

Our Reference: 8979 LPA1 dSLP GC

By email only to - Sandwell MBC Directorate of Regeneration & Growth

Sandwell_LocalPlan@sandwell.gov.uk

15th December 2023

Dear Sirs,

**Regulation 18 Draft Sandwell Local Plan and Regulation 18 Draft Sandwell Local Plan
Sustainability Appraisal - Representations on behalf of Police and Crime Commissioner for West
Midlands**

Introduction

The Tyler Parkes Partnership Ltd acts for the Police and Crime Commissioner for West Midlands (PCCWM) and is instructed to make representations on local development documents on behalf of West Midlands Police (WMP) in respect of securing appropriate policy reference in such documents to a range of matters including:

- Recognising the community need for securing safe environments with crime reduction made a priority;
- Requiring developers to demonstrate how proposals address community safety and crime prevention in Design & Access Statements, or other relevant planning application documents;
- Promoting a safe and secure entertainment, leisure and evening economy;
- Ensuring the timely and effective engagement with the Police to ensure effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
- In appropriate cases, seeking financial contributions towards the additional expenditure burden placed on West Midlands Police as a consequence of development proposals and growth;
- Ensuring the timely and effective engagement of the police in the planning process in relation to matters likely to affect crime and fear of crime, including in relation to Secured by Design and engagement with Design Out Crime Officers; and
- Ensuring the timely and effective engagement of the police in relation to Counter-Terrorism matters, e.g. Counter Terrorism Security Advisors can give appropriate advice concerning Vehicle-Borne Devices (VBD) mitigation, Person Borne Improvised Explosive Device (PBIED) mitigation, and Marauding Terrorist Attacks, which are an ever-present threat, and the Crowded Place agenda (particularly in relation to shopping areas and the night-time economy).

The PCCWM has participated in the previous stage to the current consultation, and these representations should be read in conjunction with the earlier representations to the Sandwell Local Plan Issues and Options consultation.

At the outset, the PCCWM would like to recognise and welcome that the Council has made significant progress in acknowledging and helping address the representations made at the Issues and Options stage, however, there are a number of areas of objection, as set out in this detailed representation.

Discussion – Responses of the Police and Crime Commissioner for West Midlands (PCCWM)

Sandwell Spatial Portrait – paragraphs 27-77 and Challenges and Issues – paragraph 78

This section of the draft Local Plan sets out the background to the Borough and includes key statistics. There is no reference at all in paragraphs 27 to 77 of the crime statistics for the Borough, whereas statistics/ profiles are given for health, economy and skills, employment, transport, broadband and 5G etc. This is considered a significant omission, given crime and disorder are key indicators of relevance in painting a spatial portrait of the Borough. Indeed, it is noted in the accompanying Sustainability Appraisal under Table 2.1: Summary of SA Objectives confirms under point 11 that the reduction of poverty, crime and social deprivation and secure economic inclusion are a Sustainability Appraisal objective, however, no crime statistics are provided against which to measure the success of the objectives. Furthermore, Table 9.1 of the Sustainability Appraisal includes in its recommendations at (11) Equality, ensuring that development proposals take into account crime and safety, and promote safe and accessible neighbourhoods, helping to reduce crime and fear of crime. These recommendations need better translating into the policies of the draft Sandwell Local Plan.

An understanding of the crime profile of the Borough, in accordance with the requirement under paragraph 130(f) of the NPPF 2023, ensures that planning policies and decisions, amongst other requirements, “...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

In this respect, it is considered that the crime profile should be included, and to that end, the existing crime statistics from West Midlands Police (2022), i.e. the last full calendar year, are set out below. The Office for National Statistics (ONS) population projections indicate that the expected number of households across the West Midlands for 2022 was 1,163,039. For the Sandwell area alone, the projected number of households is 129,512.

In 2022, the total number of recorded Police incidents (i.e. those occasions when West Midlands Police were called upon to deploy 1 or more Officer(s) to an incident) was 635,972 for the entire force area. The actual number of crimes recorded, resulting from these incidents, was 364,950

crimes (which equates to 0.55 incidents/0.31 crimes per household, across the entire WMP force area).

