



Sandwell Council Local Plan Publication consultation – September 2024

Response from Stratford-on-Avon District Council

(in consultation with Warwick District Council)

Introduction

Sandwell Metropolitan Borough Council (SMBC) has invited representations regarding their current Publication consultation on the Sandwell Local Plan. The consultation has been prepared under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations and is the final consultation document before the plan is submitted to the Secretary of State for examination. Comments made at this stage are formal representations which should specifically relate to the soundness of the plan, its legal compliance and its compliance with the Duty to Co-operate. The four specific soundness tests set out in para 35 of the 2023 NPPF are:

- a) **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;
- 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.

In addition to these four tests, the Plan needs to fulfil the following legal obligations:

- a) **Legal Compliance** - meeting the legal requirements made under various planning laws; and
- b) **Duty to Cooperate (DtC)** - meeting the legal duty to cooperate with neighbouring authorities on key strategic issues

The consultation commenced on 23rd September and ends on 11th November 2024. The consultation documentation can be viewed [online](#).

Whilst this response is from Stratford-on-Avon District Council (SDC), SDC and Warwick District Council (WDC) are working together on preparing a joint South Warwickshire Local Plan (SWLP) and are currently working towards the Preferred Options stage (Regulation 18). Considering this arrangement, SDC has collaborated with WDC in preparing this response.

Context and background

Whilst Sandwell and SDC/WDC do not share an administrative boundary, Stratford-on-Avon District is part of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) which includes Sandwell and the wider West Midlands conurbation and the surrounding authorities. Along with North Warwickshire Borough Council, Stratford-on-Avon District also sits within the Coventry and Warwickshire HMA. Warwick District Council, our partner authority in the South Warwickshire Local Plan, is not within the GBBCHMA.

SMBC wrote to SDC under the Duty to Cooperate in June 2024, requesting a response to specific points regarding strategic housing issues. As with the preparation of this response, SDC consulted WDC and SDC responded to SMBC in August 2024 and that response can be viewed on the [Council's](#)

[website](#). We note that Stratford DC's response to this letter has been collated in Sandwell's September 2024 [Duty to Co-operate Statement](#). The table at Appendix 6 notes Stratford District's commitment to the HMA wide Growth Study.

Duty to Co-operate

Para 16 of the Local Plan notes that Sandwell Council has been working collaboratively with neighbouring authorities on cross-boundary issues for a number of years and will continue to do so. It is stated at paras 17-18 that Statements of Common Ground will document the cross-boundary matters that need to be addressed and what progress has been made in dealing with them.

Strategic Growth Study

The latest GBBCHMA Strategic Growth Study was prepared in 2018 and quantified the shortfall across the GBBCHMA as it stood at the time and proposed spatial housing growth options which could help address this shortfall. The overall scale of the shortfall has not been collectively quantified beyond 2031 since the 2018 Study. Stratford District Council is one of several authorities seeking a new study to refresh the 2018 Study, re-evaluating the housing shortfall in light of more recent evidence and policy.

Spatial Strategy for Sandwell and unmet need

Chapter 3 of the Sandwell Local Plan sets out the Spatial Strategy for Sandwell. By way of headlines of relevance to Stratford District, and South Warwickshire, an extract of policy SDS1 is included below which states that Sandwell will:

1. a. Deliver at least 10,434 net new homes
- b. Maintain the ongoing provision of around 1,221ha of allocated employment land...
3. ...development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation.

Paras 3.12 – 3.19 expand upon the Duty to Co-operate, with para 3.14 identifying that the local housing need for Sandwell for the period from 2024-2041 stands at 26,350, meaning that the commitment to deliver 10,434 homes in Sandwell will leave a substantial shortfall of 15,916 homes. Similarly for employment land, whilst Sandwell currently has 1,221ha of employment land, only 28ha of this is currently vacant and related employment evidence suggests there is a need for 185ha of vacant land for new employment development. Taking into account additional completions, there is a shortfall of 169ha of vacant employment land.

In line with national policy, there is a requirement for any housing or employment unmet need to be provided for across the relevant Housing Market Area, Functional Economic Market Area (FEMA) or other areas with which Sandwell has a strong physical or functional relationship. A number of local authorities have made offers of contributions to address the GBBCHMA shortfall or specifically to the Black Country Authorities (who were previously working together on a joint Black Country Plan), however it is understood that the offers of contributions are being revisited following the recent consultation on the revised NPPF and the related revised methodology for calculating local housing need which has increased the housing need figure for many of the local authorities. Para 3.17 states that if a shortfall remains over and above existing and anticipated contributions from other local authorities, Sandwell will undertake further work as appropriate to identify how the shortfall might be addressed.

