



Planning Policy
Sandwell MBC
Council House
Freeth Street
Oldbury
B69 3DE

Date: 18 December 2023

Our Ref: IE M5/0406-08

By email only:
Sandwell_LocalPlan@sandwell.gov.uk

Dear Sir/Madam

RE: DRAFT SANDWELL LOCAL PLAN CONSULTATION

Tetlow King Planning (TKP) represents the **West Midlands Housing Association Planning Consortium (WMHAPC)** which comprises leading Housing Associations across the West Midlands. Our clients' principal concern is to optimise the provision of affordable housing and to ensure the evolution and preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the West Midlands region.

As significant developers and investors in local people, the WMHAPC is well placed to contribute to local plan objectives and the Housing Associations to act as long-term partners in the community. We welcome the opportunity to participate in the consultation and provide comments on the Draft Local Plan for Sandwell.

Sandwell 2041: Spatial Vision, Priorities and Objectives

The WMHAPC welcomes the 'Local Plan Vision 2041' set out on pages 33 and 34 in that it seeks to ensure that *"Affordable, social and local authority-provided homes are available to those who need them"*.

Draft Housing Need and Duty to Co-operate

Paragraph 3.13 on page 52 of the Draft Local Plan sets out a considerable shortfall in the ability of the authority to provide for the housing needs of its residents:

"This Plan aims to allocate sites for 11,167 new homes in Sandwell over the period 2022-41, compared to a local housing need of 29,773 (2022 – 2041) homes; this identifies a shortfall of 18,606 homes." (Emphasis added).

Given the significant shortfall, the WMHAPC is concerned that the Council is progressing the draft strategic housing policies without showing that neighbouring authorities can accommodate the shortfall in the number of homes needed while also addressing their own housing needs. This is an acutely important matter that should be resolved under the Duty to Cooperate and also set out within a Statement of Common Ground by the parties involved.

While it appreciated that efforts have been made to work collaboratively with other Black Country Authorities, the Sandwell Local Plan - Regulation 18 Duty to Co-operate Statement (November 2023) still leaves a high level of uncertainty as to where the shortfall in housing can be addressed. The statement demonstrates that existing offers from neighbouring authorities in meeting wider-than-local housing needs result in the capacity of up to 8,000 homes, which falls far short of the 18,606 homes required in Sandwell.

The WMHAPC is of the view that further work between Sandwell Borough Council and neighbouring authorities is needed before the strategic housing policies contained in the Draft Local Plan are able to provide for the housing need of the authority and subsequently be found 'sound' at examination by being 'positively prepared' and 'effective', as set out by Paragraph 35 of the NPPF (2023):

"Plans are 'sound' if they are:

- a) **Positively prepared** – *providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – *an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – *deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent with national policy** – *enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant."*

At present the Draft Plan does not provide for the area's objectively assessed need and there are no formal agreements in place that have been set out in evidence which demonstrated unmet need can be met in neighbouring authorities.

Draft Policy SDS6 – Sandwell's Green Belt

Policy SDS6 sets out Sandwell's policy approach to the Green Belt. Supporting text to draft Policy SDS6 at paragraph 3.85 states:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of most of the rest of the borough."

Paragraph 141 of the NPPF (2023) states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, all other reasonable for meeting its identified need for development should be considered. Paragraph 141 goes on to state *"This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*

- a) *makes as much use as possible of suitable brownfield sites and underutilised land;*
- b) *optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
- c) *has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."*

In relation to points a), b) and c) of paragraph 141 of the NPPF (2023) and the discussion above relating to the duty-to-cooperate, the ability of neighbouring authorities to accommodate the shortfall in the housing needs of Sandwell remains uncertain.

Similarly, the Urban Capacity Appraisal (November 2023) demonstrates the limited capacity of Sandwell in meeting the housing needs of the authorities' residents within its Urban Areas and the limited benefit of increasing development density would have given the scale of the existing shortfall.

¹ *"Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework."*

Considering the above, the statement that there are no exceptional circumstances to warrant a Green Belt Review is somewhat premature and open to question given the Council has no set plan for how the shortfall in housing needs is going to be met.

While the limited extent of Sandwell's Green Belt and historical and environmental significance of Sandwell's Green Belt is appreciated, a more levelled approach to meeting housing need within Sandwell's Green Belt may be more appropriate with the allocation of housing sites to directly address the housing needs of local communities.