The table below sets out these figures, along with those incident and crime figures relating to Sandwell by way of comparison, as highlighted, which coincidentally are very similar to the incidents/crimes per household for the whole force area.

Table 1: Crime Statistics from 2022

	Households	Calls for Service	Offences	Calls for service per household	Offences per household
West Midlands	1,163,039	635,972	364,950	0.55	0.31
Sandwell	129,512	70,832	38,503	0.55	0.30

Source of figures: ONS statistics and crime figures (offences/incidents/calls) from WMP

On the basis of the above crime statistics, the following proportional factor can be applied to reliably predict the potential additional incidents/crimes which would be likely to occur within a calendar year upon completion as a result of the planned new population growth in the borough of Sandwell.

The proposed numbers of new homes of 11,167 (supply) and 29,500 (need) would represent 8.5% and 22.8% increases in the number of households within Sandwell, respectively. If the same percentage increases are applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents/crimes likely to occur within a calendar year are as set out in the following table.

Table 2: Predicted Crime Statistics

Existing Statistics for Sandwell (2022)		Predicted additional incidents/offences based upon 11,167 new homes (supply) 8.5% increase (from 2023 onwards)	Predicted additional incidents/offences based upon 29,500 new homes (need) 22.8% increase (from 2023 onwards)
No. of Households	129,512	11,000	29,500
No. of Calls for service	70,832	6,016	16,134
No. of Offences	38,503	3,270	8,770

Source of figures: ONS statistics and crime figures (offences/incidents/calls) from WMP

As set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment
Reference: v2.0 dated 2nd November 2023:

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of WMP's crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas.

The PCCWM clearly has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime (ref. Section 17 of the Crime and Disorder Act 1998).

The PCCWM requests that in accordance with national planning policy, the theme of community safety and crime prevention is given greater prominence in the draft Sandwell Local Plan consultation, including in the Spatial Visions, Priorities and Objectives (Chapter 1), to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities. There should also be reference in 'Challenges and Issues' (paragraph 78) to crime and disorder.

Policy SDS4 - Achieving well-designed places

The PCCWM **supports** the requirement at Policy SDS4 point 6 that 'Development should contribute positively to creating high quality, active, safe and accessible places.' And at point 7 that 'To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.'

In addition, the justification to the policy at paragraph 3.58 confirms the environmental, economic and social benefits, including community safety, of designing high-quality places.

However, the PCCWM **objects** to the omission of any reference to 'Secured by Design' principles and the 'Park Mark' parking standards, which would ensure a consistency in designing out crime. Secured by Design is proven to reduce crime and anti-social behaviour by 87% - see Police Scotland research: [Secured by Design - The success of Secured by Design – Police Scotland's Stuart](#)

[Ward showcases extraordinary 87% reduction in crime in Secured by Design properties](#)

Park Mark facilities have seen vehicle-related crime drop by 80%: [ParkMark - About The Scheme](#)

It is recommended that the following modification to the policy (shown in bold) be included after Point 7 of Policy SDS4:

‘All new development should include consideration of crime prevention measures, Secured by Design, Park Mark principles, and the need for a maintenance plan to reduce crime, the fear of crime and anti-social behaviour.’

Policy SDS5 - Cultural Facilities and the Visitor Economy

The PCCWM highlights the need to consider the threat of terrorism and measures to minimise crime and anti-social behaviour which can be associated with large gatherings, such as in town centres, under the remit of Policy SDS5. All locations which will generate crowds in public places should consider the need for appropriate security measures in the design of buildings and spaces. Good counter-terrorism protective security can also support wider prevention.

Policy SDS5 is considered to be one measure to achieve Strategic Objective 7 (ensuring communities in Sandwell are safe and resilient and social cohesion is promoted and enhanced) and Objective 11 (to ensure new development supports health and wellbeing).

