



**Representations to Sandwell Local Plan Publication Version
Consultation**

Wain Estates

November 2024

Introduction

Purpose

These representations are submitted by Wain Estates in response to the Sandwell Local Plan (SLP) Publication Version (Regulation 19) consultation, running between 23rd September and 11th November 2024.

Wain Estates has an extensive track record of promoting land in close partnership with stakeholders and local planning authorities, with over 2,000 acres of land currently being promoted.

Wain Estates have been actively promoting land to the north of Wilderness Lane, Great Barr for a sustainable residential development with associated infrastructure. The site has previously been referred to as “land at Birmingham Road” in previous representations, it also fell under site ref: SA-003-SAN in the Black Country Plan (BCP). Wain Estates are the single landowner for the entire site.

It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is “sound”, as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the NPPF].

There is no statutory definition of “soundness”. However, the NPPF (§35) states that to be sound a Local Plan should be:

1. **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; 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;
2. **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
3. **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
4. **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.

In addition, the Framework (§11) states that:

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) *all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This report demonstrates that a number of policies within the Local Plan require amendments in the context of the tests of soundness established by the Framework. Wain Estates has serious concerns with this version of the Sandwell Local Plan, and that to be sound, the issues can be addressed through amendments to the policies, interventions and the introduction of additional sustainable allocations in the Green Belt to ensure the housing requirements are met and the Green Belt boundaries endure beyond the Plan period.

In this context, it is important to note that the Minister of State, Matthew Pennycook MP recently wrote to the Chief Executive of the Planning Inspectorate¹ to outline that the examination process is not the right place for ‘deficient plans’ to be ‘fixed’ at examination. The hardline taken by Pennycook has been reflected by Inspectors imposing deadlines for Local Authorities to provide additional evidence and some plans being withdrawn such as Solihull Local Plan Review withdrawn on 9th October 2024. In the absence of the fundamental reconsideration of the SLP Wain Estates consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

Structure

These representations are structured as follows:

- Background to Land at Wilderness Lane, Great Barr
- Consideration of the relevant Local Plan matters and policies

Representations to the following Local Plan matters and policies are provided in this report:

1. Policy SDS1 – Spatial Strategy for Sandwell
2. Policy SHO1 – Delivering Sustainable Housing Growth
3. Policy SDS7 – Sandwell’s Green Belt
4. Policy SHO3 – Housing Density, Type and Accessibility

Appendices are also enclosed with these representations, for completeness and ease of reference.

¹ Letter from Matthew Pennycook MP to Paul Morrison, the Chief Executive of the Planning Inspectorate dated 30th July 2024

Land at Wilderness Lane, Great Barr

Historic Site Promotion

Wain Estates (then named HIMOR) first made representations promoting the site to the BCP to the scope, issues, and options consultation (including a call for sites submission) in September 2017.

Since then, we have made a further call for sites submission for the BCP in September 2020, which included a new Vision Document prepared by FPCR. The submission listed the site as 27ha in size and capable of accommodating 300-355 new homes and new open space. The site was not considered by the Council to be suitable for release from the Green Belt at this time and was not included as an allocation in the draft version of the Black Country Plan.

Further representations were submitted to the BCP Regulation 18 consultations in October 2021 and September 2022. The proposed development quantum has been substantially reduced since this time, work on the preparation of the Black Country Plan has also since ceased in Autumn 2022 and the Black Country authorities are now preparing individual development plans.

Representations were prepared to the Sandwell Local Plan Regulation 18 Issues and Options and further call for sites consultation in March 2023. Further representations were submitted to the Regulation 18 Preferred Options Consultation in December 2023 which are enclosed at **Appendix 1**.

Site Context

The site comprises 27ha of low-grade agricultural land to the north and west of Great Barr. The site is made up of field compartments which are generally irregular in shape and comprise outgrown hedges with some hedgerow trees. There is no woodland on site.

Land north of the site comprises Aston University sports facilities and some areas of scrub and woodland accessed from the A34. There are also a range of buildings and built sports facilities, and the area has a very managed character.

Land east and south of the site comprises residential development, with mainly semi-detached and short terraced properties, mostly with sizable gardens. Properties on Peak House Road back onto the site and properties on the southern side of Wilderness Lane, front onto the site.

The Q3 Academy, with a range of academic buildings and sports facilities/ external space lies immediately to the south.

