



Sandwell Local Plan 2024-2041 - Examination

Inspector

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Programme Officer

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Dear Ms Stokes

Inspector's Initial Advice

1. I am writing following the examination hearing sessions held over three weeks in July, September and early October 2025. At the close of the hearing, I advised that I would write to the Council to set out my initial thoughts having reflected on some key matters, including any further Main Modifications needed, and the next steps for the examination.
2. First, I would like to thank the Council's team for their constructive involvement throughout the hearing which, together with helpful contributions from all other participants, has enabled me to significantly progress the examination. Thank you also for the schedule of proposed main modifications SA/ED50 which the Council consulted upon before the hearing opened, and all the further information, evidence, and clarifications produced both prior to and during the hearing, where requested.
3. My initial advice is based on everything I have read, heard, and seen to date. However, it is important to emphasise that the examination is not yet complete and, among other things, further Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) and public consultation on the potential Main Modifications to the plan will be required. As such, the content of this letter is made without prejudice to my final conclusions on the legal compliance and overall soundness of the plan.



4. Many potential Main Modifications were discussed during the hearing, including those advanced by the Council through schedules SA/ED03 (as suggested Additional Modifications) and SA/ED50 and the Council's Hearing Statements, and others proposed by representors or by me. At the end of the hearing, I advised the Council that changes to the plan in the form of Main Modifications will be required to remedy issues of soundness. The Council is already drawing up a running list of the modifications which I indicated were necessary during the hearing on the basis that they will be subject to public consultation in due course.
5. At this stage, and subject to the provisos above, I consider that with the Main Modifications summarised below the plan is likely to be capable of being found legally compliant and sound. More detailed reasoning for my findings in these regards will be set out in my final report, following consultation on the Main Modifications. My report will also cover other significant matters that have arisen during the examination but are not covered in this letter.
6. In summary, the Main Modifications necessary for the soundness of the plan are:
 - All Main Modifications that I indicated during the hearing to be necessary subject to detailed wording, which are not repeated here.
 - Modifications to Policies SDS1 and SH01 in relation to the overall housing requirement, the housing trajectory and housing land supply, together with consequential modifications throughout the plan and other changes to these policies indicated at the hearing (see paragraphs 7 – 10).
 - Modifications to the approach to the plan's site allocations, including to identify the site allocations of strategic importance to the delivery of the plan and to set out strategic policies for those strategic sites (see paragraph 11).
 - Modifications to include an additional housing site allocation at Part of Rowley Regis Golf Course, Tippity Green, Rowley Regis, reflecting that identified as potential MM1 in SA/ED50 (see paragraph 12).

The plan's overall housing requirement, housing trajectory, and five-year housing land supply

7. As discussed at the hearing and accepted by the Council, the various discounts applied to the plan's housing supply, which is a 'legacy' approach, are neither justified in the context of this plan nor consistent with the relevant National Planning Policy Framework. The effect of applying these discounts has been to suppress the overall identified level of



housing supply and, therefore, to suppress the plan's overall housing requirement, which is a supply-based requirement given the plan cannot meet Sandwell's identified housing need.

8. These discounts should be removed, with Main Modifications to reflect the resultant increase to the plan's overall minimum housing requirement figure. Initial figures produced during the hearing indicated a revised requirement of around 11,901 homes and, whilst this figure will need to be confirmed by the Council and agreed by me, it represents an increase of around 1,467 homes over the plan period. Necessary changes will include figures in Policies SDS1 and SHO1, together with other consequential changes throughout the plan.
9. In relation to the plan's windfall allowance, I asked the Council to review the historic completion figures informing the plan's assumed annual windfall allowance, some of which appeared anomalously high. Further to the hearing, and having reviewed the updated information, the justified level of small sites windfall allowance based on historic trends is 119 dwellings per year. This figure should replace all previous windfall allowance assumptions relating to the plan's housing supply.
10. I would be grateful if the Council would update, for my consideration and for consultation alongside the Main Modifications, the plan's housing trajectory and five-year housing land supply, including taking account of the revised overall housing requirement, revised figures discussed at the hearing where relevant, the additional site allocation at Rowley Regis (see paragraph 12), and the degree of unaccounted-for shortfall accrued since the start of the plan period. Further resultant modifications to the trajectory and Policy SHO1 will also be necessary, including to set out five-year supply at adoption.

Strategic policies and the site allocations

11. National policy expects local plans to make explicit which policies are strategic policies, and that the non-strategic policies should be clearly distinguished from the strategic policies. Various Main Modifications will be necessary to achieve this, and this was discussed in the round throughout the hearing. In particular, to support the effective delivery of the plan and its priorities for the development and use of land in the plan area, those site allocations of a scale or nature of strategic importance to the delivery of the plan's spatial strategy should be identified through strategic policies in the plan setting out appropriate criteria to support their delivery, and Main Modifications will be necessary in this regard, including for consequential changes such as to Policy SDS1(3) which will require updating.



12. Schedule SA/ED50, which was subject to Regulation 19 consultation from 28 April - 9 June 2025, includes the site identified as Part of Rowley Regis Golf Course, which the Council proposed as an additional housing site allocation. Whilst assessed as suitable for housing in the evidence, the site was not included in the plan due to uncertainty about its availability, which has since been clarified. My report will provide more detail, but I conclude that for the plan to be positively prepared it is necessary that this site, which has capacity to contribute around 250 additional homes towards meeting Sandwell's housing needs, should be allocated in the plan through a Main Modification. Consequential changes elsewhere in the plan may arise as a result, including in relation to the housing requirement figure and trajectory and an associated addition to the Policies Map.

Next steps

13. The Council should let me know through the Programme Officer if it has any queries about the content of this letter. However, on the assumption that it would be content to adopt the plan subject to the modifications summarised, the Council is now invited to prepare a schedule of Main Modifications. To this end, I would be grateful if the Council's team would draft the precise wording for all the Main Modifications, which should be sent to me for agreement via the Programme Officer.
14. Once the schedule is agreed, SA and HRA of the Main Modifications should be carried out as necessary. Following that, a copy of the updated SA/HRA should be provided for my consideration as soon as it is available. Full public consultation on the Main Modifications, for a minimum of 6 weeks, will then take place in due course. It will be necessary for new or updated documents, including the SA/HRA and any documents prepared in relation to action points noted during the hearing, to be made available during the consultation period alongside the schedule of Main Modifications.
15. It would be very helpful to receive an indication of the realistic timescales the Council considers it will need to draft all the modifications and subsequently to undertake the SA/HRA work.
16. Please arrange for this letter to be published on the examination website. However, at this stage I am not inviting comments from representors or any other party on the matters raised in it.

Yours sincerely

Catherine Jack

INSPECTOR