Planning Inspectorate

Report to Sandwell Metropolitan Borough Council

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended and applied by the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026)

Report on the Examination of the Sandwell Local Plan (2024 – 2041)

The Plan was submitted for examination on 11 December 2024

The examination hearings were held between 15 and 17 July 2025 and 23 September and 3 October 2025

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Abbreviations used in this report

BS EN15978	British Standard for sustainability of construction works
CIBSE TM59	Chartered Institution of Building Services Engineers Technical Memoranda 59 for assessment of overheating in homes
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Policy Guidance
PPOSS	Playing Pitch and Outdoor Sports Strategy
SA	Sustainability Appraisal
SINC	Sites of Importance for Nature Conservation
SLINC	Sites of Local Importance for Nature Conservation
UNESCO	United Nations Educational, Scientific and Cultural Organisation

Non-Technical Summary

This report concludes that the Sandwell Local Plan (2024 – 2041) provides an appropriate basis for the planning of the borough, provided that a number of main modifications [**MM**s] are made to it. Sandwell Metropolitan Borough Council has specifically requested that we recommend any MMs necessary to enable the plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation, in the light of which we have in some cases amended their detailed wording. We have recommended their inclusion in the plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Updates to the housing requirement (removal of legacy discounts), windfall allowance, and associated updates to land supply and the housing trajectory over the plan period so that the plan is positively prepared, justified and effective.
- An additional site allocation for Land at Tippity Green (golf course), Rowley Regis (SH67) so that the plan is justified, positively prepared, and effective.
- Identification of strategic and non-strategic policies and strategic and non-strategic site allocations to ensure the plan is consistent with national policy and effective.
- Changes to set out the need and supply for pitches and plots for Gypsies, Travellers and Travelling Showpeople to ensure that the plan is positively prepared, justified, effective and consistent with national policy.
- Changes to policy SHO4 to ensure that the approach to affordable housing is justified and effective.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Sandwell Local Plan (2024 – 2041) (Submission Version) of December 2024 in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026. It considers whether the plan is compliant with the relevant legal requirements (including in terms of the Town and Country Planning (Local Planning) (England) Regulations 2012, also as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026) and whether it is sound.

2. Annex A of the National Planning Policy Framework (NPPF), August 2026 sets out transitional arrangements, in accordance with which we have examined the plan having regard to the National Planning Policy Framework, December 2023. Therefore, unless stated otherwise, references in this report are to the NPPF of December 2023. Paragraph 35 of this document, to which we have had regard, advises that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.

3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant plan. The Sandwell Local Plan (2024 – 2041) (Submission Version) submitted on 11 December 2024 is the basis of our examination. It is the same document as was published for consultation on 23 September 2024.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications (MMs) necessary to rectify matters that make the plan unsound (and/or not legally compliant) and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2** etc, and are set out in full in the Appendix.

5. Following the examination hearing sessions, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation in February – March 2026. We have taken account of the consultation responses in coming to our conclusions in this report and in this light we have made some amendments to the detailed wording of the main modifications. None of the amendments fundamentally alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has

been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises document SUB 004, Sandwell Local Plan Policies Map (Regulation 19) (PDF).

7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and therefore changes to the policies map are needed to ensure that the relevant policies are effective.

8. These further changes to the policies map were published for consultation alongside the MMs (document SA/ ED90 – Policies Map Modifications).

9. When the plan is adopted, in order to comply with the legislation and give effect to its policies, the Council will need to update the adopted policies map to include the changes proposed in document SUB 004, Sandwell Local Plan Policies Map (Regulation 19) (PDF) and as updated by document SA/ ED90 – Policies Map Modifications.

Context of the Plan

10. Sandwell sits at the heart of the West Midlands conurbation and Combined Authority area. The borough comprises six main towns – Oldbury, Rowley Regis, Smethwick, Tipton, Wednesbury and West Bromwich and is, overall, highly urbanised. There is relatively little land which is not already developed and the vast majority of that is in the Green Belt.

11. The Sandwell Local Plan 2021-2041 will supersede the Black Country Core Strategy (2011), insofar as it relates to Sandwell, the Sandwell Site Allocations and Development Plan Document (2012) and the Area Action Plans for Smethwick (2008), Tipton (2008) and West Bromwich (2012). However, this plan's life is, itself, likely to be relatively short: in line with statutory requirements the Council has already commenced preparation of a new plan, under the recently introduced new plan making system.

Public Sector Equality Duty

12. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination, including accommodation needs for Gypsies, Travellers and Travelling Showpeople and the need for accessible and adaptable homes.

Assessment of Legal Compliance

Local Development Scheme

13. The plan has been prepared in accordance with the Council's Local Development Scheme of January 2024.

Consultation

14. Consultation on the plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (July 2022) and although a large number of supporting evidence documents were placed on the examination website at the commencement of the examination, the Council has confirmed that all those that had previously existed had been subject to consultation in line with the Statement of Community Involvement during preparation of the plan. Moreover, whilst some consultation responses were initially missing from the website this was quickly addressed by the Council and we do not believe that any significant prejudice was caused.

15. The wide breadth and complex nature of local plans and the need for their preparation and examination to be supported by detailed evidence inevitably means that there are a large number of very lengthy documents. We appreciate that these can be very time consuming to read, particularly for local residents and we note that the Council did prepare various summary documents to help engage and inform local residents about the plan, although it would not be practical to have done this for every evidence document. Overall, we are satisfied that the approach to consultation adopted by the Council appropriately balanced enabling effective involvement in the plan preparation process by local residents with the need to have an adopted plan in place as soon as possible.

Sustainability Appraisal

16. The Council carried out a sustainability appraisal (SA) of the plan, prepared a report of the findings of the appraisal, and published the report (SUB 006 - 008) along with the plan and other submission documents under Regulation 19. Four spatial strategy alternatives were appraised and the chosen strategy, as expressed in the plan's policy SDS1, was a hybrid of two of the alternatives.

However, whilst policy SDS1 was appraised, the hybrid strategy itself was not initially appraised in the same form in which the four original spatial strategy alternatives were. This was rectified in document SA/ED64, which also considered the implications for the appraisal of the Level 2 Flood Risk Assessment and had been finalised since the Regulation 19 consultation. The sustainability appraisal was then further updated to assess the main modifications.

17. Not unusually, some of the statements within and the conclusions of the sustainability appraisal have been challenged, including in relation to the lawfulness of some of the plan's proposals. However, these are predominantly matters of the plan's soundness (including of its deliverability) and are considered elsewhere in this report. Overall, we are satisfied that the sustainability appraisal provides an appropriate basis for us to assess the soundness of the plan.

Habitats Regulations Assessment

18. The Sandwell Local Plan Submission Habitats Regulation Assessment (December 2024), as updated by the subsequent January 2026 assessment of the main modifications, sets out that a full appropriate assessment has been undertaken, that the plan may have some negative impact which requires mitigation and that this mitigation has been secured through the plan as proposed to be modified.

Policies to respond to the strategic priorities for development and to climate change

19. The plan includes policies to address the strategic priorities for the development and use of land in the local planning authority's area, as set out in its Table 5.

20. As detailed elsewhere in this report, the plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

Other Legal Requirements

21. The plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, subject to **MM2** which is required to reference in the plan's Introduction section the appendix that lists the extant development plan policies to be superseded on adoption of this plan.

Assessment of Soundness

Main Issues

22. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 12 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy criterion or allocation in the Plan. Preparation of the main modifications resulted in the renumbering of many of the plan's paragraphs, policies and appendices. However, to avoid confusion, and other than where stated to the contrary, this report refers to the numbering of the paragraphs, policies and appendices as set out in the plan as submitted for examination (SUB001).

Issue 1 – Whether the plan's vision, objectives, the overall scale of new development it proposes and its spatial strategy are positively prepared, justified, effective and consistent with national policy

Vision and Objectives

23. In essence the plan's vision is that in 2041 Sandwell is a thriving borough with a united and resilient community and that it is a place of innovation and industry with a strong cultural heritage. The plan identifies 17 objectives to enable achievement of the vision against each of which the specific supporting policies of the plan are listed. However, for the plan to be sound it is not necessary for the vision or objectives to specifically reference every issue addressed by the policies of the plan. The vision is appropriately aspirational and is, thus, positively prepared. It also justifiably and effectively reflects the challenges and opportunities that Sandwell faces and the Council's Corporate Plan, and, in essence, the objectives are consistent with those set out in the NPPF.

Housing Needs for the settled community

24. The local housing need assessment, prepared in accordance with the NPPF using the 'standard method', identifies the need for 26,350 new dwellings in Sandwell for the 2024-2041 plan period, equating to 1,550 dwellings per annum. Whilst, subject to a number of exceptions, the NPPF's presumption in favour of sustainable development sets out an expectation that local plans should seek to meet the objectively assessed need for housing, the Council contends that the lack of suitable sites for new housing in the borough means this simply cannot be achieved in Sandwell.

25. The Strategic Housing Land Availability Assessment (HOU003), prepared in accordance with the Planning Practice Guidance (PPG), comprehensively assessed a wide range of potential sites for housing including those promoted

through the "call for sites", brownfield, vacant and underutilised land and additional floorspace in the borough's centres. Initial sifting appropriately excluded sites subject to a range of significant constraints such as higher quality employment sites or all, or the majority, of the site being in Flood Risk Zone 3, Strategic Open Space or Green Belt. Document SA/ED73 sets out this analysis, the conclusions of which are credible. 182 remaining possible sites were then assessed by both a detailed Site Assessment Report and through Sustainability Appraisal. Applying density assumptions (which vary by location and are generally higher than in the extant plan) the Council concluded that the realistic capacity for new housing is 10,434 dwellings. This is, consequently, stated in policy SDS1 in the plan as submitted for examination as being the number of new homes the plan will seek to provide (i.e. the "housing requirement figure").

