the infrastructure schedule requires updating on an annual basis.

Qn. No.	Response
	<p>Circumstances in which the IDP and schedule might need to be updated may include (but not be limited to):</p> <ul style="list-style-type: none"> • changes to local housing need • issues impacting the deliverability of key site allocations, including viability issues that may impact on the feasibility of agreed infrastructure provision • new contributions identified as a result of changes to development proposals • updates to national planning policy or new planning legislation or regulations, which may introduce new requirements that need to be incorporated into the IDP • the emergence of new social, environmental, or economic priorities • the announcement of new infrastructure projects • changes in funding for strategic infrastructure • updated information on timelines, costs, and delivery mechanisms for planned infrastructure projects <p>The Council has an officer-led CIL Implementation Steering Group that oversees the CIL process within the borough along with the production and review of the Infrastructure Funding Statement. Officers from the Development Management, Planning Policy and Neighbourhood Engagement and Operational Services teams are involved with the group. It is anticipated that this group will also oversee the review of the infrastructure schedule and report to the Cabinet Member where necessary.</p> <p>Therefore, the council is satisfied that the IDP contains the full range of infrastructure required to deliver the SLP and that it sets out how the infrastructure can be funded and delivered. The council is also satisfied that it has the mechanisms in place to respond to changing circumstances through the CIL Implementation Steering Group.</p>

Qn. No.	Response
Q10.5	<p>Yes, the Council is of the view that the requirements of Policy SID1 and its approach to infrastructure provision and viability assessments are justified and consistent with national policy and will be effective for the following reasons:</p> <p>National Planning Policy Framework and Planning Practice Guidance</p> <p>As part of the statutory requirement to produce a Local Plan, national policy places a particular emphasis on the need for local planning authorities to plan for the delivery of various forms of infrastructure required to support future growth.</p> <p>The NPPF states that both strategic (paragraph 20) and non-strategic (paragraph 28) policies should set out the overall strategy for the pattern, scale and quality of development, and make sufficient provision for infrastructure, including transport and community facilities (such as health and education infrastructure).</p>

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	<p>Within the Sandwell Local Plan (SLP), Policy SDS1: Spatial Strategy for Sandwell, in point 1 c) aims to “<i>ensure that sufficient physical, social and environmental infrastructure is delivered to meet identified requirements.</i>” The remaining points in the policy set out what types of infrastructure will be required to meet the growth needs as set out in the Local Plan. The other strategic framework policies also set out how various types of infrastructure, in particular transport, green infrastructure, libraries and other cultural infrastructure, will be provided as set out in the Infrastructure Delivery Plan (DEL 001 and DEL 002).</p> <p>Policy SID1 – Infrastructure Provision and Viability Assessments - aims to ensure that appropriate kinds and levels of infrastructure are provided to mitigate the impacts of new development across the borough. The policy defines the types of infrastructure to be provided, taken from the Infrastructure Delivery Plan (IDP).</p> <p>The policy also refers to other Sandwell Local Plan (SLP) policies where infrastructure requirements are set out in more detail, including:</p> <ul style="list-style-type: none"> • Spatial Strategy for Sandwell – SDS1 • Biodiversity Net Gain – SNE2 • Affordable Housing – SH04 • Healthcare Infrastructure – SHW2 • Transport – STR1, STR3, STR5 • Waste – SWA1 • Telecommunications – SDM10 • Education – SH05 • Flood Risk – SCC5 <p>Paragraph 58 of the NPPF places emphasis on demonstrating development viability at the plan-making stage. This avoids the viability being challenged by developers on individual planning applications. It also means that an early understanding of infrastructure requirements (and their impact on viability) has become an increasingly important part of the plan-making process. The policy requirements set out in the SLP have been subject to a proportionate assessment of viability. Sandwell Council worked with consultants to produce a Viability Assessment of the Sandwell Local Plan (VIAB 001).</p> <p>Table 3.2 in paragraph 3.9 of the report sets out those local plan policies with a direct impact on viability. These policies were factored directly into the appraisal models, with cost assumptions applied. These assumptions can be found in section 5 of the Viability Assessment report (VIAB 001).</p> <p>The council is of the view that the requirements of Policy SID1 will be effective as they identify the infrastructure required to deliver the Council’s preferred Balanced Green Growth Strategy and to meet the identified needs of Sandwell’s residents and businesses. In addition, the implementation of the policies and proposals in the SLP will</p>