In the immediate area is St. Margaret's C of E Primary School, a petrol filling station, two hotels, a restaurant, the Q3 Academy, and a community hall. There are two bus stops directly adjacent to the site, on Birmingham Road. These stops are served by high frequency bus services, including the 51 route (Walsall to Birmingham via Great Barr and Aston) which has a high frequency of every 10 minutes in the morning and daytime Monday to Friday, and Saturday and Sunday daytime, and a frequency of every 20 minutes on evenings and Saturday morning.

The Site generally descends from approximately 165m in the north east corner, to 130m in the west. A localised valley runs from the south west to north east within the site.

There are no Public Rights of Way (PROW) within the site, although an existing footpath runs past the southern boundary near the Q3 Academy school, and the Beacon Way Long Distance Footpath, runs along the western boundary, within a constrained and unattractive corridor.

Designations

The site does not include any designated heritage assets or any part of such assets. However, there are a number (including several listed buildings) within the site's wider surroundings. The site also includes several features identified in the local archaeological database, holding the potential to meet the definition of "non-designated" heritage assets, as detailed in the Planning Practice Guidance(PPG).

The site is not covered by any designation relating to its landscape character or quality, such as AONB.

The site lies fully within Flood zone 1 (lowest level of risk).

The site lies fully within the West Midlands Green Belt.

An area within the western part of the site falls within a Minerals Safeguarding Area (MSA).

The site does not fall within the designation of any site of international nature conservation importance or site within the national site network.

The site does appear to fall within the Peak House Farm Site of Importance for Nature Conservation (SINC), this represents an 'upgrade and extension' of the previous partial Site of Local Importance for Nature Conservation (SLINC) designation endorsed by Sandwell's Cabinet on 7 August 2019. This local designation was historically made based on the hedgerow network but through the previous Local Plan process, the scope was expanded to cover the grassland and increasing the designation from a SLINC to a SINC.

As the development plan remains to identify the site as only partially being covered by the SLINC designation, there is some uncertainty as to the status of the SINC designation, although the emerging Sandwell Local Plan does indicate the site will be wholly designated as a SINC. It is assumed the SINC designation is being implemented across the entire site.

None of the above designations are considered to preclude the development of the site, especially with the inclusion of mitigation measures where required.

The site was subject to an outline planning application and subsequent planning appeal for residential development with associated open space in the form of a countryside park. Wain Estates fundamentally disagrees with the overall conclusions reached by the Inspector in dismissing the appeal and the site is considered to be suitable for development for the reasons set out in our appeal submissions. However, we note the following from the Inspector's decision and based on the responses of the Council's representatives under cross-examination.

- The Council is only able to demonstrate a 1.4 year supply of deliverable housing sites currently. This is a significant shortfall and reflects persistent underdelivery over an extended period. It also has yet to be successfully addressed by actions identified by the Council. It is therefore a pressing matter which the Council will need to address within its emerging Plan.
- There is a current shortage of identified sites outside the Green Belt.

- Whether or not some release of Green Belt land may be justified to accommodate future growth remains a matter for the emerging Plan.
- Based on the most recent evidence at the time (the SHMA 2021), 6,517 affordable dwellings are required within the Borough during the period 2020-2039 (343 dwellings per annum). The level of need has increased over time and is reflected in a high number of entries on the Council's register. Delivery has again generally been below target, with the stock of affordable housing also suffering continued erosion as a result of right to buy.
- Occupants of development on the site would have good access to services and facilities.
- The Council agreed that impact on the SINC was capable of resolution through improvements in biodiversity.
- The Council agreed that the site could be enhanced by the proposed development to an extent where it could become recognised as a valued landscape.

Wain Estates therefore consider that the site is suitable for allocation for residential development and for the reasons set out in these representations it is considered that exceptional circumstances exist for the release of Green Belt land through the SLP.

Policy SDS1 – Spatial Strategy for Sandwell

Introduction

Policy SDS1 provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period 2024 to 2041. The policy proposes to deliver at least 10,434 net new homes and create sustainable mixed communities including a range and choice of new homes supported by adequate infrastructure and maintain the ongoing provision of around 1,221ha of allocated employment land (of which 28ha is currently vacant).

Housing Requirement

Wain Estates has serious concerns with the proposed housing deliver in the SLP. Policy SDS1 fails significantly to meet the basic housing needs of Sandwell, as established via their own objectively assessed needs (OAN). Whilst the SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, this compares to an identified local housing need of 26,350 homes; and the SLP itself (§3.13) recognises that there is **a shortfall of 15,916 homes**.