26. Based on the written evidence and discussions at the hearing sessions, we are satisfied that, overall, in terms of the sites included in and rejected from the plan, the site assessment process strikes an appropriate balance between the need to maximise the provision of new housing whilst protecting nature conservation, recreational opportunities and the character of the area, consistent with the NPPF.

27. The Council argues that the limited amount of Green Belt in Sandwell and its value/use for recreation, ecology, agriculture, climate change mitigation and major infrastructure justifies its conclusion that the exceptional circumstances required by national policy to remove land from the Green Belt for housing development do not exist. Whilst a contrary argument could be made to this conclusion, paragraph 145 of the applicable version of the NPPF states, "Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated". A written ministerial statement and the Government's response to the consultation on the draft of this version of the NPPF make clear that it was the, then, Government's intention that national policy should be exactly as stated in paragraph 145. Moreover, the written and verbal evidence suggests to us that even if all realistic sites for housing in the Green Belt were allocated in the plan, the overall supply of housing would still be way short of the local need figure.

28. In preparing the plan, the Council actively engaged with other authorities in the region on housing issues and between them South Staffordshire, Cannock and Telford and Wrekin Councils have agreed in principle to accommodate around 4,200 dwellings for the authorities in the Greater Birmingham and Black Country Housing Market Area (the Black Country authorities alone in respect of Telford and Wrekin). Whilst this is likely to make only a modest contribution towards meeting the unmet housing needs of Sandwell, we consider that further efforts at engaging with neighbouring authorities (which would inevitably have delayed the plan) would have been very unlikely to have resulted in significantly more of these housing needs being provided for.

29. Increasing the density of new housing development, above that assumed by the Council, would in theory deliver more dwellings. However, even if across the board housing densities were doubled (and there is nothing to suggest that would be either realistic or appropriate), the local housing need figure would not be met. It seems likely that some sites will be appropriately able to deliver more dwellings than the Council's assumption, but the plan (policy SHO3) sets out minimum density requirements. Thus, any scheme which can deliver more dwellings than the Council has assumed, whilst complying with all other relevant plan policies, would be in accordance with policy SHO3. Moreover, criteria 2a, 2b and 2f of policy SDS1 (as proposed to be modified) emphasise the importance of maximising the density of development to make effective use of land. That said, there is not the evidence to identify site by site target densities in the plan, and, in any case, such an approach would be likely to be inappropriately inflexible.

30. The 10,434 housing requirement figure set out in policy SDS1 has been described by the Council as a capacity-based rather than needs-based figure. However, it is significantly less than the realistic total housing supply figure for the plan period because of "discounts" of between 5% and 15% applied by the Council to reflect the likelihood of some sites not delivering in line with expectations. We consider this approach to calculating the housing requirement figure to be unjustified as it could inappropriately reduce the onus on the Council to maximise as far as possible the number of new homes delivered in Sandwell, even if the identified local housing need figure is very unlikely to be met in full.

31. The housing supply figure without these discounts (and also reflecting updated data on recent planning permissions and housing completions) is 11,901 dwellings over the plan period as detailed in Document SA/ED81A. Based on the written evidence and the discussions throughout the hearing sessions we are satisfied that this is a credible figure. It is thus the appropriate plan period housing requirement for the plan.

32. In summary, subject to a number of modifications in respect of some specific sites detailed later in this report, we are satisfied that, outside of the Green Belt, the Council has done everything reasonably possible to identify and provide for in the plan all appropriate and likely to be developable sites for housing in the borough, bearing in mind, as discussed below, the need to also allocate land for other forms of development. Through extensive engagement with other authorities it also has obtained in-principle commitments for some of Sandwell's housing needs to be provided for outside of the borough. Nonetheless, unfortunately, the plan does not provide for meeting the objectively assessed need for housing calculated using the standard method.

33. Whilst there is some potential for new housing in the Green Belt, the Council's decision not to alter Green Belt boundaries to provide for this accords with the

December 2023 NPPF, against which transitional arrangements in the most recent NPPF identify that this plan should be assessed. Consequently, subject to **MM1**, **MM3**, **MM4** and **MM5,** which update the plan's housing supply and housing requirement figures across the plan period and the likely contributions from other authorities towards unmet development needs (in line with the details set out above), we conclude that, in the light of the relevant national policy, the scale of new housing for the settled community provided for in the plan is justified.

Accommodation for Gypsies, Travellers and Travelling Showpeople

34. The Black Country Gypsy and Traveller Accommodation Assessment 2022 (HOU004), as updated to align with the plan period to 2041, identifies a need for 18 plots for Gypsies and Travellers in Sandwell (based on the "Ethnic" definition) and 32 plots for Travelling Showpeople. We are satisfied that this assessment has been prepared in accordance with national policy and is a robust assessment of likely need. However, the plan as submitted does not clearly detail these needs. Nor does it refer to the aim to provide for this need in policy SDS1 (Spatial Strategy for Sandwell) in contrast with the way this policy addresses housing for the settled community. Consequently, for the plan to be justified and effective, **MM5** and **MM43** are required to refer to the importance of this need being met in policy SDS1 and to be explicit as to the extent of the need for new pitches and plots in policy SHO9 (Accommodation for Gypsies, Travellers and Travelling Showpeople). To ensure consistency with the rest of the policy we have altered the wording of **MM5** as consulted on to refer to meeting these needs "across the plan period".

35. The Council's SA/ED25 Topic Paper details the comprehensive approach it took to identify suitable sites to allocate for pitches and plots. Unfortunately, the exhaustive search only identified suitable sites for 10 pitches for Gypsies and Travellers and no suitable plots for Travelling Showpeople. The Council also actively engaged with other authorities in the region with a view to one or more of them providing for some or all of Sandwell's unmet need for pitches and plots. However, most reported that they were likely to be unable to meet their own identified needs and none indicated that they were able to assist Sandwell in this respect. In consequence (and consistent with the relevant national policy) the plan (policy SHO9 as discussed further in Issue 6) sets out criteria, accordance with which would ensure approval of speculative applications for pitches or plots. However, based on the discussion at the hearing session, there remains the realistic potential for the needs not to be fully met because of a lack of suitable land in the borough.

36. This position is clearly very unfortunate, but it mirrors that for housing for the settled community. Overall, we conclude that the Council has taken reasonable steps to attempt to ensure that the identified needs for accommodation for

Gypsies, Travellers and Travelling Showpeople are met and that subject to the recommended modifications the plan's approach in this respect is justified.

Employment Land

37. The Black Country Economic Development Needs Assessment 2024 (ECON002A) identifies the need for 203.5ha of land for new employment development. The assessment is a credible one and is based on the realistic but aspirational scenario of employment land completions in the 2001 – 2020 period continuing at a high rate. Accounting for the loss of 26ha of employment land to other uses the net need is thus for 229.5ha. The figures set out in policy SEC1 (Providing for Economic Growth and Jobs) as submitted for examination are somewhat lower and are based on the 2022 version of the Economic Development Needs Assessment (ECON002). Consequently, for the plan to be justified and effective **MM45** is needed to update these figures accordingly. For the same reasons **MM5** is also required to include in policy SDS1 reference to these needs being met "across the plan period".

38. The plan seeks to meet this identified need through sites allocated for employment development in the plan (44.5ha) and through policies supporting the redevelopment/intensification of existing employment sites. Through engagement with other authorities in the region, the Black Country Authorities have also secured a potential contribution of 112.2ha of land for employment development in South Staffordshire, some of which would be likely to meet at least part of Sandwell's need for such development.

39. However, as with housing for the settled community and accommodation for Gypsies, Travellers and Travelling Showpeople, the plan is very unlikely to provide for the identified needs for new employment development in Sandwell in full. This is primarily a result of the borough being heavily built-up with very little greenfield land suitable for development outside of the Green Belt and the need to also allocate land for other uses. And, as previously indicated, the national policy against which this plan is being assessed makes clear that there is not a requirement to review or change Green Belt boundaries when a plan is being reviewed or updated. In this national policy context, we conclude that the scale of employment land provided for through the plan is justified.

Spatial Strategy, the plan period and the overall viability of its implementation

40. The very limited availability of land outside the Green Belt which is suitable for development in Sandwell means that the plan's spatial strategy, as expressed in policy SDS1, is more about determining how best to allocate the land available for development between competing needs for its use than it is about deciding which areas of undeveloped land are most suitable to be developed. Moreover, in many instances the location, nature and landowner preferences of potential

development sites substantially determine their most realistic/suitable use and their appropriate density; the site assessment process identifies relatively few sites where the Council had a realistic choice about the use to allocate it for in the plan. It is notable that at Regulation 19 stage no sites, outside the Green Belt, were promoted which are not now either allocated in the plan (as proposed to be modified) or covered by its windfall provisions.

41. The decisions made by the Council, subject to the various modifications detailed elsewhere in this report, mean that the plan provides for approximately 20% of the borough's identified employment needs, about 45% of housing needs for the settled community and 20% of the total requirement for pitches and plots for Gypsies, Travellers and Travelling Showpeople (although the figure for pitches for Gypsies and Travellers alone is approximately 55%). Bearing in mind the limited choices available to the Council referred to above and having regard to the relative emphasis given in the NPPF to the importance of meeting the needs for each of these types of development, we conclude that the overall distribution set out in policy SDS1 is a justified one.

42. The plan period is from 2024 – 2041, which with a realistic adoption date of late 2026 would give the plan a 15 year "life" (commencing in 2026/2027) from adoption, consistent with the NPPF. Moreover, given that, in line with statutory requirements, the Council has already commenced preparation of a new plan, no useful purpose would be served in seeking to lengthen the plan period of this plan beyond 2041. However, for effectiveness, **MM101** is required to explain in the Delivery, Monitoring and Implementation section the situation with regards to the plan's replacement.