Draft Policy SH04 - Affordable Housing

Part 6 of draft Policy SHOU4 seeks to secure affordable housing in perpetuity. There is currently no wording in the NPPF (2023), or within Planning Practice Guidance, that requires all affordable housing to be secured in perpetuity. National policy is silent on the requirement to secure affordable housing in perpetuity, other than the specific reference to rural exception sites in Annex 2 of the NPPF (2023), which states:

"Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding." (Emphasis added)

This principle is appropriate and supported by the WMHAPC as it helps to secure land for delivery of affordable housing in rural areas where housing delivery would otherwise not be supported. However, a blanket approach to securing affordable housing in perpetuity is not supported for a number of reasons.

Firstly, it restricts lenders' appetite to fund development, as mortgage provision becomes more difficult with greater restrictions on individual properties. Private companies will not typically invest in developments if there is no prospect of realising the original investment and any returns. As such, affordable housing should only be secured in perpetuity on rural exception sites. The WMHAPC requests that, in line with national planning policy, the policy wording of draft Policy SHOU4 changed to only relate to rural exception sites.

The WMHAPC is pleased that the supporting text to draft Policy SHOU4 at 7.25 on page 185 recognises the ongoing affordability challenges facing residents *"Rising house prices and low average incomes over a long period have made market housing increasingly unaffordable for many Sandwell households"*. Paragraph 7.25 goes on to set out an evidence-based approach to providing a tenure mix that reflects the needs of the authority:

"The Black Country HMA (2021) identifies a requirement for 16.9% of new homes to be made available for affordable or social rent, 7% to be shared ownership and 8.2% to be First Homes. To meet this level of need over the Plan period, 32.1% of new housing would have to be affordable. Sandwell aspires to provide this level of affordable housing, through a range of schemes delivering up to 100% affordable housing funded through grant and other financial sources and supported by developer contributions where viable."

The WMHAPC welcomes a policy position that allows for a reasonable level of flexibility within the tenure of affordable housing sought. This would facilitate development viability and the delivery of a wide range of affordable housing products in line with local needs.

Paragraph 7.28 of page 186 explains:

"Beyond national requirements, the tenure and type of affordable housing required over the Plan period will vary according to local housing need and market conditions. In general, a mix of tenures will be sought on all sites of ten homes or more, to help create mixed communities across the borough."

The WMHAPC therefore asks the Council to provide further guidance and clarity on the source and type of local housing need evidence that would appropriately justify the tenure mix of affordable housing products to be provided.

As previously advocated for by the WMHAPC, the inclusion of a rural exception site policy would help bring forward housing in constrained rural areas of Sandwell where land may not normally be suitable for housing. The WMHAPC therefore strongly encourages the inclusion of a rural exception site policy. Paragraph 78 of the NPPF (2023) explains that *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”* Such sites are an exception to inappropriate development within the Green Belt as set out by paragraph 149 of the NPPF (2023).

Draft Policy SDM2 – Development and Design Standards

As detailed in our response to the Sandwell Local Plan Issues and Options consultation, the WMHAPC's stance on the Nationally Described Space Standard remains unchanged. As set out above and in line with paragraph 35 of the NPPF (2023) in order to be found sound at examination policies should be appropriately ***“Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”***.

Among tests of viability and timing Planning Practise Guidance requires the application of Nationally Described Spaces Standards (NDSS) to be based on an established need: *“evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.”*

It is understood that the Black Country Housing Market Assessment (March 2021) identifies the need for accessible and adaptable housing across the housing market area. However, there is currently an absence in the need for such housing in Sandwell itself. For draft Policy SDM2 to be found 'sound', an evidenced need for NDSS should be established and assessed at a local authority level.

The above comments are intended to be constructive, to ensure the policies are found sound at examination. We would like to be consulted on further stages of the above document and other publications by Sandwell MBC, by email only to consultation@tetlow-king.co.uk; please ensure that the **West Midlands Housing Association Planning Consortium** is retained on the consultation database, with Tetlow King Planning listed as its agent.

Yours sincerely

IWAN EVANS
ASSISTANT PLANNER
For and On Behalf Of
TETLOW KING PLANNING

CC: Black Country Housing Group
Bromford
Citizen Housing Group
Platform Housing Group
Stonewater
Walsall Housing Group