The PCCWM **supports** the inclusion of the following wording in Policy SDS5 (point 5), which take on board the previous representations made on behalf of the WMP in respect of Policy CSP5:

‘An assessment should be undertaken (as part of the design of new developments likely to attract large numbers of people) to demonstrate and document how potential security and crime-related vulnerabilities have been identified, assessed and where necessary, addressed in a manner that is appropriate and proportionate.’

However, the justification to the policy does not reference the background to this wording and why it has been included. It is requested that the justification takes account of, and references, the following policy background:

- Planning Practice Guidance (Paragraph: 011 Reference ID: 53-011-20190722 revised 22nd July 2019) recognises that for all locations which will generate crowds in public places, consideration should be given to appropriate security measures in the design of buildings and spaces. Good counter-terrorism protective security can also support wider prevention. The PPG identifies a number of sources of guidance in this respect including ‘Protecting Crowded Places: Design and Technical Issues’, which refers to ‘Secured by Design and ‘Safer Parking’ standards, ‘National Counter Terrorism Security Office (NaCTSO)’ crowded places and ‘Centre for the Protection of National Infrastructure (CPNI)’ built environment guidance.

The PPG goes on to advise that as well as the above referenced guidance, local police Counter Terrorism Security Advisors (CTSAs) and Designing Out Crime Officers (DOCs) have training and experience of advising on security, are independent in their advice and have further access to more specialist resources where required, including the NaCTSO and the CPNI), and states that local planning authorities should consider referring appropriate planning applications for public access buildings and spaces to the police who will determine the appropriate specialist input (Paragraph: 012 Reference ID:53-012-20190722 revised 22nd July 2019)

- The National Planning Policy Framework (NPPF) is clear in its requirement that local planning authorities should anticipate and address possible malicious threats, especially in locations where large numbers of people are expected to congregate. It states at paragraph 97 that, 'Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.'

The footnote to the above paragraph confirms this includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

Accordingly, the justification to Policy SDS5 should be expanded to include the requirement for point 5.

Policy SHW1 – Health Impact Assessments

The PCCWM notes the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of ensuring a healthy and safe environment that contributes to people's health and wellbeing being a key Council objective and its partners in the health, voluntary and other related sectors.

The proposed Health Impact Assessments (HIA) cover an assessment of how proposed development will be, inter alia, '...inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

The PCCWM **supports** the policy and its objectives.

SHO1 – Delivering Sustainable Housing Growth

The need for contributions towards Police infrastructure to ensure sustainable growth

In order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion. The PCCWM **objects** to Policy SHO1 as it should include reference for the need for contributions for social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan – however point 4 of the Policy states ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses.’

As set out elsewhere in this representation, in the comments of the PCCWM on the Sandwell Spatial Portrait and Chapter 12 ‘Infrastructure and Delivery’, a growth in housing and population in the Borough will bring increased demand for police services and there is a need for developer contributions to fund that growth for the reasons set out.

Therefore, new development, including larger housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Of note, point 5 to Policy SHO1 refers to ‘ancillary uses appropriate for residential areas’ in sites with existing planning permission, sites allocated for housing by the Plan and windfall sites, in tacit acknowledgement that such uses as health facilities, community facilities and local shops are linked to housing development and that there may be a gap in provision. However, funding for such community services as policing is necessary and contributions should be required through CIL/ S.106 agreements to help fund the provision and maintenance of, inter alia Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Proposed housing allocations

The PCCWM requests that the following police sites are considered for residential allocation in the draft Sandwell Local Plan. All sites are owned by the PCCWM.