43. The costs of development on brownfield sites and local property values mean that there are likely to continue to be viability challenges to bringing forward new development in Sandwell. We discuss the viability implications of specific policy requirements below, most of which are appropriately subject to various viability clauses. However, we concur with the Council that it would not be appropriate, for the plan to provide for permitting any development irrespective of its failure to meet plan policy requirements where that would be likely to cause significant harm. National policy does not prescribe that new development should take place at any cost.

44. It is apparent that some development is likely to be dependent on an element of public funding to enable it to happen and there is inevitable uncertainty as to whether that will be available. However, the existence of such proposals in the plan can in itself assist in, and sometimes be a prerequisite to, securing such funding.

45. Overall, and having regard to the Viability and Delivery Study we consider that there is a reasonable prospect of the plan being delivered substantially as set out in its spatial strategy.

Conclusion

46. Subject to the MMs detailed above the plan's vision, objectives, the overall scale of new development it provides for, and its spatial strategy are positively prepared, justified, effective and consistent with national policy.

Issue 2 – Whether the plan's strategic policies are appropriately identified and whether its framework policies (SDS1 – SDS8) are positively prepared, justified, effective and consistent with national policy

Strategic Policies

47. The NPPF advises that a plan should make clear which of its policies are strategic ones. Consequently, to ensure consistency with this element of national policy, **MM106** is required to include in the plan's appendices a list of strategic policies. This includes all the framework policies (SD1 – SD8) and a number of other policies, addressed elsewhere in this report, which together set out the overall strategy for the pattern, scale and design quality of places. MM106 was, in error, not formally included in the Schedule of MMs for consultation. However, the relevant appendix was included in the Local Plan Track Changes Version which was available during the consultation period, and we are satisfied that no material prejudice is likely to result from recommending this as a required modification.

Spatial Strategy for Sandwell

48. The need for modification to policy SDS1 in respect of the requirements for housing for the settled community, accommodation for Gypsies and Travellers and employment land are addressed in Issue 1 above. However, for the policy as a whole to be justified, effective and consistent with national policy a number of other changes are required (**MM5**) as follows:

- Including reference to emergency services, supporting nature recovery and the need for development to be designed to minimise opportunities for crime and antisocial behaviour;

- Clearer reference to the need for new development to be in locations with a high level of access by sustainable modes of transport and for the application of minimum densities to make effective use of land;

- Including reference to the circumstances in which inappropriate development in the Green Belt would be permitted as set out in national policy. Not including this reference would leave the plan potentially inconsistent with national policy. However, we have corrected the wording of the MM as consulted upon to refer to "national policy" instead of "national guidance".

49. The policy already refers to the importance of protecting the integrity and function of the Green Belt and additional references elsewhere in the policy are not required for the plan to be sound.

Increasing efficiency and resilience

50. Policy SDS2 sets out the strategic context for the plan's other policies in respect of mitigating and adapting to climate change and is consistent with section 14 of the NPPF. However, for the policy to be effective and justified **MM6** is necessary to clarify its wording and to make clear that development should utilise sustainable drainage systems "where practicable". This latter reference and similar ones elsewhere in the policy are justified given that there may be circumstances in which the policy's requirements are simply not feasible.

Regeneration in Sandwell and Towns and Local Areas

51. Policies SDS3 and SDS4 set out the strategic framework for regeneration in the borough (and its specific focus on West Bromwich, Carter's Green, Dudley Port, Smethwick and the Wednesbury to Tipton Metro Corridor) and for development in the towns and local areas not specifically identified for regeneration. The policies are positively prepared, although to ensure they are effective **MM7** and **MM8** are required to update figures for the number of new homes and amount of employment land in line with modifications to other parts of the plan and to reword parts of the policies to avoid ambiguity.

Achieving Well-designed Places

52. The environmental and physical transformation of the borough is justifiably a key aim of the plan and, consistent with the NPPF's objective of achieving well-designed places, policy SDS5 sets out a framework for achieving this, the detailed requirements of which are set out in other policies of the plan. The policy refers to the Council's intention to produce a Design Code for Sandwell, but, pending that, **MM9** is necessary for the policy to be effective which requires regard to be had to the National Model Design Code, the West Midlands Design Code and Sandwell's extant design guidance, and refers to the potential for site specific masterplans or design codes to be prepared. For the policy to be justified **MM9** also includes reference to the provision of green and blue infrastructure and improvements to biodiversity.

Cultural Facilities and the Visitor Economy

53. Promoting the development of cultural facilities and the visitor economy is justifiably identified to be a key part of the economic and physical regeneration of Sandwell and policy SDS6 sets out an appropriate framework for achieving this through other policies of the plan. However, for the plan to be justified and effective **MM10** is required to also include reference to community facilities, thereby ensuring that there is a strategic base for policy SDM8 which sets out detailed requirements in respect of such uses.

Sandwell's Green Belt

54. Consistent with national policy applicable to the assessment of this plan, policy SDS7 sets out the aim to maintain, and improve the value and recreational role of, the borough's Green Belt to help promote an urban renaissance, to maximise its role in helping to mitigate climate change and to support easy access to the countryside for residents. However, for the policy to be effective and to avoid the potential for inconsistency with national policy **MM11** is needed to remove the parts of the policy which are essentially repetition of national policy, albeit phrased differently.

55. Nature conservation/recovery is addressed by other policies of the plan and, thus, its repetition here is not necessary. Moreover, reference in the policy to agriculture is not needed, given that there is almost no agricultural activity in the borough, even within the Green Belt.

Green and Blue Infrastructure in Sandwell

56. Consistent with the NPPF's objectives in relation to conserving and enhancing the natural environment, policy SDS8 sets out a justified strategic framework for the numerous other policies of the plan which detail requirements in respect of the retention and provision of green and blue infrastructure.

Conclusion

57. In conclusion, subject to the MMs detailed above, the plan's strategic policies are appropriately identified and its framework policies are positively prepared, justified, effective and consistent with national policy.

Issue 3 – Whether the plan is positively prepared, justified, effective and consistent with national policy in relation to its policies for the natural and historic environment

Nature Conservation

58. Supportive of the NPPF's objective of planning policies contributing to and enhancing the natural and local environment, policy SNE1 sets out, in principle, justified requirements and measures to protect nature conservation in Sandwell. However, for the policy to be effective **MM12** is required to:

- refer in part 5 of the policy to the 15% uplift in value of Biodiversity Net Gain units on sites within the West Midlands Local Nature Recovery Strategy. However, we have altered the wording from that consulted on to make clear that this is not a requirement for 15% net gain in biodiversity;

- refer to the, likely to be rare, potential for Sites of Local Importance for Nature Conservation to lose this status where the evidence indicates that that is appropriate. In this particular respect it is correct to refer to de-designation of the site; we consider that "redesignation" would be an ambiguous (and thus ineffective) term by which to refer to the loss of a site's Local Importance for Nature Conservation status;

- include in the supporting text details regarding air quality impacts on Special Areas of Conservation and in relation to Potential Sites of Importance for conservation. With the latter in place there is not a need for soundness for the policy itself to specifically refer to Potential Sites of Importance.

- include some detailed wording changes in parts 3 and 4 of the policy, which in the case of part 4 we have further adjusted to ensure effectiveness in the light of consultation comments.

59. Also for the policy's effectiveness, **MM13** and **MM14** are necessary to remove the small scale Sandwell Nature Recovery Map in Appendix A (replacing it with a link to the detailed mapping on the West Midlands Combined Authority website) and to update the Appendix's map of Habitat Bank sites.

Protection and Enhancement of Wildlife Habitats

60. Complementing policy SNE1, policy SNE2 sets out criteria in respect of the protection and enhancement of wildlife habitats, including biodiversity net gain, potential habitat bank sites and specific requirements in order to help deliver the Local Nature Recovery Strategy and to take opportunities for habitats and

wildlife as part of development schemes. For the policy to be justified and effective, **MM15** as consulted on included the statement that the additional ecological value of proposals which provide more than 10% biodiversity net gain would be considered positively in determining the relevant planning application and replaced the Hill House Farm habitat bank with the Ray Hall pastoral land. The latter change is necessary because the land at Hill House Farm is subject to countryside stewardship schemes which effectively prevent its use for biodiversity net gain.

61. However, on reflection and in the light of consultation comments, we consider further changes to the policy are necessary for it to be justified and effective and we have therefore altered **MM15** accordingly:

- to remove the policy's summary of statutory biodiversity net gain requirements on the basis that it is unnecessary to include this in the plan and that it has the potential to be misleading, particularly if the statutory requirements alter;

- to "encourage" rather than "require" biodiversity net gain to be delivered in line with the Council's preferences. We are satisfied that such encouragement is consistent with current national policy and Planning Practice Guidance;

- to more logically position the requirements in respect of the Local Nature Recovery Strategy and opportunities for habitats and wildlife at the start of the policy rather than at the end of it, bearing in mind that these apply to all development, irrespective of whether it is statutorily required to provide biodiversity net gain.

62. Given that the policy as proposed to be modified makes clear that it is not a requirement for biodiversity net gain to be delivered on the policy's identified habitat bank sites, it is not unsound for the plan to identify them, notwithstanding that these sites are not yet formally registered. Consequently, for the plan to be effective, **MM14** is also required to replace Hill House Farm with the Ray Hall pastoral land (as detailed above) in the Appendix A plan which shows the habitat bank sites in the borough. Moreover, for the policy to be effective a change to the policies map is also required to show these habitat bank sites. The policy as proposed to be modified additionally and appropriately makes clear that other sites (including ones not owned by the Council) may also be available for the delivery of biodiversity net gain. However, for the plan to be sound it is not necessary for these to be specifically identified in the plan.

Provision, Retention and Protection of Trees, Woodlands and Hedgerows

63. Supporting policies SNE1 and SNE2, policy SNE3 concerns the provision, retention and protection of trees, woodlands and hedgerows and is, in principle, justified. And specifically, its requirements in respect of increasing tree cover in new development are consistent with NPPF paragraph 136 which advises that opportunities should be taken to incorporate trees in new development.