As a percentage, the proposed supply in the draft plan represents just 40% (rounded) of the borough's total housing needs. This is unacceptable, in both the immediate context and historic undersupply, but also when looking at the wider national level and Government objectives enshrined within the NPPF, particularly §60 which requires the supply of homes to be “significantly boosted” and importantly that a sufficient amount and variety of land can come forward where it is needed and to ensure the needs of groups with specific housing requirements are addressed. Due to this, difficult decisions need to be made with regards to the proposed spatial strategy, including consideration of Green Belt land release, without which is artificially restricting the development potential within Sandwell.

In this regard, we note the new Labour Government's intentions to deliver 1.5 million new homes over the next 5 years and provide greater flexibility for the release of Green Belt to help achieve this aim. The SLP may benefit from the transitional arrangements proposed in the new NPPF. However, given that the proposed housing requirement is more than 200 dwellings lower than the relevant published Local Housing Need figure, the Council will likely need to commence a review of the plan at the earliest opportunity to align with the new national policy. Similarly, if it is found to be unsound, any new Plan proposed would also need to be considered under the new NPPF.

The starting point of a new Local Plan cannot be the continued chronic under-provision of housing, such that the existing delivery issues will be further exacerbated. As evidenced by the latest Housing Delivery Test Result (2022 measurement) – being just 47%, one of the lowest in the county and automatically evoking the “presumption in favour” and “titled planning balance” when it comes to determining applications.

This coupled with the latest Five-Year Housing Land Supply Figures released in May 2024, which have only worsened since the previous year, dropping from 1.57 years to 1.4 years supply, provides clear evidence that the current spatial strategy is not fit for purpose. This historic underperformance in meeting housing needs, also needs to be viewed within the context of the NPPF's emphasis on needing to boost the supply of housing, and the clear upward direction of travel of national policy in this respect.

To help address this shortfall, emerging Policy SH03 Housing Density, Type and Accessibility seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures. The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHW4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

To further help to address the shortfall, Sandwell are proposing to utilise the Duty-to-Cooperate (DtC) with neighbouring authorities within the same Housing Market Area, or with which Sandwell has a physical or functional relationship. This is despite the fact that Birmingham City Council has already said that it does not have enough space to meet its own housing need.

Table 1 of the SLP sets out potential DtC contributions to date. The table is also replicated in Sandwell's September 2024 Duty to Co-operate Statement. The table shows that whilst there are some 'offers' from neighbouring LPAs to meet wider-than-local housing needs, there is no confirmed apportionment of Sandwell's housing need to other local authority areas. The September 2024 Duty to Co-operate Statement also notes (§32) that some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and given the known gap between need and supply.

Sandwell note in the SLP (§3.17) that this approach may only address a small proportion of the identified housing shortfall and therefore if this position remains then further work will be undertaken as appropriate to identify how this shortfall can be addressed. This position is reflected in the supporting Sustainability Appraisal (SA) §5.3.9 which concludes that,

“On balance, Option E is identified as the best performing option, assuming that a large proportion of growth under this option would be on previously developed land and within the existing centres, with the benefits in terms of regeneration meaning this option slightly outperforms Option D, although neither option would deliver sufficient housing to satisfy the identified need.”

As part of a wider consortium, Wain Estates instructed the “Falling Even Shorter: an updated review of unmet housing needs in the Greater Birmingham and Black Country Housing Market Area” report (copy enclosed at **Appendix 1**). This report finds that the wider HMA has a shortfall of between 34,742 and 40,676 homes up to 2031, 62,373 homes up to 2036, and 79,737 homes up to 2040 based on each Council's supply evidence at that time. This shortfall will only be exacerbated by Sandwell's approach, with other HMA authorities likely to be able to make a very limited contribution to Sandwell's shortfall.

It therefore is clear that the additional work identified in the SA will be required to meet the housing shortfall, the historic approach to the spatial strategy is being undertaken as part of the emerging local plan, a strategy which was in place for the currently adopted Local Plan, which has resulted in the chronic under delivery of both market and affordable housing.

Wain Estates are of the view that the scale of Sandwell's own shortfall alone, beyond considering the unmet needs of the wider HMA, amount to exceptional circumstances for reviewing the Green Belt boundaries. This additional work should therefore begin now, prior to the submission of the SLP for examination and a fresh approach to assessing the capacity for housing within the borough should be undertaken, which includes an assessment of Green Belt sites for potential release.

