

REPORT TO CABINET

17 October 2018

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| Subject: | Sandwell Local Development Scheme 2018 and Sandwell Local Plan Update |
| Presenting Cabinet Member: | Councillor Paul Moore – Cabinet Member for Regeneration and Economic Investment |
| Director: | Director – Regeneration and Growth – Amy Harhoff |
| Contribution towards Vision 2030: |  |
| Key Decision: | Yes |
| Forward Plan (28 day notice) Reference: | SMBC12/06/2018 |
| Cabinet Member Approval and Date: | Councillor Paul Moore |
| Director Approval: | Amy Harhoff |
| Reason for Urgency: | Urgency provisions do not apply |
| Exempt Information Ref: | Exemption provisions do not apply |
| Ward Councillor (s) Consulted (if applicable): | Ward councillors have not been consulted |
| Scrutiny Consultation Considered? | Scrutiny have not been consulted |
| Contact Officer(s): | <p>Kalieggh Lowe – Senior Planner Kalieggh_lowe@sandwell.gov.uk</p> <p>Andy Miller – Strategic Planning & Transportation Manager Andy_miller@sandwell.gov.uk</p> |

DECISION RECOMMENDATIONS

That Cabinet:

1. Approve the revisions to the Local Development Scheme (LDS).
2. Subject to 1. above, authorise the Director – Regeneration and Growth in consultation with the Cabinet Member for Regeneration and Economic Investment to make minor changes to the Local Development Scheme that may be required prior to making it available to the Public.
3. Note the update to the Local Plan Process.

1 PURPOSE OF THE REPORT

Sandwell Local Development Scheme (LDS)

- 1.1 The purpose of this report is to seek approval for the updated Local Development Scheme 2018 and to give an update on the Sandwell Local Plan.
- 1.2 The LDS is the Council's three-year project plan that identifies which local plan documents will be produced by The Council, in what order and by when. All documents would be subject to Cabinet and Full Council approval at the relevant stages.
- 1.3 The Council needs to review its planning documents at regular intervals to assess whether some or all of them need updating. The LDS therefore also provides information on the timetabling of a number of existing approved planning documents which need to be reviewed.
- 1.4 Local Planning Authorities are required to prepare their LDS and make it available to the public; however there is no longer a requirement to submit or report on them to the Secretary of State.
- 1.5 An Equalities Impact Assessment (EIA) has not been carried out. The LDS is a programme of the documents to be produced over the next 3 years and does not in itself create policy. Each document within the LDS will be subject of an EIA as part of its preparation.
- 1.6 Since the last review of the LDS in 2017, the Dudley Port Supplementary Planning Document has been adopted.

Local Plan Update - Black Country Core Strategy (BCCS)

- 1.7 A plan-led system operates in England, involving the preparation of plans by the Local Planning Authority that set out what can be built and where. Under the new planning system, the council is required to prepare Local Plan documents that set out how the local area may change over the next few years.
- 1.8 In Sandwell the Local Plan currently consists of:
- Black Country Core Strategy – adopted 2011
 - Sandwell Site Allocations & Delivery Development Plan Document - adopted 2012
 - West Bromwich Area Action Plan – adopted 2012
 - Smethwick Area Action Plan – adopted 2008
 - Tipton Area Action Plan - adopted 2008
- 1.9 The existing Core Strategy was adopted in 2011 and provides the framework for various Site Allocation Documents and Area Action Plans, which set out local policies and site allocations for individual authority areas. The existing Strategy has shaped the housing, industrial and retail growth of the area, whilst protecting the environment and greenbelt. It has also been successful in supporting regeneration for the past six years.
- 1.10 The Site Allocations and Delivery Development Plan Document identifies sufficient sites and areas to meet the Borough's housing and employment needs, and will protect the Borough's historic, built and green infrastructure. The Areas Action Plans set a vision and strategy for the future development of West Bromwich, Smethwick and Tipton and they guide future change and development in these areas.
- 1.11 Public consultation on the Black Country Core Strategy Review Issues & Options document took place during summer 2017. The consultation generated significant public interest particularly around the potential release of green-belt land in Dudley. The development industry focussed on the challenges to the delivery of brownfield sites, arguing that a more flexible approach to the release of the greenbelt should be promoted in order to accelerate housing delivery.
- 1.12 Following consideration of the issues raised during consultation and the evidence produced to date it has become clear that the scope of the BCCS will need to be significantly wider than the higher level, strategic Plan adopted in 2011. There is a need for the new plan to allocate a significant proportion of housing and employment development sites in order to fully demonstrate the housing and employment land capacity of the Black Country area in particular. This approach will have benefits of providing greater certainty for investment decisions, for funding applications and to support the delivery of sites where Compulsory Purchase Orders are required.