Table 3 – PCCWM - proposed housing allocations

Site	Oldbury Police Station, Oldbury Ringway, Oldbury B69 4JW (Figure 1 below)	Wednesbury Police Station, 53 Holyhead Road, Wednesbury WS10 7DF (Figure 2 below)	Smethwick Police Station, Piddock Rd, Smethwick B66 3BE (Figure 3 below)	Windmill House, 32 Windmill Lane Smethwick West Midlands B66 3LX (Figure 4 below)
Site area	Approx. 1,000 sqm	Approx. 3,320 sqm	Approx. 2,450 sqm	Approx. 2,104 sqm
Site area of land suitable for development	Approx. 1,000 sqm	Approx. 3,320 sqm	Approx. 2,450 sqm	Approx. 2,104 sqm
Direct vehicle access	From Stone Street	From Victoria Street	From Crocketts Lane	From Windmill Lane (B4136)
Current uses	Police station, car parking, in a mixed-use area close to town centre	Police station, car parking, in a mixed-use area close to town centre	Police station, car parking, in a predominantly residential area	3-5 storey Police Station, car parking in a mixed-use area close to town centre
Proposed use or mix of uses for site	New build houses or apartments	Residential apartments	Residential including conversion and new build	Residential apartments, including via conversion
Number of homes	15+ apartments	80+ apartments	60+ dwelling units (apartments)	70+ dwelling units (apartments)
Suitable for Gypsy and Traveller site	No	No	No	No
Suitable for long-term ecology project	No	No	No	No
Services at site	All main services	All main services	All main services	All main services
Site constraints	None.	Area of archaeological importance and Wednesbury Regeneration Area	Area of archaeological importance and High Streets and Crocketts Lane Conservation Area	Area of archaeological importance

Details of site relocation	Neighbourhood Teams co-located with Sandwell Council; corporate functions will relocate within WMP estate.	Neighbourhood Teams will relocate locally; other teams will relocate within the WMP estate.	Neighbourhood Teams and Response will relocate locally; corporate functions will relocate within WMP estate.	Multiple corporate functions will relocate within WMP estate.
Relevant historic planning permissions	DC/04/42145 Extension to locker room block on the ground floor and a first floor extension over the existing single storey block and proposed extension for offices and fire escape – approved 2004	Various. Most recent – DC/15/58906 Proposed new security fencing and car park barrier to rear car park. – approved 2016	DC/00/37082 Form new custody suite and demolish existing custody suite. Police Station Piddock Road Smethwick Warley – approved 2000	DC/05/44169 Change of use of the existing single quarters accommodation on first and second floors of the front block to Police use for storage, offices and training. DC/03/40883 Alterations to ground floor to form a police sector station for C Sector K2 OCU. Alterations to first floor to improve fire escape and form house keepers store.
Timescale for availability of land	0-2 years	0-2 years	0-2 years	0-2 years
Length of time to develop site	0-2 years	0-2 years	0-2 years	0-2 years