64. However, for effectiveness **MM16** is required to move the parts of the policy which address tree replacement to a more logical position at its start. For consistency with the NPPF this modification also includes the rider that development which would result in the loss or damage to ancient woodland/trees will not be permitted unless there are wholly exceptional reasons to allow it and a suitable compensation strategy. Footnote 63 of the NPPF provides an example of such reasons and it would not be appropriate for the plan to seek to further define or provide guidance on "wholly exceptional reasons" as they would be likely to be very rare and case specific. Together, the policy and its supporting text are clear as to the ecological benefits of trees and thus modifications in this respect are not required and nor is a specific reference to advice published by Natural England/Forestry Commission necessary for the plan to be sound.

The Black Country UNESCO Global Geopark, the Rowley Hills and Canals

65. Policies SNE4, SNE5 and SNE6 detail requirements for development in respect of protection of the Black Country UNESCO Global Geopark, the Rowley Hills and Canals. In principle these are justified approaches to protecting these important geological, landscape and historic assets of the borough. Moreover, it is not necessary for the plan to be sound for policy SNE6 to indicate a design preference for waterside views as, subject to compliance with the policy's criteria, nothing would prevent this. Nor is specific reference to the non-car travel benefits of canal side development appropriate, given that, whilst important for leisure use, in many locations canals/their towpaths are unlit and, thus, unlikely to provide suitable year-round routes for walking/cycling to school, jobs or other services.

66. However, in the interests of these policies' effectiveness **MM17** and **MM18** are required to (i) better explain the significance of the borough's geology in the supporting text to policy SNE4 and (ii) to include reference in policy SNE6 to the Existing Transport Network map which by **MM103** is updated to include the canal network.

Historic Environment and Archaeology

67. Policies SHE1 to SHE4 detail requirements in respect of the protection of the historic environment and archaeology and are supportive of the objectives of the

NPPF (its section 16) in this respect and are justified in the specific context of Sandwell. However, the following modifications are required:

- **MM19**, to ensure that policy SHE1 is fully consistent with national policy and effective. This retitles the policy to better reflect its coverage, rewords parts of the policy to ensure consistency with the terminology of the NPPF and provides examples of development which may affect a heritage asset and, thus, require the preparation of a Heritage Impact Assessment. In the light of consultation comments we have slightly altered the wording of this modification to further ensure consistency with the NPPF and to improve the clarity of part 3 of the policy;

- **MM20**, in the interests of effectiveness, to make clear that part 3 of policy SHE2 applies to all heritage assets that contribute positively to local character and the distinctiveness of Sandwell's townscapes;

- **MM21**, to ensure that policy SHE3 is effective by retitling it to make clear that it applies to structures as well as buildings and by widening the scope of part 2 of the policy to "material considerations which indicate otherwise";

- **MM22**, rewording part 3 of policy SHE4 to refer to "harm" to designated archaeological assets to ensure consistency with the NPPF.

Conclusion

68. Subject to the modifications detailed above, the plan is positively prepared, justified, effective and consistent with national policy in relation to its policies for the natural and historic environment

Issue 4 – Whether the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies on climate change

Reducing operational carbon in new build development

69. With the aim of adopting a proactive approach to mitigating climate change and contributing to "radical reductions in greenhouse gas emissions" in line with section 14 of the NPPF, policies SCC1 and SCC2 seek to reduce operational carbon in new build residential and non-residential development respectively. Albeit subject to viability clauses, the requirements are exacting ones, although, in addition to the NPPF's objectives, the Council justifies these as being necessary to ensure it is doing as much as possible to minimise climate change

which it considers to be a threat to economic growth and the quality of life of Sandwell residents.

70. The Written Ministerial Statement of December 2023 on this matter in respect of homes states that it, "does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations". However, it does not identify that such requirements should be rejected at examination (i) if they are well-reasoned and robustly costed (to ensure that development remains viable) and (ii) subject to the requirement being expressed as percentage uplift of a dwelling's Target Emissions Rate calculated using a specified version of the Standard Assessment Procedure.

71. We consider that these policies' requirements are well-reasoned, having regard to the Council's justification for them set out above and the content of the supporting text to the policies in the plan itself. The requirements of the policies have been comprehensively costed in documents CLIM004 and VIAB002; in terms of the energy efficiency requirements for new homes they are credibly estimated to cost £4,449 per dwelling, slightly less than the assumed cost per dwelling for necessary contributions towards education provision. Also in respect of new homes, the cost of the proposed on-site renewable energy requirements are forecast to add less than 1% to base build costs.

72. Overall, in the light of all the written evidence and the discussion at the relevant hearing session, we are satisfied that these policies' requirements would make a significant local contribution towards mitigating climate change whilst being unlikely to have a material adverse effect on the viability of development in Sandwell or on housing supply or its affordability. Moreover, in line with the Written Ministerial Statement the energy efficiency requirements are expressed using the Target Emissions Rate metric. As such we conclude that the policies are positively prepared, justified and consistent with national policy. However, for the policies to be effective, a limited number of detailed changes (**MM23** and **MM24**) are required to retitle policy SCC1 to more accurately reflect its coverage, to provide further clarification in its supporting text, and to correct "dwellings" to "buildings" in part 4d of policy SCC2.

Climate-adapted Design and Construction

73. In support of the NPPF's objective of mitigating and adapting to climate change, policy SCC3 sets out detailed requirements for developers to demonstrate that appropriate consideration has been given to these aims in the design and construction of new buildings. For major residential development, part 4 of the policy requires use of the CIBSE TM59 (Dynamic Thermal Modelling) overheating assessment route to compliance with Building Regulations Part O. It is arguable as to whether or not this "goes beyond" the Building Regulations, bearing in mind that paragraph 2.2 of the Approved Document for Part O states that CIBSE TM59 is "suitable for all residential buildings" and "may offer the

designer additional design flexibility over the solutions in Section 1 [i.e. the Simplified Method]" in a number of situations. This includes including residential buildings with very high levels of insulation and airtightness. The justified requirements of policy SCC1 as detailed above mean that new residential buildings in Sandwell would be likely to be in this situation.

74. Based on the discussion at the hearing session there is no evidence that requiring use of CIBSE TM59 would materially add to the costs of development and, indeed, would have the benefit of providing developers with greater design flexibility over the Simplified Method which they would otherwise be required to use when attempting to demonstrate compliance with Part O of the Building Regulations. In the light of this and bearing in mind its close interrelationship with policy SCC1 as detailed above, we conclude that this policy is justified. However, in the interests of effectiveness, **MM25** is required to better explain the justification for the use of CIBSE TM59 in the policy's supporting text.

Embodied carbon and waste

75. Again supportive of section 14 of the NPPF, and in particular that the planning system should "encourage the reuse of existing resources, including the conversion of existing buildings", policy SCC4 details requirements for minimising embodied carbon and waste in new development. However, for the policy to be justified and effective **MM26** is necessary to remove the requirement for a full demolition audit for smaller-scale demolitions (e.g. individual walls or small outbuildings) and to clarify use of BS EN15978 for whole life carbon assessments.

Flood Risk

76. Policy SCC5 is consistent with national policy other than in respect of NPPF paragraph 167(c) which states that opportunities provided by new development should be used to reduce the causes and impacts of flooding, and thus **MM27** (which includes a new part 7 to the policy) is required. In the interests of effectiveness, the modification also clarifies that 'watercourses' includes canals. Also for effectiveness, and in the light of consultation comments, we have combined parts iii and iv of criterion 6a of the policy to apply the same requirements to both manmade and natural watercourses.

Sustainable drainage

77. Policy SCC6 details requirements for new development in respect of sustainable drainage, in principle supportive of the approach set out in section 14 of the NPPF. However, to ensure full consistency with NPPF paragraph 175, **MM28** is necessary to add an "Unless it is not practicable to do so" rider to the policy.

Conclusion

78. Subject to the MMs detailed above, the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies on climate change.

Issue 5 – Whether the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies for health and wellbeing

Health Impact and Healthcare Infrastructure

79. Policies SHW1 and SHW2 are, in principle, supportive of the NPPF's objectives to promote healthy and safe communities. However, the following modifications are required:

- **MM29** to remove the unjustified restriction on change of use to off licences in policy SHW1, to alter the title of the policy in order that it better reflects its contents and to include in the supporting text a definition of a "major" waste facility;

- **MM30** to reword parts of policy SHW2 in order that it is clear and effective.

Air Quality

80. Policy SHW3 sets out requirements for new development in respect of air quality which are, in essence, consistent with the NPPF's statement (paragraph 174) that development should wherever possible help to improve air quality. The policy adopts a proportionate approach, in line with guidance in the PPG, and only requires the preparation of an Air Quality Assessment in circumstances where the development (as a result of its nature or location) is likely to raise significant air quality impacts. However, given the importance of achieving good air quality, it would not be appropriate to limit the requirement to produce such an assessment to major development proposals and/or sites within a designated Air Quality Management Area.

81. To ensure that the policy is effective, **MM31** is required to factually update the policy's supporting text, particularly in respect of the local Air Quality Action Plan. It is also necessary to identify the Air Quality Management Area on the policies map.

Open Space and Recreation, Sports Facilities and Allotments

82. Consistent in principle with the objectives of the NPPF, policies SHW4, SHW5 and SHW6 detail requirements in respect of the provision and protection of open space, recreation/sports facilities and allotments. In terms of policy SHW4, **MM32** and **MM33** are necessary to ensure that the plan is justified and these slightly reduce the requirement for unrestricted open space in new housing developments of 2ha or more (in the policy itself and related Appendix J) to correct an error in the calculation of the requirement figure.

83. We are satisfied that the level of unrestricted open space sought appropriately balances the Council's aim to transform the local environment with the need to use land efficiently in Sandwell to meet development needs and to not undermine the viability of development. Given the urgent need to improve the living environment of Sandwell as a whole, it would not be appropriate to formally include within the policy exceptions to the open space requirements where there is not a shortfall of provision in the immediate locality or scheme viability would be threatened by them. However, in the determination of applications for such developments the Council will need to appropriately balance these considerations against the need for and benefits of the development.