- 1.13 This change in approach will mean that the Plan will now allocate;
- Sites that are released from the Green Belt (thresholds are still to be determined)
 - All new housing allocations (thresholds are still to be determined)
 - All new employment allocations (thresholds are still to be determined) and any other new allocations for other uses
 - All existing housing allocations over 50 units
 - All existing employment allocations over 0.4ha
 - All changes to allocations from existing plans
- 1.14 All site allocations were previously delegated to 2nd tier plans, such as Site Allocation Documents and Area Action Plans. This means that these will be considered at the Examination in Public and will require the approval of all four Cabinets across the Black Country Authorities.
- 1.15 This change in scope significantly increases the evidence requirements and complexity of the process. However, the burden for 2nd tier plans will be correspondingly smaller. It is proposed to change the name of the Black Country Core Strategy to the *Black Country Plan*, to reflect this change of approach and recent changes to the National Planning Policy Framework (NPPF).
- 1.16 The revised NPPF was published in its final form in July 2018 and must be used in plan-making and determination of planning applications and appeals. In summary, the changes should not significantly alter the direction of the impacts of Government policy on the Black Country, and the current Black Country Local Plan process is seeking to address the issues raised. However, the changes will increase the workloads for planning teams. They put more pressure on authorities to keep their plans up-to-date and make sure enough housing is built to meet local needs.
- 1.17 The revised programme for the preparation for the Black Country Plan is:

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| Report to ABCA on Strategic Options | February 2019 |
| Report to ABCA on Draft Plan | June 2019 |
| Cabinet approvals for Draft Plan | September 2019 |
| Draft Plan consultation | October/November 2019 |
| Plan Publication | July/August 2020 |
| Submission | December 2020 |
| Examination in Public | Spring 2021 |
| Adoption | Autumn 2021 |

2nd Tier Plans – Sandwell Development Plan

- 1.18 The current second tier of the Local Plan is made up of the *Site Allocations & Delivery DPD* and the *West Bromwich Area Action Plan*. Both documents were adopted in December 2012 and cover the period up to 2021. As we are committed to review plans every five years the review of both documents should now be underway. However, as the 2nd tier plans must be in conformity with the 1st tier plan, i.e. the Core Strategy, the change in approach and the delay to the BCCS review timetable has had a knock-on effect to their review.
- 1.19 The current second tier of the Local Plan is made up of the *Site Allocations & Delivery DPD* and the *West Bromwich Area Action Plan*. Both documents were adopted in December 2012 and cover the period up to 2021. As we are committed to review plans every five years the review of both documents should now be underway. However, as the 2nd tier plans must be in conformity with the 1st tier plan, i.e. the Core Strategy, the change in approach and the delay to the BCCS review timetable has had a knock-on effect to their review.
- 1.20 It was always the intention to run the Sandwell Development Plan review approximately twelve months behind that of the Core Strategy/Black Country Plan. However, the delays to the Core Strategy review timetable have somewhat concertinaed the timetable which brings with it resource challenges, particular in relation to the various stages of consultation. In order to avoid consultation duplication on any stage of the Sandwell Development Plan coinciding with those of the Black Country Plan, the proposed timetable is therefore:

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| Issues & Options Consultation | June 2019 |
| Draft Plan consultation | February 2020 |
| Plan Publication | November 2020 |
| Submission to Secretary of State | March 2021 |
| Examination in Public | Autumn 2021 |
| Adoption | Spring 2022 |

- 1.21 Adoption of the Sandwell Development Plan now takes place beyond the date of the current plan period. The Planning Inspectorate have advised that the current plans can continue to be given weight in decision making beyond 2021 but from that date they will be considered to be based on out-of-date evidence. Therefore decisions taken based on them are at increased risk of challenge and, in the case of refusals, being overturned at appeal. This risk increases with time so it remains important to prepare an up-to-date plan as soon as possible.

