

Good afternoon, Cllr Gill,

I refer to your recent Councillor Enquiry, presumably on behalf of Mr. Ian Carroll, assigned to John Satchwell (Green Spaces Manager) regarding a number of matters that fall predominantly in his area. The enquiry includes a question regarding a 2017 petition relating to the proposed housing development at Rattlechain which falls in my area of responsibility. Due to its complexity, I thought it useful to contact you separately.

I wrote to Mr. Carroll in January 2018 setting out the reasons why the petition he presented in August 2017 objecting to the allocation of the Rattlechain site for residential use could not be treated as a representation to the Dudley Port Supplementary Planning Document which had just been consulted on. These reasons were founded in statutory planning regulations which the Council had no power to override. In short, the Dudley Port SPD could not legally change the site allocation at Rattlechain as requested in the petition because SPDs can't change policy already adopted as part of the Local Plan. SPDs can only provide additional guidance on adopted policies.

As Mr. Carroll has correctly referred to, in my letter I advised him that the appropriate means of making representations on the allocation of the Rattlechain site was through the process for reviewing the Local Plan. At that time, the Local Plan consisted of two tiers; the Black Country Core Strategy, 2011 (BCCS) made up the Tier 1 Plan, whilst the Sandwell Site Allocations and Delivery Plan, 2012 (the SAD) was the principal Tier 2 document. A review of the BCCS was already underway at that point, and the SAD review was about to commence. As the allocation of the site was a policy within the SAD, I advised Mr. Carroll that the petition would therefore be treated as a representation to the SAD review even though it had been submitted prior to its commencement. At the time, this would have been a reasonable and pragmatic means of dealing with the petition.

However, the SAD review did not commence as envisaged in January 2018. What followed was unfortunately wrapped up in a quite technical process relating to how Local Plans are prepared that was completely unrelated to the Rattlechain site. These changes altered how all four Black Country local authorities dealt with their Tier 2 Local Plan documents. I therefore apologise for the complex nature of the explanation that follows.

It became apparent during 2018 that the BCCS review would need to include a review of the Black Country's Green Belt due to the scale of the housing need within the region compared to the amount of development that could be accommodated on brownfield sites. This meant that the reviewed BCCS would have to allocate sites that were proposed to be removed from the Green Belt. The previous BCCS had not included site allocations. For consistency's sake, it was more sensible to include *all* site allocations in the reviewed BCCS, not just the former Green Belt sites. To reflect this, the BCCS was renamed the Black Country Plan (BCP). The BCP would effectively take over the role of the SAD in each authority when it came to site allocations. The Rattlechain allocation would therefore have been included in the new Black Country Plan. These changes resulted in a significant delay to the whole local plan review process. The review of the SAD in Sandwell did not start at all, and it was likely that had things progressed as envisaged, a SAD in its original form would not be required once the BCP was adopted.

For reasons that are not related to Rattlechain, the Black Country Plan collapsed in Autumn 2022 having not progressed beyond the Draft Plan stage. Sandwell therefore took the decision to commence a completely new local plan and this process began in December 2022. Whilst this new plan, the Sandwell Local Plan (SLP) will replace both the BCCS and SAD on its adoption, it is a totally separate plan to both.

The Draft SLP was consulted on between October and December 2023. The Draft Plan included the Rattlechain site as a residential allocation. However, the boundaries of the site had changed from that shown in the SAD in 2012. The Plan that was consulted on in 2023, and the justification and evidence that supports it, is different to that approved in 2012, or even the situation as it existed in 2017 when the petition was prepared, and signatures invited.

Given the passage of time, it is possible that some of the signatories may no longer live at the addressees given. Also, opinions may have changed since 2017. It is reasonable to expect that respondents to the new Sandwell Local Plan be given the opportunity to base their responses on the information contained in that plan, information that would not have been available to the signatories in 2017.

Sandwell Council can therefore not accept a petition submitted in 2017 as a representation to a document that was not consulted on until 2023, a document that is different in form and content to that which the signatories were objecting to at the time they signed the petition.

The Publication Sandwell Local Plan, effectively the final version of the plan, will be submitted to Cabinet on 11th September for approval to its publication for a six-week period of consultation. Mr. Carroll will be able to submit a representation to that consultation. He can also arrange a new petition if he so wishes and submit that as an additional representation. The original petition cannot be submitted, however.

It is important to note that any representations received in relation to this consultation will not be dealt with by the Council. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, they will instead be submitted by the Council to the Secretary of State for Housing, Communities and Local Government, along with the Local Plan itself. The Secretary of State will then appoint an inspector to hold an Examination in Public, probably next Spring, at which the representations will be considered, and Mr. Carrol or any other resident, would be able to attend and participate.

Regards,

Andy

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