The site on land north of Wilderness Lane is a clear example of the availability of such sites, which are not technically constrained, are in an accessible location, provide the ability to offer enhanced access to the open countryside for recreation purposes and also provide housing in the least sensitive areas of the Green Belt (whilst retaining the majority of it), adjacent to existing built form.

A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites.

The evidence provided in **Appendix 1** of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SDS1 fails to meet the tests of soundness because:

1. **It is not positively prepared** – The NPPF requires local plans to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; 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. The Council by their own admission have submitted a strategy which falls substantially short of providing a strategy which meets their OAN, which should be seen as a minimum requirement within the extract above. Even in meeting the substantially short figures there is a reliance on maximising out housing densities, in an era where development pressures to deliver supporting features beyond just housing – BNG, sustainability measures etc often restrict this capability.

The duty-to-cooperate is also proposed to be utilised to account for this unmet need, but there is no clear strategy or commitment from neighbouring authorities that this would be achievable in part or as a whole. This is therefore not a sustainable approach to development and will inevitably result in the very purpose of the SLP – being to promote growth in planned manner, falling away, likely resulting in mass speculative development, in order for housing needs to be met.

2. **It is not justified** – It is not an appropriate strategy, taking into account the reasonable alternatives, including the release of Green Belt land to help meet housing need.
3. **It is not consistent with national policy** – it will fail to create a sufficient range and choice of new homes to enable the delivery of sustainable development in accordance with the policies in the NPPF.

Recommended Change

Wain Estates are of the view that there are exceptional circumstances for reviewing Sandwell's Green Belt boundaries. A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites. An example of this is the land north of Wilderness Lane site.

This additional work should begin now, prior to the submission of the SLP for examination to avoid an inevitable recommendation from the examining Inspector's to withdraw the Plan in line with Matthew Pennycook's direction.

Policy SHO1 – Delivering Sustainable Housing Growth

Introduction

Policy SHO1 states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041. The key sources of housing land supply are summarised in Table 5, of the SLP which also provides an indicative number of homes to be delivered in the following timeframes: 2024 – 2029, 2029 – 2034, 2034 – 2039 and 2039 – 2041. Housing allocations are set out in Appendix B of the SLP.

Housing Delivery

Policy SHO1 Delivering Sustainable Housing Growth and the elements which make up the proposed housing supply of 10,434 new homes, Wain Estates have significant concerns regarding the sources which make up this already insufficient number of homes.

Within Table 5 of the above emerging policy, the first source of the housing land supply is made up of sites currently under construction (889 homes), with planning permission or prior approval (884 homes) and sites with other commitments (41 homes). Therefore, 1,814 homes included within the figures, are made up of the current supply.

The second source is made up of housing allocations, comprising occupied employment land (2,243 homes), other non-occupied employment land (2,304 homes), sites with planning permission (1,620 homes) and sites under construction (76 homes). Therefore, 1,696 homes included within the housing allocations are made up of current / existing supply (calculated by adding together sites with existing planning permission and sites under construction).

Of the remaining allocations, despite the occupied employment land (2,243 homes) having a 15% discount figure applied, in recognition of the fact that there can be multiple delivery constraints, this in itself does not mean that there is capability of the full 2,243 homes to be delivered given that these sites are in active use for employment.

It has also been demonstrated through the previous Black Country Plan that such approaches are not effective for delivering housing. As part of the Black Country Core Strategy (BCCS) a total of 16,182 homes were allocated on occupied employment land. According to §2.1.29 of the Black Country Urban Capacity Review Update (May 2021) only 679 (4.2%) of those homes have been delivered to date (with less than five years of the plan period remaining).

Furthermore, as recognised in our previous representations, not only is the delivery of housing on such sites questionable, but it also reduces the ability for the Council to provide a sufficient supply of employment sites, of which the Council recognise there are also not enough being provided for as part of the emerging SLP. Paragraph 8.14 of the SLP notes that 170ha of the employment land need arising in Sandwell cannot be met solely within the Borough, and that the unmet need is to be exported to neighbouring authorities, as part of ongoing duty-to-cooperate work, which is yet to be secured.

It is good practice to ensure that any elements of housing supply included in a council's figures, are suitable, available, and achievable of being viably developed. Wain Estates are of the view that there has not been enough evidence provided for the proposed allocations on occupied employment land, as a robust element of the housing supply.