- 1.22 As explained previously, the Black Country Plan will, unlike its predecessor, allocate sites. As a result the 2nd tier plan(s) will not include all of the borough's site allocations. The use of the term 'Site Allocations & Delivery' seems no longer appropriate. It is therefore proposed to call the reviewed document the *Sandwell Development Plan (SDP)*. This will provide some commonality with the upper tier. The SDP will continue to include nature conservation; open space and other allocations along with Sandwell-specific policies such as are included in the current SAD DPD.
- 1.23 The second suggested change to this tier is to include West Bromwich in the SDP and thus not do a direct review of the West Bromwich AAP. The original AAP covered a very large area beyond the immediate town centre and this has led to some confusion and duplication of policies in the years since its adoption. However, in recognition of West Bromwich's role as the borough's Strategic Centre, a Town Centre Master Plan will be prepared that will have the status of a Supplementary Planning Document. Further details on the timetable for the preparation of this will be available in due course. As set out in the LDS the Tipton and Smethwick AAP's will be incorporated into the Black Country Plan and Sandwell Development Plan review.

2 IMPLICATION FOR THE COUNCIL'S AMBITION

- 2.1 The Local Development Scheme will play an important part in delivering the spatial and land use aspects of the Council's vision 2030, particularly as it relates to housing, employment, transport, environment and education goals. The Black Country Plan and Sandwell Development Plan will provide the regeneration framework for future.
- 2.2 The LDS is required to adopt a spatial rather than exclusively land use perspective and as such will also have an impact upon a range of Council services. The LDS will build in effective community involvement and will be important to local communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Approval is required from Cabinet for the LDS and to note the update on the Sandwell Local Plan.

4 THE CURRENT POSITION

- 4.1 The initial LDS was approved by the Cabinet Member for Environment and Transport on the 1st February 2005 and has subsequently been revised annually. The LDS sets out the documents that will be prepared by the Council as part of the Development Plan for the Borough. The initial LDS was approved by the Cabinet Member for Environment and Transport on the 1st February 2005 and has subsequently been revised annually. The LDS sets out the documents that will be prepared by the Council as part of the Development Plan for the Borough.
- 4.2 Local Planning Authorities are required to prepare their LDS and make it available to the public; however there is no longer a requirement to submit a report on them to the Secretary of State.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Consultation with the relevant officers and members is undertaken as part of the Local Plan process.

6 ALTERNATIVE OPTIONS

- 6.1 Preparation of a LDS is a requirement of the Planning & Compulsory Purchase act 2004. As such there is no alternative to its preparation.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The costs of preparing the Local Development Framework for Sandwell, and subsequent Local Development Documents, will be met from existing budgets.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 In accordance with section 15 of the Planning and Compulsory Purchase Act 2004, every local planning authority must prepare planning policy documents and maintain the LDS specifying the documents that will be local development documents, their subject matter and area, and the timetable for their preparation and revision.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An EIA has not been carried out. The LDS is a programme of the documents to be produced over the next 3 years and does not in itself- create policy.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 The data collected through the LDS is not envisaged to include any sensitive or personal data. However this issue will be addressed in the individual documents.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 There are no crime and disorder risks from accepting the updated Sandwell LDS.

11.2 The council's corporate risk management strategy has been complied with, to identify and assess the risks associated with this decision / recommendations. This has identified that there are no significant risks that need to be reported.

12 SUSTAINABILITY OF PROPOSALS

12.1 Sustainability is a key theme addressed throughout the documents of the LDS. The LDS will help to deliver sustainable, prosperous communities, an integrated transport network and reduce the need to travel by car.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 Health and wellbeing is a key theme addressed throughout the documents of the LDS. It will promote healthy living and create opportunities for active lifestyles and healthy transport choices including walking, cycling and outdoor recreation.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There are no immediate implications from approving the updated Sandwell LDS.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The LDS is a statutory requirement. It is a 3-year programme setting out the various spatial planning policy documents to be produced by the Council. It is required to meet the Councils spatial planning objectives as adopted by the Council. For these reasons, it is recommended that the updated Sandwell LDS be accepted and the update on the Local Plan be noted.

16 **BACKGROUND PAPERS**

The Sandwell Local Development Scheme June 2017

http://www.sandwell.gov.uk/info/200275/planning_and_buildings/517/local_development_scheme

The Planning and Compulsory Purchase Act 2004

The Localism Act 2011

The National Planning Policy Framework (2018)

APPENDICES:

Appendix 1 - LDS Report 2018

Appendix 2 - LDS Summary Timetable 2018

Amy Harhoff

Director – Regeneration and Growth