Qn. No.	Response
	<p>be monitored on an annual basis, along with the annual review of the IDP, to ensure they remain relevant and continue to be effective.</p> <p>To provide clarity as to when a financial viability assessment will be required to be submitted. The following modification is proposed:</p> <p>Criteria 4:</p> <p><u>Where an applicant submits a planning application that seeks to make a reduced planning contribution on viability grounds,</u> financial viability assessments conforming to national guidance will be required to be submitted and where necessary, will be independently appraised by an appropriate professional appointed by the local planning authority at the cost of the applicant.</p>

Qn. No.	Response
Q10.6	<p>The NPPF paragraph 119 states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections and that policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time. This includes prioritising full fibre connections to existing and new developments.</p> <p>Policy SID2 - Digital Infrastructure, supports the provision of appropriate telecoms equipment and requires all major development proposals to be supported by a statement that set out what digital infrastructure will be provided to serve the development and confirm that it will be available at first occupation. In addition, the policy supports the provision of 5G and recognises the need for full fibre broadband as the future of connectivity. The council is also a member of the WM5G Digital Forum, managed by the West Midlands Combined Authority; this is a group dedicated to supporting the roll out of digital infrastructure across the West Midlands.</p> <p>However, to reflect that technology is continually developing, the Council would suggest the following modification to SID2 (changes in bold):</p> <p>Policy SID2 – Digital Infrastructure</p> <p><u>1. All major development proposals should be supported by a statement that details what digital infrastructure will be provided to serve the development and confirms that it will be available at first occupation.</u></p> <p>5G, <u>6G and Future Digital Networks</u></p> <p>2. Any proposals for infrastructure to support the delivery of 5G <u>and future, more advanced, digital</u> networks will be supported in principle, subject to meeting the following criteria and the requirements of other local policies and national guidance:</p> <p>...</p>

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	<p>3. Operators proposing 5G and future, more advanced, digital network infrastructure are strongly recommended to enter early discussions with the Council.</p> <p>Policy SID3 - 5G Network Infrastructure, supports the provision of infrastructure with the objective of ensuring its installation complies with regulations and guidelines for public safety.</p> <p>Policy SID4 - Communications Infrastructure / Equipment - provides support for the installation of equipment but with the objective of ensuring there are no adverse impacts on the street scene, public amenity or heritage assets.</p> <p>Therefore, the Council is of the view that Policies SID2, SID3, and SID4 are positively prepared, justified, effective and consistent with national policy by the fact that they conform with the requirements of the NPPF, can be justified through the identification of need and a robust evidence base, seek to ensure there are no adverse impacts on amenity or public safety and look to future-proof the provision of high quality infrastructure.</p>

Qn. No.	Response
Q10.7	<p>Policy STR3 - Part 2 (b) of framework Policy SDS1 be amended to read:</p> <p><i>b) allocating housing in locations with the highest levels of sustainable transport access to residential services (.....) such as near railway stations, metro stops and public transport hubs.</i></p> <p>Policy SID1 - Criteria 4 be amended to read:</p> <p><u>Where an applicant submits a planning application that seeks to make a reduced planning contribution on viability grounds a</u> financial viability assessments conforming to national guidance will be required to be submitted and, where necessary, independently appraised by an appropriate professional appointed by the local planning authority at the cost of the applicant.</p> <p>Policy SID2 – criteria 2 and 3 be amended to read:</p> <p>5G, 6G and Future Digital Networks</p> <p>2. Any proposals for infrastructure to support the delivery of 5G and future, more advanced, digital networks will be supported in principle, subject to meeting the following criteria and the requirements of other local policies and national guidance:</p> <p>...</p>

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