Regarding the employment land shortfall, Sandwell's evidence base states that this will be met through the Black Country FEMA and with those local authorities with a strong or moderate relationship with the Black Country FEMA. These areas are defined on Figure 3.1 in the 2022 Black Country EDNA does not include the local authorities of Stratford or Warwick districts.

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It is clear that Sandwell faces a significant challenge in meeting their local housing need figure and employment requirement, and that at present a substantial shortfall in the number of homes and employment land to be provided against the level of need is evident. It is clear from the evidence that neither Stratford or Warwick districts have strong or moderate employment or labour market linkages with Sandwell and the wider Black Country FEMA, and therefore Stratford district would not be a candidate for assisting with meeting unmet employment land needs. Therefore, the comments focus on Sandwell's proposed strategy for meeting housing needs.

As stated in Stratford's response to Sandwell's Duty to Cooperate letter dated June 2024, the South Warwickshire Local Plan (2024) is at an early stage of preparation and as such it is not yet known whether the needs of South Warwickshire can be met within the two districts, particularly in light of the potential significant increase in Local Housing Need arising from the proposed changes to the Standard Method, as proposed in the draft NPPF (July 2024). Therefore, at this stage, Stratford cannot make a commitment to assisting Sandwell with meeting any of its unmet need. Whilst we are committed to continuing to work with our partner authorities across the GBBCHMA on an update to the 2018 Growth Study and an evidenced method to apportion any unmet need across the authority, it would be premature to put forward any contributions that have not been derived from this joint work. However, we would take the opportunity to highlight as we have in our previous responses to you, that in the event that there may be a request/need for South Warwickshire to accommodate any unmet housing need, then this would need to be considered in light of any necessary supporting infrastructure requirements and how this would be funded.

The specific wording of proposed policy SDS1, point 3 states that *"development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authorities"*. As discussed above, neither Stratford or Warwick districts share a boundary with Sandwell borough and therefore are not neighbouring authorities. There is also concern that this policy wording does not align with the supporting text at para 3.17 to policy SDS1 which says that Sandwell will undertake further work as appropriate to identify how the shortfall might be addressed. The detail of this further work is unknown, and we query how this could inform the Local Plan at this advanced point in the preparation process, close to Submission.

Given that the proposed plan period for the Sandwell Local Plan extends to 2041, which is beyond the 2031 horizon of the 2018 Growth Study, the planned update to the sub-regional work is required to provide an updated picture covering the entire plan period. There is no mechanism within the Publication Version of the Sandwell Local Plan as drafted to respond to the planned work of the GBBCHMA regarding quantifying and apportioning the shortfall in homes across the Housing Market Area through the proposed Growth Study refresh. It is therefore currently unclear how this strategic work could influence the Sandwell Local Plan and be effective in assisting with meeting the substantial identified shortfall.

Conclusion

Based on the observations above, Stratford on Avon District Council (with Warwick District Council) consider that the Publication Version of the Sandwell Local Plan as drafted raises questions regarding the approach to meeting housing need and the expectations of requirements of neighbouring local authority areas. We acknowledge Sandwell MBC's efforts under the Duty to Cooperate to date but consider that further work is needed on this key strategic matter and would question whether Sandwell Council have fulfilled their requirements in this regard in the Publication version of the plan. We would suggest that the plan needs to be informed by the outcomes of the planned refresh to the GBBCHMA Growth Study to allow clearer, evidence based statements to be included in policy

regarding the distribution of any unmet need. We note that a Statement of Common Ground is planned with members of the GBBCHMA regarding the apportionment of any contributions between the GBBCHMA authorities and agreement to refresh the 2018 HMA Strategic Growth Study. Stratford DC look forward to assisting with this in the coming months. We also note that the expected forthcoming publication of a revised NPPF will result in further consideration on this topic.

We would also reiterate that there are infrastructure pressures in both districts and neither have sufficient infrastructure or the funds to cater for significant additional population, particularly in respect of health, education and transport infrastructure. It would be necessary for any exported housing to be accompanied by sufficient resources to provide for these.

Stratford on Avon District Council (with Warwick District Council) reiterate their ongoing commitment to working with Sandwell Council on strategic matters that cross administrative boundaries under the requirements of the Duty to Cooperate.