84. In connection with policy SHW5 **MM34** is required, to ensure effectiveness, by providing additional clarification in the supporting text in respect of the Playing Pitch and Outdoor Sports Strategy (PPOS004). In the light of our conclusions on the Lion Farm site allocation, detailed in Issue 11, there is not a need to modify the supporting text of policy SHW5 in connection with this allocation for the plan to be sound.

Conclusion

85. In conclusion, subject to the MMs detailed above, the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies for health and wellbeing.

Issue 6 – Whether the plan is positively prepared, justified, effective and consistent with national policy in relation to its approach to delivering sustainable housing growth

Delivering Sustainable Housing Growth

86. Policy SHO1 sets out how it is envisaged that the plan area housing requirement figure, discussed in Issue 1 above, will be delivered. For the policy to be justified and effective **MM35** is required (i) to update the housing requirement figure, the housing supply situation and the Housing Trajectory

Appendix in the light of the current situation and the relevant modifications detailed elsewhere in this report, (ii) to specifically identify the intention of the plan to confirm its housing land supply situation, and (iii) to make clear that new housing development must be supported by necessary on and off site infrastructure. In the light of consultation comments, we have adjusted the last of these to also reference the requirement for affordable housing provision.

Windfall developments

87. As submitted for examination policy SHO2 sought to generally resist new residential development on unallocated greenfield land. Whilst not all greenfield land is likely to be suitable for residential development, the policy's in principle resistance to such development is not positively prepared or justified, particularly given the fact the plan does not meet the area's objectively identified need for new housing. Consequently, **MM36** is required to ensure a more positive approach to windfall housing development on greenfield land whilst including safeguards to prevent inappropriate development. For consistency with policy SHO1 the modification also refers to relevant infrastructure requirements which, in the light of consultation comments, we have adjusted to also include reference to affordable housing.

Housing Density, Type and Accessibility

88. Consistent in principle with the objectives of the NPPF, policy SHO3 sets out requirements in respect of the density, type and accessibility of new residential development (other than where specifically provided for in a site allocation policy). Given the limited availability of land suitable for new housing in Sandwell, it is important that the density of development is maximised within the constraints of the site's accessibility to jobs and services and appropriate design. Consequently, it is justified for the policy to set "minimum" rather than indicative requirements in respect of site density. Policy SID1, as proposed to be modified as detailed below, sets out provisions for reducing policy requirements where they threaten the viability of development.

89. However, for the policy to be justified and effective **MM37** is needed to clarify that it does not override specific requirements set out in site allocations policies and to set a more specific requirement in respect of the provision of 4+ bedroom homes. Effect on historic character is only one of a number of reasons why the policy's density requirements may not be achievable and, thus, for the policy to be justified it is also necessary to remove the reference to historic character alone.

Affordable Housing

90. The Sandwell Housing Market Assessment Update of 2024 (HOU001) credibly identifies the need for around a third of all new housing to be affordable.

However, the viability studies (VIAB001-002) demonstrate that a maximum provision of 25% affordable housing on market housing schemes would be viable for delivery and in many parts of the Borough the viable figure is even lower. The affordable housing requirements as set out in policy SHO4 reflect the conclusions of the Viability Study. Nonetheless in the light of the discussion at the relevant hearing session at which the Council was unable to put forward a specific justification for the figure, we are not persuaded that the 15% affordable housing requirement on greenfield sites in medium value zones is justified as relevant for Sandwell.

91. Consequently, **MM38** is necessary, which requires 10% affordable housing provision on both brownfield and greenfield sites in medium value zones. To "future proof" the plan, in the interests of its effectiveness, **MM38** also alters part 3 of the policy to require provision of First Homes in accordance with national policy (rather than setting a specific percentage requirement) and, also for effectiveness, an additional "subject to viability" is added to part 2 of the policy. Also, additional supporting text is included in respect of site-specific financial viability assessments.

Other Housing Policies

92. Policies SHO5 – SHO10 set out requirements in respect of accessible and self/custom build housing, the protection of family housing, houses in multiple occupation, accommodation for Gypsies and Travellers and Travelling Showpeople, housing for people with specific requirements and the education facilities required to meet the needs of new residents. In principle these policies appropriately support the objectives of the NPPF and Planning Policy for Traveller Sites. However, a number of modifications to these policies are necessary as follows:

- For the plan to be justified, **MM39** to (a) include an exception to policy SHO5's requirement for new homes to meet the M4(2) (Accessible and adaptable dwellings) standard where site specific factors such as topography and vulnerability to flooding make this impractical; and (b) clarify in the supporting text that demand for self/custom build housing will be assessed on a ward basis and that where there is no evidence of demand for such housing its provision in a housing development will not be required;

- In the interests of effectiveness, **MM40** to include a definition of family housing in connection with policy SHO6;

- **MM41** to identify in policy SHO7 that the "address point" (as recorded on the Local Land and Property Gazetteer) will be the centre point for determining the 100m radius of a proposal for a house in multiple occupation, in order to ensure that the policy can be effectively applied;

- In order to ensure effectiveness, **MM42** to correct a cross reference to elsewhere in the plan in policy SHO8;

- For the plan to be justified, **MM43** to update and include within policy SHO9 itself the table setting out the need and supply for pitches and plots for Gypsies, Travellers and Travelling Showpeople and to delete the policy's unnecessary reference to bio-diversity net gain which is more comprehensively addressed elsewhere in the plan;

- In order that the plan is justified, **MM44** to include in policy SHO10 specific reference to (i) housing for older people, (ii) proposals meeting identified needs and (iii) policy SHO5 accessibility requirements.

Conclusion

93. Subject to the MMs detailed above the plan is positively prepared, justified, effective and consistent with national policy in relation to its approach to delivering sustainable housing growth.

Issue 7 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for the local economy and town centres

The Local Economy

94. The need for additional land to support the development of the local economy is discussed in Issue 1 above. In support of this, and of the aims of national policy, policies SEC1 to SEC6 detail proposals and requirements in respect of the protection and development of strategic, local and other employment areas/sites, improving access to the labour market and ensuring an appropriate relationship with neighbouring development. However a number of modifications to these policies are required as follows:

    - For policy SEC1 (Providing for Economic Growth and Jobs) to be justified and effective, **MM45** to (i) modify the figures in respect of the demand for new employment land and the plan's allocations for employment sites in line with our conclusions in Issue 2, (ii) to clarify permitted use classes and (iii) to reference the protection and enhancement of the significance of heritage assets. In the light of consultation comments we have slightly adjusted the wording of the last of these from that consulted on;

    - For the effectiveness of policy SEC4 (Other Employment Sites), **MM46** to include the 12-month marketing requirement in part 2b of the policy in addition to part 2a. However, given that the preference is justifiably for

employment sites to remain in employment use where that is viable, it would not be appropriate to categorise employment sites as being more or less suitable for redevelopment for housing as has been suggested;

- To achieve a justified plan, **MM47** (in respect of the supporting text for policy SEC6 (Relationship between Industry and Sensitive Uses)) to identify that, in principle, support will be given to proposals to replace "harmful neighbour" industry with less harmful businesses.

Town Centres

95. Policies SCE1 to SCE6 are a suite of policies which define the hierarchy of town and district centres within Sandwell and set out requirements in respect of development within, on the edge of and outside these centres. In principle the policies are consistent with the NPPF's objectives of ensuring the vitality of town centres. Nonetheless, the following modifications are required:

- **MM48** to ensure that policy SCE1 (Sandwell's Centres) is justified by correctly categorising Abbey Road and Hagley Road as Local (not District) Centres in Table 12 and by including reference to the importance of proposals protecting and enhancing heritage assets;

- **MM49** and **MM102** to remove the ambiguous and unnecessary (and therefore ineffective) references to "the Retail Core" in policy SCE2 (Non-E Class Uses in Town Centres) and from Figures 6, 8, 12 and 13;

- **MM50** to include specific reference to the residential reuse of upper floors in order for policy SCE4 (District and Local Centres (Tier-Three centres)) to be justified;

- For these policies to be justified and effective changes to the policies map are also required to separately identify West Bromwich as a "Strategic Town Centre", to remove the reference to "new" local centres (identified as such just for consultation purposes) and to refer to the "primary shopping area" rather than the "retail core".

West Bromwich Town Centre and Development in West Bromwich

96. Policies SWB1 and SWB2 set out a strategy for significant regeneration within and around the defined town centre of West Bromwich, as the main commercial and retail centre in the Borough. In principle the policies are a positively prepared and justified approach to reinvigorating the town which has suffered adverse impacts from changes in shopping habits and the growth of home working. However, to be effective, **MM51** and **MM52** are necessary to include reference to the conservation and enhancement of the historic environment in

policy SWB1 and to update in the supporting tables to both policies the references to the number of new homes anticipated to be delivered.

Conclusion

97. Subject to the MMs detailed above the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for the local economy and town centres.

Issue 8 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for transport, infrastructure and delivery

Transport and Travel Choices

98. Policies STR1 – STR10 are a suite of policies setting out priorities and requirements for developing a sustainable transport network in Sandwell across all modes of transport whilst appropriately seeking to influence the demand for travel and travel choice and in particular to encourage cycling and walking. In principle these policies are supportive of the NPPF's objective to promote sustainable transport, although a number of modifications are required as follows:

- In the interests of effectiveness, **MM53**, **MM104** and **MM105** to update/correct details shown on Figures 14 (Existing Transport Network), 15 (Transport Improvements Plan) and 16 (Core Bus Network Plan) and **MM54** and **MM55** to make clear in the supporting text that the Core Bus Network and the Key Route Network (shown on Figures 14 and 15) may be further amended from time to time;

- **MM56** to include reference in policy STR4 (The Efficient Movement of Freight and Logistics) to railway sidings for the policy to be justified;

- **MM57** to include reference to requirements in respect of areas of heritage, archaeological or ecological sensitivity in the supporting text to policy STR5 (Creating Coherent Networks for Cycling and Walking) to ensure that the policy is justified. Safeguards required to protect these sensitivities would be inherent in the design of cycle facilities which take the sensitivities into account and, thus, it is not necessary for the modification to specifically reference safeguards;

- **MM58** to correct wording and thus ensure the effectiveness of policy STR9 (Planning for Low Emission Vehicles).

