



Sandwell

Metropolitan Borough Council

Mr. Ian Carroll

My Ref: Policy/AJM
Your Ref:
Please ask for: Andy Miller
Telephone No: 0121 569 4249
Date: 3rd January 2018

Dear Mr. Carroll,

Petition in response to the Dudley Port Supplementary Planning Document

I refer to the petition presented by you to the Council on 10th August 2017 regarding the Dudley Port Supplementary Planning Document.

The wording of the petition reads;

"We the undersigned petition Sandwell Council to reject plans to build houses on the site of the former tip between Sheepwash Local Nature Reserve and the Temple Way Estate. The area is already saturated in housing and the nature corridors and people need to be protected from inappropriate development on and near to the land contaminated by past industrial use. We instead wish to see this site kept green for wildlife, for nature and for people and reject the house building PR spin job known as the Garden City."

You were subsequently informed by my colleagues in Democratic Services that as the petition related to an ongoing consultation, it would not be presented to the Cabinet Petitions Committee but would be dealt with as part of the consultation process and reported to Cabinet as such.

As you are aware, the Dudley Port SPD was considered and approved at Cabinet on 13th December. Cabinet did not, and in fact could not, deal with the request to reject the housing proposal as set out in the petition in its decision to adopt the SPD for the reasons I will set out below. However, this does not mean that the concerns of the petitioners will not be addressed at all.

I explained to you the process by which land is allocated in the Local Plan when we met last summer but it is worth setting this out in order that you are fully aware of how you and your fellow petitioners' concerns can be properly registered and given consideration in the appropriate forum, at the appropriate time.

The Local Plan in Sandwell consists of three tiers;

- *The Black Country Core Strategy (BCCS)*; this sets out the high level strategy and policies for development. It identifies broad areas for different forms of development such as housing, employment and retail, but crucially, it does not

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identify specific sites. The BCCS was adopted in February 2011 having been examined by a Planning Inspector in July 2010 and found 'sound'.

- *The Sandwell Site Allocations & Delivery Plan (SAD) and Area Action Plans;* these documents form the bulk of the local plan and must be in conformity with national planning policy and the BCCS. They set out Sandwell-specific policies and allocate sites for specific purposes. The SAD was adopted in December 2012 following an Examination in Public (EIP) in February that year. It is this document that allocated the Rattlechain site for residential purposes. As a participant, you will recall that this particular allocation was a matter dealt with by the inspector at the EIP and was considered in some depth. As the plan was ultimately found to be sound by the inspector, and subsequently adopted, the Rattlechain allocation is a matter of fact and can only be altered when the SAD is reviewed. This last point is absolutely crucial in understanding the reasons behind the Council's handling of the petition.
- *Supplementary Planning Documents;* SPDs are means by which further detail, clarification etc. can be added to existing, approved policies or proposals as set out in the BCCS, SAD or AAPs. SPDs are not subject to independent examination. It is for this reason that SPDs such as that prepared for the Dudley Port area cannot create, amend, or rescind policies and proposals already approved as part of the adoption of the Council's Local Plan as expressed in the BCCS, SAD etc.

Which brings me back to the petition; far from batting away comments, the manner in which the petition has been handled to date is a consequence of the planning regulations, as set out by Central Government, relating to the allocation of land in Local Plans as described above.

The petition has neither been ignored nor gone unnoticed. The Dudley Port document is SPD so cannot change the allocation of the Rattlechain site as set out in the SAD because planning regulations do not permit it. The matters that the SPD deals with would, in any case, differ little had the Rattlechain site not been allocated for housing.

Therefore as the petition was in fact an objection to provisions of the, already adopted, Local Plan rather than to any of the matters dealt with in the SPD, the report to Cabinet could not address the petitioners' concerns as it would have been acting outside of the Council's powers to have done so.

Both the BCCS and SAD are due for review. The review of the former commenced last year whilst that for the SAD will begin in this month. I am aware that you have already made representations in relation to the BCCS review and that these, in part, relate to matters relevant to the Rattlechain site. These will be dealt with as part of the BCCS preparation and no doubt will, in due course, be tested at Examination.

I propose to treat your petition as a representation to the SAD review consultation process when this begins as it is clear from its wording that it is the allocation of the site itself that is at issue and therefore the review of the SAD is the appropriate process with which to address it. I would however invite correspondence from you

when the formal consultation takes place confirming that the petition is to be regarded as such. The concerns expressed can then be considered as part of the statutory process for the plan's preparation. Obviously I cannot at this stage give any indication of what the outcome will be, but be assured that the appropriateness of the plan's allocations will be reviewed and assessed, and ultimately tested at an Examination in Public in front of a Planning Inspector before a final plan is adopted by the Council.

I appreciate that the planning process is both lengthy and complex, and that it may at times appear that matters are being inadequately dealt with. However, I trust that the above explains the situation and reassures you that the petition will be properly considered and dealt with at the appropriate time.

Yours faithfully,



Andy Miller
Strategic Planning &
Transportation Manager

