



Sandwell Local Plan 2024-2041 - Examination

Inspector

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Ms P Smith

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27 January 2025

Dear Ms Smith

IN1: Inspector's Initial Queries for the Council

Introduction

Following the submission of the Sandwell Local Plan 2024-2041, I have undertaken a preliminary assessment of the plan, the evidence submitted in support of it, and the representations made, from which there are some initial matters upon which I seek early clarification. The Council's response will help inform the preparation of my matters, issues, and questions (MIQs) on the legal compliance and soundness of the plan, and in establishing the examination timetable and format.



As you will be aware, a revised National Planning Framework (was published on 12 December 2024 which includes transitional arrangements relevant to this examination. Accordingly, the current position is that the plan will be examined under the provisions of the previous relevant version of the NPPF – that being the version dated December 2023. References in this letter are therefore to the December 2023 NPPF.

From my initial reading, there are several issues that I will need to explore in more detail as soon as possible in the examination process, and further information from the Council at this stage should assist me in doing so and drafting MIQs. These initial issues are:

- Whether the council has discharged its Duty to Cooperate.
- Whether the plan would provide effective outcomes for cross boundary matters, in particular housing.
- Whether the plan's housing requirement, which would not meet local housing need, is soundly based and has explored all reasonable opportunities for housing including in terms of the site selection process, green belt considerations, flood risk, and highways implications.
- Whether it is reasonably likely that the plan would provide a 5-year supply of sites for housing at the anticipated time of adoption and ongoing throughout the plan period.

Please note that these initial points do not equate to the full range of issues I shall be considering through the examination, rather they are the areas for which I am seeking more information at this stage.

Duty to Cooperate

The duty to cooperate as set out in section 33A of the Planning and Compulsory Purchase Act 2004, places a legal duty on the Council to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross-boundary matters.

The Duty to Cooperate Statement (DtC 001) includes various Statements of Common Ground (SOCG) but several of these remain in draft form and/or unsigned by one or more parties.

1. What is the timetable for completing these SOCGs?



2. Does the Council intend to submit any further SOCGs with other prescribed bodies or organisations? If so, please advise which and the likely timetable.

The Housing and Employment Strategy and Housing Land Supply

The submitted plan's housing requirement is very significantly lower than the borough's level of local housing needs. Similarly, the plan will not provide for the borough's full employment needs.

3. Would the Council please prepare a detailed topic paper setting out an overview of the plan's strategy for housing including the justification for the plan's housing requirement figure, and a similar topic paper for employment.

As a minimum, and including references to the main relevant evidence, the housing topic paper should cover the approach to site assessment and selection and how the 'balanced green growth' spatial strategy and distribution was arrived at, housing density and making effective use of land, small sites, the degree of reliance on windfall, any green belt or other considerations, and the overall approach to seeking to meet the borough's affordable housing needs. A summary of the latest position in seeking to address these housing and employment shortfalls elsewhere would also be helpful with reference to DtC work where appropriate. Any other information the Council considers might be helpful and relevant may also be included.

In addition, the plan states (paragraph 7.11) that the Council is seeking to confirm the existence of a five-year housing land supply from the anticipated year of adoption. However, limited information to specifically support this intention has been submitted so far, and neither the plan nor the evidence clearly sets out what the five-year supply is likely to be at the anticipated point of adoption.

4. With reference to the NPPF requirements, can the plan demonstrate a five-year supply of specific, deliverable housing sites and, if so, is there a reasonable prospect of this being maintained through the plan period?
5. To evidence this, the housing topic paper should also include, or be accompanied by, the plan's 'as anticipated at point of adoption' five-



year supply calculation and any additional/updated (in addition to Appendix B of the plan) housing trajectory evidence necessary to demonstrate it. Annex 1 to this letter provides an example format for collating the appropriate site-by-site information.

Flood Risk

The Environment Agency (EA) has raised soundness concerns relating to the sequential test, level 2 strategic flood risk assessment (SFRA), and potential flood risk implications for several of the plan's site allocations (EA representation letter dated 6 November 2024).

6. Has the Council appropriately undertaken a full sequential test of the submitted plan and, if necessary, applied the exception test in accordance with NPPF167?
7. Has Level 2 SFRA now been carried out for each of the sites highlighted in the EA representation?

Some relevant documents in the evidence base appear to have been completed since the EA representation was made, including WAT 018 to WAT 024 dated December 2024.

8. Has there been further engagement with the EA on this additional evidence and if so, what is the current position?
9. Is there a SOCG between the Council and the EA?
10. Was the SLP Reg.19 Site Assessment Report Appendix E: Flood Risk Sequential Test (SAA 004 dated 2024) available during the pre-submission consultation? Whilst SAA 004 indicates it is an addendum to the SFRA, it does not appear to be included as part of the submitted SFRA documents. Clarification on this would be helpful.

Transport Modelling

National Highways (NH) has identified several outstanding requirements and clarifications in relation to transport modelling, including the revised Black Country Transport Modelling Report (TRAN 001 October 2024) (NH representation dated 11 November 2024).



11. What is the latest position? Is the Council intending to undertake and submit any further transport modelling or reports? If so, what is the scope and timetable for this?

12. Is there a SOCG between the Council and NH?

Next Steps

I understand that the Council will require some time to address these queries, including preparation of the requested topic papers. I would be grateful if, by 7 February 2025, you would provide an indication of when you are likely to be able to respond in full. Following receipt of the additional information requested, I will look to arrange a start date for the hearing sessions, in liaison with the Council, and to confirm my MIQs in light of the Council's responses.

Please arrange for this letter to be published on the examination website. I am only seeking a response from the Council; representors should not respond to any of the matters raised at this stage. Additional documents provided by the Council in response will be available on the examination website in due course.

Meanwhile, if the Council has any queries about the timescale or content of this letter, please contact me through the programme officer.

Yours sincerely

Catherine Jack

INSPECTOR



ANNEX 1

Housing Delivery Schedule – Expected Information

The following information should be provided for every site that the Council assumes will contribute to the plan's 5-year housing land supply.

A. All sites with detailed planning permission, and sites of <10 homes or <0.5ha that have outline planning permission.

Site Name					
Local Plan Ref					
Total Capacity					
Plan Period Completions					
5 Year Completions					
	Year 1	Year 2	Year 3	Year 4	Year 5
Completions					

B. Other sites (including those of at least 10 homes or at least 0.5ha with outline permission, with a grant or permission in principle, allocations, or identified on brownfield register).

Site Name					
Local Plan Ref					
Total Capacity					
Plan Period Completions					
5 Year Completions					
	Year 1	Year 2	Year 3	Year 4	Year 5
Completions					



C. For all sites in A and B, clear evidence relating to:

i. Developer's delivery intentions including anticipated start and build out rates.
ii. Current planning status and progress towards submission of an application
iii. Progress with site assessment work
iv. Site viability
v. Site availability – ownership, any existing uses, timescales etc
vi. Infrastructure provision



D. Overall housing land supply across the plan period.

The table below can be used (extended to cover the whole plan period) to summarise the overall housing land supply identified in the plan.

					Annual completions							
Site Ref	Site Name	Size (Ha)	Total capacity	Planning status*	Year 1 2025/6	Year 2 2026/7	Year 3 ... etc	Year 4	Year 5	Year 6	Year 7	Year ...
Windfalls (if applicable)												
Total												

* Planning status: competed, under construction, full planning permission, outline planning permission, allocation without planning permission, etc.