Infrastructure Provision and Viability Assessments

99. Consistent with the aims of national policy, policy SID1 details requirements for new development to be supported by the necessary on and off-site infrastructure to serve its needs and to mitigate its impacts. However, for the policy to be justified and effective **MM59** is required. This makes clear that it is not just impacts on the environment and local community that need to be mitigated, and, for clarity, rewords the requirements in respect of viability assessments. **MM60** and **MM62** are also needed, in the interests of a justified plan, to include reference to emergency services in the policy's supporting text and the plan Glossary's definition of infrastructure. In the light of consultation comments, we have adjusted **MM60** to also include reference to green/blue infrastructure.

Digital Infrastructure and Communications Infrastructure

100. Policies SID2, SID3 and SID4 set out appropriate requirements in respect of digital infrastructure and communications infrastructure and equipment. However, for policy SID2 (Digital Infrastructure) to be positively prepared **MM61** is required to include reference to 6G and future, more advanced digital networks.

Conclusion

101. Subject to the MMs detailed above the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for transport, infrastructure and delivery.

Issue 9 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for waste and minerals, development constraints and industrial legacy

Sites and Facilities for Waste

102. Policies SWA1 – SWA5 concern future requirements for waste infrastructure, waste sites, preferred areas/locational considerations for new waste facilities and management of waste in new development. In principle these set out a justified approach to managing waste in Sandwell, although a number of detailed modifications are required to the policies as follows:

- In the interests of effectiveness, **MM63** to refer in policy SWA2 (Waste Sites) to "incompatible" rather than "inappropriate" development and to "maximum" rather than "existing" levels of waste management capacity. However, we are satisfied that the "potential for conflict" wording in part 2 of the policy is appropriate because it is unlikely to be possible to identify actual conflicts between proposed sensitive uses and existing waste facilities at the planning

application stage. Nonetheless it would be unlikely to be reasonable for the Council to refuse permission for a proposal without there being credible evidence that the potential for a significant conflict with a waste facility would be likely;

- **MM64** to include reference in the supporting text to policy SWA2 to the "agent of change" principle to ensure consistency with national policy;

- In the interests of effectiveness to move from the policy to the supporting text the details of supporting information required in respect of waste applications set out in policy SWA4 (Locational Considerations for New Waste Facilities) (**MM65**).

Minerals

103. Policies SMI1 and SMI2 set out a justified approach to minerals safeguarding and managing the effects of mineral development which is consistent with national policy. However, to be effective **MM66** and **MM67** are required to respectively include in the supporting text for policy SMI1 details of the main source of sand and gravel and in policy SMI2 to reference to the Limestone Consideration Zones. A change to the policies map to identify these zones is also needed.

Hazardous Installations and Substances, Pollution Control and Land Contamination and Instability

104. Policies SCO1, SCO2 and SCO3 set out a sound approach to the management of hazardous substances, pollution, contamination and land instability except for the need to update references to national policy in the supporting text to policy SCO3 (**MM68**) in the interests of effectiveness.

105. It is the case that policy SCO3 adopts a positive approach to the redevelopment of contaminated or unstable land. However, this is justified in the light of the rigorous safeguards and mitigation requirements set out in part 2 of the policy and the amount of such land within Sandwell which, without redevelopment, would be likely to remain despoiled.

Conclusion

106. Subject to the MMs detailed above, the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for waste and minerals, development constraints and industrial legacy.

Issue 10 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its development management policies

Design Quality

107. Policy SDM1 sets out a range of criteria to ensure that new development is of high quality design, appropriate to its surroundings and, as such, is consistent with and supportive of many elements of the NPPF. However, to ensure that the policy is justified and effective, **MM69** is required to reference site-specific design codes, to clarify part 3 of the policy and to include in the supporting text details of other plan policies relevant to part 1 of the policy and further explanation of design codes.

Development and Design Standards

108. Policy SDM2 concerns nationally described space standards and water efficiency requirements for new residential development. For the policy to be justified, **MM70** is necessary to (i) detail additional limited exceptions to the space standards and to (ii) encourage developers to implement higher than the 110 litre per person per day water efficiency standard where possible. However, because the policy applies to all forms of consent for new development it is not necessary for it to specifically refer to listed building consent.

109. Although there may be technical evidence advocating it, modifying the policy to require (as opposed to encourage) a water efficiency standard more stringent than the 110 litres one included in the policy would not be consistent with the Planning Practice Guidance (Paragraph: 014 Reference ID: 56-014-2015032).

Tall Buildings and Gateway Sites

110. Policy SDM3 details requirements in respect of proposals for tall buildings and at gateway sites. However, for it to be justified and effective, **MM71** is needed to reference relevant historic environment policies elsewhere in the plan and for the supporting text to describe what is meant by a tall building. We have adjusted the wording of this modification from that consulted upon to make clear that development which is the subject of the policy should also "comply with", rather than merely "take account of" the requirements of policies SHE1 – SHE4.

111. While the overarching approach is set out through policy SDM3 and its explanatory text, as modified by **MM71**, the Council is also working on a Sandwell Design Code, which will provide more detail on the approach to tall buildings and gateway sites in the borough. As the modified policy sets out requirements in relation to assessment and design including in relation to context, visual impacts and viewpoints, and the historic environment, alongside

other policies of the plan, it is not necessary for soundness for it to include further requirements or explanation, including in relation to view/setting assessments or heritage impact assessments and heritage statements.

Other Development Management Policies

112. Policies SDM4 to SDM10 set out requirements in respect of advertisements, shop fronts, hot food takeaways, gambling/financial services, community facilities and telecommunications. These policies are sound, subject to the following modifications:

- **MM72** to include cross reference to other relevant plan policies in respect of the historic environment in the supporting text to policy SDM4 (Advertisements) in the interests of effectiveness.

- **MM73** to include requirements in respect of heritage assessment (and in the relevant supporting text) in policy SDM5 (Shop Fronts and Roller Shutters) to ensure the policy is justified. This modification makes clear that shop front and roller shutter proposals must conserve or enhance the significance and setting of heritage assets and further modification of the policy is not necessary for the plan to be sound.

- **MM74** to merge policies SDM6 (Hot Food Takeaways) and SDM7 (Management of Hot Food Takeaways) in the interests of effectiveness.

- **MM75** to achieve effectiveness by making explicit in policy SDM9 (Community Facilities) and its supporting text requirements in respect of car parking provision and in connection with the evidence required to justify the loss of a community facility.

- **MM76** to remove from policy SDM10 (Telecommunications) the unjustified proposal to introduce Article 4 directions to remove permitted development rights for telecommunications development

Conclusion

113. Subject to the MMs detailed above the plan is positively prepared, justified, effective and consistent with national policy in respect of its development management policies.

Issue 11 – Whether the plan's site allocations are justified, effective, positively prepared and consistent with national policy

114. The following consideration of site allocations complements our earlier assessments of the plan's strategy for the amount and spatial distribution of growth, the site selection process, and key constraints associated with land supply. For the reasons given, we are satisfied that the plan's strategy for growth is justified, and that sites to be allocated were selected using an appropriate methodology. Therefore, in principle, each of the plan's site allocations is justified. The site allocation policies set out an approximate amount of development to be provided on that site and, for the strategic site allocations, specific criteria that the development would be expected to comply with alongside any other relevant policy requirements in the plan. The geographic extent of each allocation is shown on the policies map.

115. The approximate number of homes assumed for delivery by each site allocation is based on a consistent approach taken by the Council, applying reasonable assumptions about the likely appropriate density of development and overall developable area of the site, considering its context and constraints in light of relevant policies in the plan. It is possible that some sites will be capable of delivering more homes while remaining in accordance with relevant policy requirements, while others may ultimately deliver fewer than the allocation anticipates. The final numbers are a matter to be determined through detailed design work and the normal development management process and therefore it is not necessary for soundness to modify the plan's approximate figures on the basis of general uncertainties pending those detailed processes.

116. For the avoidance of doubt and duplication, under Issue 11 we do not repeat discussion about the overarching strategy and other cross-cutting issues or any of the main modifications relating to those matters which have already been covered above. The following considerations therefore focus principally on site-specific issues. Where several sites are affected by a common issue, we group them together to avoid repetition. In those instances where there are no significant outstanding issues and main modifications are not necessary for soundness, the site allocation policy is not specifically covered in this report.

Strategic and non-strategic site allocations

117. As submitted for examination, all the plan's site allocations were listed in tables in Appendix B (housing and mixed-use sites) and Appendix C (employment and mixed-use sites). Set out as tabular lists of sites, there is no particular distinction between the allocated sites in terms of relative scale or importance in terms of delivering the plan's spatial strategy. For effectiveness, and to achieve the NPPF expectation that the plan will make clear which of its policies are strategic and non-strategic, **MM77**, **MM99** and **MM100** are required to create two

additional chapters in the plan to set out those site allocations (from Appendices B and C) that have been identified as strategic allocations in new Chapter 16, and all other site allocations as non-strategic sites in new Chapter 17 (and the resulting deletion of Appendices B and C). Consequently, and to ensure the plan is justified and effective, **MM78** provides introductory paragraphs to Chapter 16, including broadly defining strategic housing allocations in Sandwell.

118. At the hearing it was clear that a number of sites (the strategic sites), including housing and housing-led sites capable of delivering 500 or more homes either individually or cumulatively with nearby sites (for instance sites identified in an area masterplan or framework), will be critical to achieving the plan's spatial strategy as each represents a significant proportion of the planned growth in the borough. Despite the relative scale and critical importance of these sites, the plan does not identify the strategic nature of these sites or include site-specific policies for their allocation.