Figure 1 – Oldbury Police Station



Figure 2 - Wednesbury Police Station

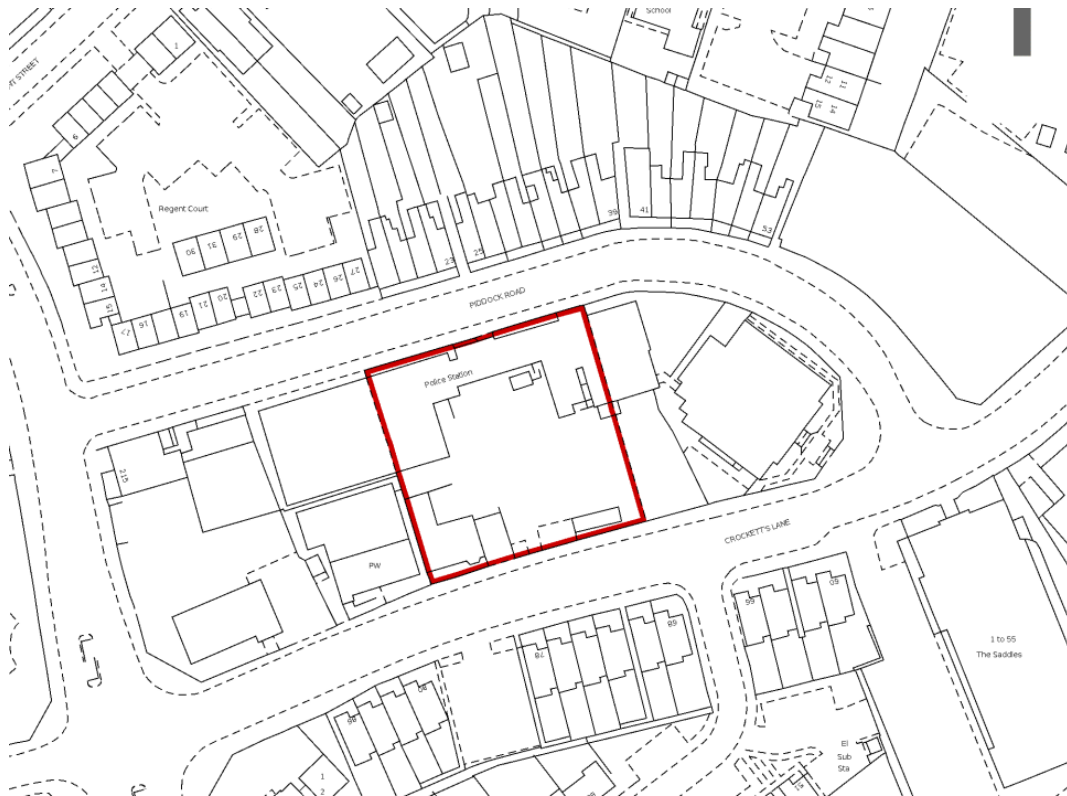


Figure 3 – Smethwick Police Station



Figure 4 – Windmill House

SHO2 – Windfall Developments

Under Policy SHO1, windfall housing is to deliver 1,868 dwellings during the plan period. In order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion. The PCCWM **objects** to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

The Council's attention is also drawn to the comments of the PCCWM on the Sandwell Spatial Portrait and Chapter 12 'Infrastructure and Delivery'.

Policy SHO8 – Houses in Multiple Occupation

The PCCWM **supports** the wording of the policy and justification to Policy SHO8, which reflects the representations made to the Sandwell Issues and Options consultation.

The PCCWM **supports** the specific reference within the policy itself, point 3(e) as follows -

'3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal:...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully **supports** the footnote to this policy which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM **supports** the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO8, paragraph 7.54(g) is also **supported** by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: *'...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;...'*

However, in addition to the support for Policy SHO8, the PCCWM suggests there is a Borough wide Article 4 Direction introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken by a number of the West Midlands authorities, including Birmingham City Council and Coventry City Council.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the draft Sandwell Local Plan will manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SHO10 – Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM **supports** the wording of the policy and justification to Policy SHO10, which reflects the representations made to the Sandwell Issues and Options consultation.

The PCCWM **supports** the specific reference within the policy itself, point 6 as follows -

‘6. Proposals should be well designed and laid out in accordance with Secured by Design principles as set out in Policy SDM1.’

The justification to Policy SHO10, paragraph 7.70, that pitches and plots are well designed in line with Secured by Design principles, and that advice is sought from West Midlands Police Design Out Crime Officers is also supported by the PCCWM.

Policy SCE1 - Sandwell Centres

Sandwell’s Local Plan Vision 2041 includes the following:

‘Sandwell’s town centres thrive by day and by night, with an expanded range of retail, leisure and socialising opportunities as well as acting as the foci for new residential developments, community activities and social enterprises. They are safe, welcoming and accessible locations during both day and night, designed to encourage positive public interactions and minimise antisocial behaviour.’

Strategic Objective 15 supports Sandwell’s towns and local centres as places for economic, residential and cultural activity with good access to services, in ways that protect their heritage, character and identity vision is echoed in other policies, for example, paragraph 3.20 confirms that Sandwell is committed to the regeneration of its towns and employment areas and has adopted its

Sandwell Regeneration Strategy 2022-27 that sets out exactly how this will be achieved. The strategy contains a vision for this process, which includes reference to creating 'exciting, busy, and green centres where people meet throughout the day, with a thriving cultural and night-time economy'. The strategic approach for the Borough's economic and regenerative growth is set in Policy SDS2 (para 3.21) and Policy SCE1 'Sandwell's Centres' (paragraph 9.9) that confirms that the Council will support the evening economy, as well as reference to creating evening/ night-time offers in individual polices relating to all the Town Centres, e.g. Policy SWB1 'West Bromwich Town Centre' etc.