Taking the above into account, only 2,304 homes (see Table 5 Housing Land Supply Sources within emerging Policy SH01) are allocated which are not made up of existing commitments or situated on occupied employment land, this is a very minor figure when compared to both the proposed delivery of 10,434 net new homes over the plan period and even more so when compared to the actual housing need of 26,350 new homes.

Looking into more detail at some of the proposed allocations, as recognised by the Council when looking at Appendix B of the SLP, they are also not without their constraints and limitations, further demonstrating that the indicative capacity could be further reduced, resulting in an even lower number of housing allocations. For example:

- SH2 (SA 12) Land adjacent to Asda, Wolverhampton Road, Oldbury is proposed for 62 homes, but it has access issues which need to be overcome in order to be deliverable, questioning the suitability of this allocation.
- SH26 (66) Lower City Road, Oldbury is proposed for 73 homes but has constraints including land remediation and site assembly issues, there also only appears to be interest from some land owners looking to bring the site forward, so also potential ownership issues to overcome, questioning the suitability and availability of this land to support an allocation.
- SH25 (SA 65) Bradleys Lane / High Street, Tipton proposed for 189 homes however, this site also has site assembly and land contamination issues to be overcome, it also requires the current owners to find a place to relocate their business before development can come forwards, again questioning the suitability and availability of this land to support an allocation.
- SM2 SA199 Lion Farm Oldbury, is proposed for a mix of uses, including the provision of 200 homes. However, it relies on relocation of 6 sports pitches to the south of borough, which is arguably not a minor feat. This brings into question the availability and achievability of the land to support an allocation.
- SM1 SA 91 Chances Glass Works, is proposed for a mix of uses including 276 homes, this is a heritage led regeneration project given its recognised constraints which are a Grade II listed building, Scheduled Ancient Monument and Galton Valley Conservation Area, the complexity of such a project brings into question the timescales and the potential delivery of the proposed housing numbers, given the statutory protections given to these heritage constraints, again questioning the suitability and achievability of this site to support an allocation.

The third part of the housing supply is made up of windfall units, a total of 2,100 are being proposed. However, the delivery of this level of homes is questioned when the restrictive nature of windfall provision within the SLP is assessed. Often and as recognised within the NPPF, the provision of windfall units can help contribute to meeting anticipated housing supply needs, where this aligns with compelling evidence, they can provide a reliable source of supply (§72).

Wain Estates consider that the delivery of such windfall units will be highly restricted given the limitations placed within emerging Policy SH02 – Windfall Developments. The policy allows for windfall development on previously developed land without exception, but for greenfield sites, windfall development is only allowed subject to certain conditions. These conditions are:

- That the site is not protected as community open space or
- The site is council owned land surplus to requirements or

- The development of the site will bring an under-used piece of land back into beneficial use and will not harm the environmental, ecological, or historic value of the site and the wider area, in accordance with other relevant policies in the SLP

The justification text to the policy notes that windfall sites are likely to include surplus public land, small non-conforming employment uses and some residential intensification sites where appropriate. However, greenfield sites are only permitted where they conform with the bulleted list above. Such restrictions are overly onerous and severely limit the capability for windfall sites on greenfield land to come forwards. This is also not in conformity with the definition of windfall development contained within the NPPF (Annex 2 – Glossary), which simply states that windfall sites are sites not specifically identified in the development plan. Again, placing unnecessary restrictions on the delivery of housing, for a number that is already significantly below the required capacity.

The fourth part of the housing supply is made up of additional floorspace in centres (172 homes). This element makes up a very small part of the overall proposed supply figures. It demonstrates the limitations that emerge from seeking to maximise land on brownfield sites, and the misconception that such spaces are often not being utilised to the best of their ability.

Overall, the elements which make up the already under-delivering housing land supply as part of the emerging SLP are seen to be questionable.

- Firstly, there is a large reliance on existing commitments, as sites with planning permission or already under construction are included to make up the housing numbers.
- Secondly, the level of allocations which are included on occupied employment sites is high and such sites are known to be slow at delivering and riddled with issues which slow down or prevent the development for more vulnerable residential uses, in addition to the fact they will result in a loss of employment floorspace, for which there is a recognised need within the borough.
- Thirdly, the proposed allocations themselves are not without issues to overcome – such as access, site assembly, land ownership and remediation – which are not insubstantial.
- Finally, the overly restrictive nature of the windfall housing policy means there is a severe limit as to where such sites can come forward and on what type of land, despite the NPPF not stipulating such limitations exist.