119. Given there are various specific development requirements and mitigations necessary for each strategic site and, drawing directly upon the evidence base prepared for their inclusion in the submitted site allocations tables (in appendices B and C), a number of specific policy criteria are necessary for each site to help drive and support the delivery of planned new housing and employment growth. Therefore, to ensure the plan is positively prepared, justified and effective, modifications **MM79** to **MM82**, **MM84** to **MM89**, **MM91** to **MM96**, and **MM98** provide site-specific policies for the following strategic housing, mixed-use, and employment site allocations (new policy number in brackets). All these sites were identified for allocation in Appendix B or C of the submitted plan.

- MM79 Edwin Richards Quarry, Rowley Regis (SSH1)
- MM80 Friar Park, Wednesbury (SSH2)
- MM81 Rattlechain and Land between Addington Way and River Tame, Oldbury (SSH3)
- MM82 North Smethwick Canalside, Smethwick (SSH4)
- MM84 Abberley Street, Smethwick (SSH5)
- MM85 Cape Arm Cranford Street, Smethwick (SSH6)
- MM86 Cranford Street/Heath Street/Canal, Smethwick (SSH7)
- MM87 Grove Lane/Cranford Street/London Street, Smethwick (SSH8)
- MM88 Grove Street/MMUH, Smethwick (SSH9)
- MM89 Molliett Street Park, Smethwick (SSH10)
- MM91 Lion Farm, Oldbury (SSM1)
- MM93 Cultural Quarter, West Bromwich (SSM2)
- MM94 George Street Living, West Bromwich (SSM3)
- MM95 Queens Square, West Bromwich (SSM4)
- MM96 West Bromwich Central, West Bromwich (SSM5)
- MM98 Coneygree Business Park (open land) (SSE1)

120. Associated modifications **MM83**, **MM90**, **MM92** and **MM97** are required to provide explanatory text in relation to the strategic mixed-use and employment sites and the Grove Lane Masterplan and West Bromwich Masterplan sites, for effectiveness. Changes to the policies map to reflect the identification of the site allocations as strategic or non-strategic in the plan are also necessary for effectiveness.

Rattlechain and Land between Addington Way and River Tame, Oldbury (SH35 and SH36; policy SSH3)

121. This site, set out in **MM81** as policy SSH3 for strategic housing development of approximately 554 homes, was identified in Appendix B of the submission plan as adjacent sites SH35 (Rattlechain – land to north of Temple Way) for 518 homes and SH36 (Land between Addington Way and River Tame, Temple Way) for 36 homes. Through the modification, for effectiveness, the sites are combined into a single allocation policy. For succinctness, we refer to the whole site as set out in **MM81** as "Rattlechain".

122. The site is subject to an extant allocation for housing development in the adopted Site Allocations and Delivery Development Plan Document 2012 (allocation area H9.3). The extant site allocation boundary is essentially the same as the extent of new allocation SSH3 with the waste lagoon within the site area of both, albeit the indicative capacity for the extant allocation is lower at around 296 homes in total (based on approximately 257 on the area identified in the submission plan as SH35 and 39 on the SH36 area). The site is complex, largely due to its industrial and waste history, and subject to various significant and longstanding constraints, including in relation to land ownership, reclamation, contamination and viability, which largely explain why housing development has not been delivered through the extant allocation to date.

123. The site's varied history includes a clay pit and brickmaking, coal mining, a waste tip for fuel ash, commercial waste, and canal dredgings, and a lagoon (once a clay pit and now consisting of a large lagoon and an adjacent smaller one) which over the years has been used for depositing waste, including hazardous waste such as the highly reactive white phosphorous. The lagoon area, which occupies approximately one third of the site surrounded by perimeter safety fencing, is nowadays subject to waste management licensing and monitoring. Representations made indicate that various potentially harmful forms of waste were deposited here, including deposits without any formal records and before modern waste control and pollution regulations. This is understood to include World War II munitions and other waste, which have never been recovered and remain stored in the lagoon. Various outbreaks of fire and deaths of wild birds have been reported to be associated with the presence of white phosphorous in the lagoon.

124. Elsewhere on the site, some remediation has previously been carried out, and the area excluding the lagoon is largely open self-seeded scrubland. It was agreed at the hearing that the site does not meet the NPPF (December 2023) definition of previously developed land. A strip running through the site is identified as a SLINC, which roughly follows the eastern perimeter of the lagoon area. Informal sightings of protected species on site including the Small Blue butterfly and the Tower Mustard plant have been reported by local people. While these species have not, at least so far, been identified at Rattlechain through a formal ecological survey, the most recent surveys in 2021 and 2024 were limited in scope, access, and by the time of year. Therefore, the current absence of formal evidence cannot be taken as proof of the absence of protected species here. A further SLINC lies adjacent to the site to the east, forming part of an open space, and the Sheepwash Local Nature Reserve, which is a SINC and open space, lies to the north separated from the site by the railway line and the Birmingham Mainline Canal. The remainder of the Rattlechain site is bordered by an industrial park and the Temple Way residential area.

125. For these, and other reasons, the delivery of housing at Rattlechain is not straightforward. Nevertheless, development for around 554 new homes here is identified as being of strategic importance to the delivery of the plan's objectives for housing and regeneration. There are insufficient suitable development sites available in Sandwell to meet housing need over the plan period and, as set out in Issue 1, the shortfall is substantial. In seeking for the plan to meet as much of that need as possible, support regeneration in the borough, balance other land use needs, and faced with no realistic alternative strategic approaches, the Council has sought to allocate some sites which have considerable constraints to the delivery of development, such as contamination from previous land uses.

126. The Rattlechain site falls within this category. However, as well as providing an important number of new homes, the allocation could help drive the remediation of complex contamination here and help access grant funding to support that remediation. Appropriately, given the challenges, delivery is earmarked in the plan's trajectory for the later part of the plan period. Whilst barriers to delivery remain, there is an active site promoter, and we are satisfied overall that there is a reasonable prospect of housing delivery during the plan period.

127. To not include Rattlechain as an allocation in the plan (in effect, de-allocating the extant site) would mean that significant numbers of new homes would almost certainly not be delivered, and long-term solutions to the historic contamination would be much less likely to be funded and achieved, undermining the plan's spatial strategy. While we understand the substantial concerns raised on behalf of nearby residents including about environmental risks, land stability, and human health and safety during the remediation works, which on the available evidence are assumed to be technically feasible, such

works would be subject to stringent controls through relevant separate legislation.

128. In this general context, we acknowledge that Sandwell also has significant shortfalls for other land uses, such as open space provision, and that many local residents would prefer the Rattlechain site to remain as predominantly open land for a variety of reasons including nature conservation. Nevertheless, there are also reasonable concerns, including in relation to nature conservation, about the ongoing status of the lagoon. However, we conclude that the plan is justified in retaining Rattlechain as a housing allocation as part of the Council's efforts to balance competing strategic objectives and needs for the limited available land in Sandwell, in accordance with the plan's overarching spatial strategy.

129. **MM81** therefore sets out a strategic housing site allocation for Rattlechain which, to ensure the plan is positively prepared, justified, consistent with national policy and effective, provides necessary context about the complexities of the site and its history and key constraints. The policy requirements of SSH3 satisfactorily cover various issues including heritage assets and their settings (including nearby assets such as the canal network), flood risk, national grid electricity transmission infrastructure, access to the site for vehicles, cyclists and pedestrians, and the need for a comprehensive masterplan.

130. Overall, policy SSH3 provides more certainty and direction, taken together with other relevant policies in the plan (such as SNE1 and SNE2 in relation to nature conservation, species and habitats, and the plan's policies for development constraints and industrial legacy), than the extant allocation. It is not necessary for soundness for policy SSH3 (**MM81**) to include further details or requirements, fundamentally because the plan is to be read as a whole. Necessarily, various detailed up-to-date surveys and analyses will be needed to inform the master planning and design work, and any appropriate avoidance and mitigation measures, for a future planning application.

Edwin Richards Quarry, Rowley Regis (SH37, policy SSH1)
Friar Park, Wednesbury (SH18; policy SSH2)
North Smethwick Canalside, Smethwick (SH41, policy SSH4)
Cranford Street / Heath Street / Canal, Smethwick (SH54, policy SSH7)

131. These strategic site policies, as introduced by **MM79**, **MM80**, **MM82** and **MM86** respectively, are sound. Each will contribute significantly to delivering the plan's housing requirement and other objectives such as regeneration. Each policy identifies a number of constraints, and factors necessary for successful development of the site, and the development of each site has potential for effects on, among other things, the conservation of nature and/or the historic environment. Such factors were assessed during the site selection and

sustainability appraisal processes. Where appropriate, specific references to particular issues are highlighted in the site allocation policies. For example, where a Site of Local Importance for Nature Conservation or sports facilities are located within the site, together with any headline requirements for mitigation and/or signposts to other relevant policies.

132. However, there may be other matters not specifically highlighted in the site-specific policies that are also relevant to the successful development of the site and the preparation and consideration of a planning application. The plan is to be read as a whole and includes detailed policies for a wide variety of matters, including the assessment and consideration of the natural and historic environment. Therefore, it is not necessary for soundness for these site-specific policies to duplicate other relevant policies or to include further details on these or other matters.

Lion Farm (SSM2; policy SSM1)

133. This large council-owned site of around 21 hectares has a predominantly open character, currently containing playing fields, other sports facilities including changing facilities in poor condition, a disused social club, parking areas, and general open space including areas of woodland and allotments. It has nearby access to the strategic road network including the M5 motorway. National Grid Electricity Transmission high-voltage overhead and underground cables run across part of the site, including two pylons. Historically, the site is associated with brickworks, coal mining and canal infrastructure, subterranean evidence for which may remain.