In light of the above, Wain Estates are of the view that exceptional circumstances exist in terms of both the scale of unmet need and the likely under delivery of the proposed supply. It is therefore essential that Sandwell reviews its Green Belt boundaries, to ensure it meets its housing needs in the least sensitive locations. As noted above, in the absence of the fundamental reconsideration of the SLP we consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan

It is well evidenced that greenfield land will deliver much quicker than brownfield land, where issues of land assembly and remediation severely delay the delivery of housing. It should also be acknowledged that removing land from the Green Belt can also be offset through compensatory improvements to the environmental quality and the accessibility of remaining

Green Belt land as well as providing improvements to Green Infrastructure (GI) provision. Overall, the Council must “turn on all taps of supply” if it is to meet its housing needs.

As emphasised throughout this representation, an example of this is the land North of Wilderness Lane site.

Turning to affordable housing, the Sandwell Housing Market Assessment Update (August 2024) indicates that the total annual affordable housing need in Sandwell now stands at 365 dwellings per annum (dpa) over the plan period. This is a key issue in terms of the housing supply within the borough, whereby a chronic shortfall has been identified and has historically only worsened. The 25% requirement figure contained within emerging Policy SH04 represents a 5% increase on the existing requirement, which has not been delivering to the levels expected. This demonstrates that the Council must increase its overall supply, in order to increase the supply of affordable housing.

On brownfield sites where additional remediation costs are to be factored into viability considerations, meeting increased and even the basic affordable housing requirements is challenging, demonstrating why Green Belt release of greenfield sites would further assist in meeting the chronic shortfall in both market and specifically affordable housing needs within Sandwell.

The explanatory text for the policy (§7.25) also notes the aspiration of providing affordable housing through a range of schemes delivering up to 100% funding through grant and other financial sources. However, as reflected in the wording of the policy, this is just that – aspirational. It is likely to be particularly difficult given the already stretched nature of government funding and the lengthy process of applying for such funding.

Wain Estates suggest that further evidence of the delivery of such schemes coming forward or having funding secured needs to be included within the evidence base to support this policy, in order to make it more robust and increase the chances of such developments coming forward.

Exceptional Circumstances for Green Belt Release

The purpose of plan-making is to be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable (§16 of the NPPF). A plan that only provides for around 40% of its housing requirement, using the standard method baseline, cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.

Wain Estates consider that the Council’s inability to meet their own housing need in the midst of a housing crisis, is an important factor that constitutes the exceptional circumstances that justify Green Belt release. As this is a housing focused representation, employment needs are not explored in detail, however it is clear from reviewing the proposed plan that it proposes not only significant unmet housing need but also a significant unmet employment need. This will only be exacerbated by the anticipated loss of current employment sites for housing, as identified within emerging Policy SH01 and the 2,243 homes proposed to come forward as allocations on occupied employment land. The adverse consequences of not meeting the basic housing or employment needs, demonstrate the exceptional circumstances which are required to justify Green Belt release.

The approach to Green Belt boundary reviews is set out in the NPPF at paragraphs 145 and 146. Paragraph 146 states that the policy making authority need to “*examine fully all other*

reasonable options for meeting its identified need for development” before concluding if exceptional circumstances exist to justify changes to Green Belt boundaries. It then goes on to state account needs to be taken for 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.”

As discussed previously, all three of these elements have been included within the proposed spatial strategy, however, are not without their own constraints and when combined, still fall woefully short of meeting the minimum requirements of the identified OAN for Sandwell. This alone demonstrates that exceptional circumstances exist for Sandwell to review its Green Belt boundaries. The release of land within the Green Belt needs to be further explored, to allow for plan-led development in the future, particularly when also coupled with the inability to also meet required employment land needs. For this reason, Wain Estates suggest a further review of the Green Belt is undertaken, to identify the most sustainably located sites, in line with §146 of the NPPF.