134. The Playing Pitch and Outdoor Sports Strategy (PPOSS) (PPOS004) records the 11 adult football pitches on the site as being underused, albeit played to capacity at peak time. The pitches and associated facilities are also recorded as being of poor quality and condition. Nevertheless, potential is identified for increased utilisation of the pitches, if quality enhancements are made. However, allocation for development would have a negative effect on the provision of playing pitches at Lion Farm in quantitative terms. The PPOSS also identifies that Sandwell has overall shortages of pitch provision for football, with many existing facilities also rated as poor standard. While the submitted PPOSS is dated 2022, representations made by Sport England at the hearing set out their view, based on data from the Football Foundation, that the number of football teams and demand for pitches in the borough may have increased since then. The Council is of the opposite view, based on its pitch allocation records, that the number of teams has decreased overall since 2022.

135. Either way, as set out in **MM91**, Policy SSM1 provides for the mixed-use of the site for around 200 new homes, planned to be at very high density, and 2.3 hectares of land for employment development, based upon a net developable

area of around 4.5 hectares. This takes account of various constraints and policy requirements of the wider allocation, including appropriate strategies and mitigation in relation to electricity transmission, archaeological assets, flood risk, and playing field mitigation. Moreover, the policy (**MM91**) requires the playing field mitigation package to be consistent with NPPF103, which therefore could include equivalent or better replacement provision in a suitable location, and the expectations of relevant policy SHW5 of the plan. Furthermore, **MM91** is clear that existing playing fields are not to be built on unless that mitigation package is agreed. We are satisfied that this approach is justified and consistent with national policy.

136. At the hearing, the Council confirmed its reasoning for anticipating six pitches will be retained (and improved) at the site as part of the wider development with the remaining loss of five pitches mitigated elsewhere in the borough. Whilst the detailed mitigation package would need to be prepared for the planning application stage, together with a masterplan for the site as a whole, the Council cited various potential options for replacement and improved provisions, including as informed by the PPOSS, giving it reasons to conclude that appropriate mitigation as expected by NPPF103 will be achievable.

137. However, representations strongly question whether suitable quantitative and qualitative mitigating provision is realistically achievable using the identified options, particularly given that provision elsewhere could displace football teams that currently use Lion Farm, the existing borough shortfall and limited alternative sites of sufficient size for adult pitches, and funding and maintenance concerns. Furthermore, qualitative improvements to existing pitches may take them out of supply, perhaps for two seasons, while the work is carried out, increasing demand pressures elsewhere and temporarily exacerbating the borough's shortfall.

138. While delivery may not be entirely straightforward, including in viability terms with a proportion of grant funding likely to be necessary, and while no detailed mitigation strategies are before us, we are satisfied that there is a reasonable prospect of suitable solutions and delivery in accordance with national policy and policy SSM1 as set out in **MM91**. Indeed, allocation in the plan may assist in driving delivery. No further references or requirements to the historic environment or electricity transmission infrastructure in the policy are necessary for soundness, and such matters are also covered by other policies in the plan. The site, identified as a strategic allocation, will make an important contribution to the delivery of the plan's housing and employment growth and regeneration aims. As set out in **MM91**, the allocation of Lion Farm as a strategic mixed-use allocation will ensure the plan is justified, positively prepared, consistent with national policy and effective.

Coneygree Business Park (open land) (SEC1-4; policy SSE1)

139. Included as an Appendix C site allocation for employment in the submitted plan, this is the only site identified as a strategic scale employment allocation in Sandwell. As set out earlier, the evidence shows that Sandwell is unlikely to meet its own needs for employment land over the plan period, even with potential contributions from other Black Country authorities. This vacant site of around 7 hectares will provide an important contribution towards meeting the borough's need. Therefore, to ensure the plan is positively prepared, justified and effective, **MM98** sets out a strategic policy for the allocation to be included in Chapter 16 of the modified plan.

140. **MM98** includes references to the site's history of industrial development, including its coalmining legacy and the presence of mineshafts and foundry sand across the site. It also identifies that the site now includes trees and vegetation. However, it is not necessary for soundness for the policy or explanatory text to include further details in either regard, detailed evidence in relation to which would be a matter for the planning application stage.

141. Representations made at the main modifications consultation have suggested that the site is a Potential Site of Importance for local wildlife or geology, including having regard to its position adjacent to the canal corridor. Local site assessment would need to be carried out before it could be determined whether this is the case. However, delaying the plan, or removing the site allocation, pending this would be a disproportionate response at this point in the absence of significant available evidence either way. Nevertheless, **MM98** includes references to nature conservation and the canal network, and development would be required to accord with the plan's relevant policies for the natural and historic environment. Therefore, no further modifications are necessary for soundness.

Land at Horseley Heath, Alexandra Road and Lower Church Lane, Tipton (SH19)

142. This site is appropriate for an indicative 45 new homes and its inclusion in Chapter 17 as a non-strategic housing allocation is sound. However, a change is needed to update the policies map which, as submitted, shows an adjacent area as having a SLINC designation (Dixon's Branch Canal) which has been previously de-designated and requires removing from the map for effectiveness.

Land off Tanhouse Avenue, Great Barr (SH43)

143. This site is appropriate for an indicative 46 new homes and its inclusion in Chapter 17 as a non-strategic housing allocation is justified in principle. However, a small area of the site is shown on the submission policies map as

lying within the designated Sandwell Valley Green Belt. At the hearing, it was clear that this was due to an unintended plotting error, which has no significant implications for the assessed suitability of the site for around 46 new homes or for the extent of the existing Green Belt boundary. The site allocation is not intended to include any Green Belt land. A change is therefore needed to the policies map to correct the slight overlap of the allocation area and the designated Green Belt, for effectiveness.

Smethwick Police Station (SH65)
Wednesbury Police Station (SH66)

144. Smethwick Police Station (SH65) is an urban brownfield site assessed as being suitable for an indicative capacity of 10 new homes. It was included in the Appendix B list of sites for allocation when the Council considered the pre-submission plan and included in the plan's housing supply figures but is missing from the Appendix B list in the plan as submitted. At the hearing, it was clear that this omission was in error and therefore, to ensure the plan is justified and effective, **MM100** includes the site in the list of non-strategic site allocations to be set out in Chapter 17 of the plan. Changes to the policies map will also be needed to include SH65 and SH66 (Wednesbury Police Station), which were excluded in error from the submission policies map.

Land at Tippity Green (golf course), Rowley Regis (SH67)

145. As indicated in the post-hearing letter (SA/ED84), the non-strategic site allocations table as set out in **MM100** includes a site allocation that was not part of the submission plan. Whilst assessed in the supporting evidence as suitable for housing development, uncertainty about the site's availability meant it was not included in the plan at Regulation 19 stage. However, following representations made during that public consultation, the Council identified that previous uncertainties over the availability of the site were resolved. Consequently, the Council proposed that the submitted plan should be modified to include the site and included this on their schedule of proposed changes SA/ED50. This schedule was the subject of a separate Regulation 19 consultation from 28 April – 9 June 2025 and subsequently discussed at the examination hearing.

146. The site has indicative capacity for around 250 homes, taking account of various factors including potential requirements in regard to SLINC mitigation, open space provision and former landfill remediation. The development would involve the loss of an area currently used as a golf course (excluding the driving range to be retained), for which mitigation would need to be addressed in accordance with policy SHW5. However, the 250 homes will make a significant contribution towards meeting housing needs in the borough, with delivery expected to commence in the first five years of the plan period. Given the limited availability of sites for housing in the borough and to meet identified

housing needs as far as possible, it is necessary for the plan to be modified to include this additional site allocation. This will ensure the plan is positively prepared, justified, and effective, and is secured through **MM100**.

147. Various consequent changes to the plan, including adding the 250 homes to the plan's housing requirement figure and housing trajectory are also necessary and these have been incorporated within relevant main modifications covered elsewhere in this report (**MM1**, **MM5** and **MM35**). Finally, for effectiveness, a modification to the policies map will be necessary to include the site as a non-strategic housing allocation.

Conclusion

148. Subject to the main modifications outlined above, we are satisfied that the sites allocated in the plan are positively prepared, justified, effective and consistent with national policy.

Issue 12 – Whether the plan provides for a sufficient supply of housing

149. As set out in Issue 1, the justified housing requirement figure for the plan period (11,901) is the same as the realistic supply of new housing, the precise composition of which is detailed in Document SA/ED81A. On this basis the plan provides for a sufficient supply of housing to meet the housing requirement figure, albeit that there is no allowance for any schemes delivering fewer dwellings than anticipated. However, as previously indicated, the plan is likely to be replaced by a new plan, which is currently in preparation and which will need to reconsider the extent to which up to date housing needs can be met in Sandwell, in relatively short order.

150. Document SA/ED/81A also credibly identifies that at the likely date of adoption of the plan (in the latter part of 2026/27) a supply of deliverable housing land of marginally more than 5 years (5.1 years) would exist. This is based on the 11,901 plan-period housing requirement, addressing the shortfall in the delivery of housing in 2024/25 and 2025/26 and the inclusion of a 20% buffer in line with national policy.

Conclusion

151. Subject to the MMs detailed throughout the report, the plan provides for a sufficient supply of housing.

Overall Conclusion and Recommendation

152. The plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

153. The Council has requested that we recommend MMs to make the plan sound and capable of adoption. We conclude that with the recommended main modifications set out in the Appendix to this report the Sandwell Local Plan (2024-2041) satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

154. We conclude that if adopted promptly with the recommended MMs the plan establishes a five-year supply of deliverable housing sites. Accordingly, we recommend that in these circumstances the Council will be able to confirm that a five-year housing land supply has been demonstrated in a recently adopted plan in accordance with paragraph 76 and footnote 40 of the NPPF (December 2023). However, the implications of this for determining planning applications will need to be considered by the decision maker having regard to up to date national planning policy at the time.

Catherine Jack and *Malcolm Rivett*

INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.