A clear example of such a site is land North of Wilderness Lane, Great Barr. As noted above, the evidence provided in **Appendix 1** of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SHO1 fails to meet the tests of soundness because:

1. **It is not positively prepared** – Paragraph 16 of the NPPF states that plans should be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable. The SLP only provides for around 40% of its housing requirement, using the standard method baseline, and cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.
2. **It is not justified** – The proposed approach in the SLP is not an appropriate strategy, the Council needs to consider the release of Green Belt land to help accommodate the massive shortfall in the provision of new homes when assessed against the LHN.
3. **It is not effective** – The proposed approach in the SLP relies on the development of land on which delivery is hugely uncertain, including occupied employment sites, sites with unresolved technical, site assembly, land ownership and remediation issues, and an overly restrictive windfall policy which will impact the delivery of windfall sites.
4. **It is not consistent with national policy** – The NPPF (§145) states that authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. For the reasons set out above, exceptional circumstances for Green Belt release are considered to exist in Sandwell.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. A further review of the Green Belt should be undertaken, to identify the most sustainably located sites, in line with §147 of the NPPF.
2. Following this review, Green Belt land should be released and allocated for residential development.
3. Land North of Wilderness Lane should be allocated for new homes on this basis.

Policy SDS7 – Sandwell’s Green Belt

Introduction

Policy SDS7 provides guidance for the approach to Sandwell’s Green Belt, which will be applied to any development proposed in the Green Belt once the plan is adopted.

Consideration of Policy

Criterion 2 of the policy notes that:

“Sandwell green belt’s nature conservation, landscape, heritage and agricultural value will be protected and enhanced.”

Wain Estates have concerns with the wording of Criterion 2, as it implies that the Green Belt is a designation of both environmental and heritage value, this is not the case, it is a spatial designation for which there can also be both environmental and heritage features and designations within it.

This type of wording adds confusion to the purposes of the Green Belt and the value placed upon its protection. This is recognised in the supporting text to the policy at §3.98 which states that:

“While green belt is not itself a reflection of landscape quality or value, large parts of the local green belt are also identified as being of significant historic, environmental and landscape importance”.

Wain Estates suggest that the policy wording is amended to make clearer the difference between the spatial designation and the purposes of the Green Belt and the distinction between this and environmental and heritage designations.

Criterion 3 of the policy states that:

Opportunities will be taken to improve the value and recreational role of the green belt in Sandwell Valley:

- a. through improving safe accessibility for all users;*
- b. by providing facilities for active and passive recreation (if this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it);*
- c. by protecting tranquil areas and locations with ecological and historic value.*

It must be recognised that in order to improve the value and recreational role of the Green Belt in Sandwell, development will likely need to occur. Land within private ownership is not accessible to the public for these purposes, enhancing access will only come as a compensatory improvement as part of future development proposals through planning applications.

Providing such improvements would form part of a two-way process of negotiation as part of future planning applications, with the provision of housing potentially acting as an enabler, to allow the council to meet the enhanced recreational role of the Green Belt. This also supports Sandwell’s wider vision, which seeks to increase accessible open spaces, such spaces need to

come from somewhere, the Green Belt is a key facilitator for this, however it will not come forward of its own accord.

Tests of Soundness

Wain Estates consider that Policy SHO1 fails to meet the tests of soundness because:

1. **It is not consistent with national policy** – Criterion 2 of the policy creates confusion on the purposes of the Green Belt and the value placed upon its protection. The NPPF (§142) is clear that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.

Criterion 3 does not currently recognise §147 of the NPPF which advises that compensatory improvements to the environmental quality and accessibility of remaining Green Belt land can be secured to offset the impact of removing land from the Green Belt.

Recommended Change

To address the conflicts above and ensure the Local Plan is sound, it is requested that the Council:

1. Modify the policy to clarify that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.
2. Amend Criterion 3 to recognise that opportunities to improve the value and recreational role of the Green Belt can be achieved through compensatory improvements, in accordance with the NPPF (§147)

Policy SHO3 – Housing Density, Type and Accessibility

Introduction

Policy SHO3 states that all developments of ten homes or more should achieve the minimum net densities identified in Criterion 3.

Consideration of Policy

Criterion 3 of the policy seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures.

The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHW4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

Tests of Soundness

Wain Estates consider that Policy SHO3 fails to meet the tests of soundness because:

1. **It is not justified** – The proposed approach in the SLP is not an appropriate strategy in light of the above comments. The Council needs to consider the release of Green Belt land to help meet the need for new homes, rather than seeking to achieve unrealistically high densities which may not be attainable.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. Review the densities identified in Criterion 3.
2. Use Green Belt release as a mechanism to deliver the significant shortfall in new homes which would fail to be delivered through the strategy currently proposed in the SLP.

Appendix 1 – Regulation 18 Preferred Options Representations