However, the PCCWM considers it prudent to include more detail in Policy SCE1 to cover specific issues in relation to the evening economy, to ensure development proposals, particularly in dense areas such as town centres, promote safe and accessible neighbourhoods, helping to reduce crime and the fear of crime.

The PCCWM considers it vital that a proposed expansion of the evening economy should include reference to town centres being safe and secure environments to enable the attainment of that vision. Such a policy should also consider supporting the use of the 'Secured by Design' scheme in relation to crime prevention. The aim/ vision should be to reduce crime, the fear of crime, anti-social behaviour and potential disturbance to existing businesses and people. If crime, or the fear of crime is not addressed, people will not feel safe, are unlikely to use the entertainment/night-time facilities, with potential of an economic spiral of decline. Bars, restaurants and shops will close and be boarded up, resulting in less people being attracted to the area, leading to the closure of more premises and companies going out of business. Such a policy would deliver economic, social and environmental sustainability, meeting the objectives of Policy SDS2 'Regeneration Areas' and others. Without a specific policy, the objectives and the vision set out in the draft Local Plan is not met.

The PCCWM notes that Policy SCE1 seeks to meet the Strategic Objectives 2 (sustainable development) and 15 (supporting the town centres). Within the policy itself it is noted that it is proposed to diversify and repurpose centres, enhanced by appropriate complementary uses, particularly including, inter alia, community uses and supporting the evening economy.

Therefore, the PCCWM **objects** to the lack of appropriate wording within Policy SCE1 to address the expansion of the leisure evening economy which will impact on policing. It would be unsound for the impact of this significant area of growth and development to be ignored as it could potentially undermine the Plan's Strategic Objectives and the sustainable development objectives of the NPPF. Similarly, there is no reference to safety, crime or disorder in the justification to the policy.

Safety issues of particular relevance to the evening economy include for example:

- Access to and from the facilities e.g. nearby public transport network, access to taxis and private hire vehicles;
- Safe and reasonably priced parking facilities - well lit, accessible car parks where people feel

safe, with CCTV and good access control, meeting the standards set out in the Police Crime Prevention Initiatives Safer Parking Scheme - [ParkMark - About The Scheme](#)

- Well-run premises, with qualified/licenced door staff, who are able to deal with the conflict and problems associated with such premises, as well as presenting a welcoming 'customer service' approach to people visiting the city and the premises concerned;
- CCTV facilities within bars, clubs and restaurants;
- Hot food takeaways/ late-night refreshment houses are often the flashpoint for violence after the pubs and clubs close;
- Late night opening off-licenses and small retail stores (that sell alcohol) tend to be 'honey pots', i.e. areas where people linger for longer than they would normally do so and attract increased levels of anti-social behaviour;
- Position of ATM ('hole in the wall' and 'stand-alone'). These are often situated in night-time economy areas. These become 'crime-generators' (intoxicated people using cash machines are vulnerable to becoming victims of crime).
- ATMs and ATM replenishments. ATMs are a common focus of 'cash in transit' robberies - where cash vans are attacked, either entering or leaving a bank with cash bags, or replenishing ATMs. Across the UK (and Midlands) there have been a number of physical attacks on ATMs, including the use of gas – see [best-practice-for-physical-atm-security.pdf \(link.co.uk\)](#); and
- Sheesha (Shisha/Hookah) Lounges and the potential impact on surrounding communities. These are increasing in number, but they do not fall under alcohol licensing or other forms of regulation. Many of these lounges have outside areas where people can smoke together. These are often unsafe, crowded shelters or internal areas which may not comply with smoking regulations. The police have to use powers afforded to other agencies (e.g., Fire and Environmental Services) to restrict inappropriate developments, which could be dangerous to the service-users or cause conflict within the local community. Policy opportunities to manage premises would be welcomed.

The PCCWM therefore requests that Policy SCE1 be modified by the introduction of the following text at 6(d) shown in bold:

'6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM **objects** to the lack of appropriate wording within Policy SCE2 to address the expansion

of the non-E class uses in town centres which will primarily relate to the leisure evening economy - as drafted the policy will impact on policing. It would be unsound for the impact of this significant area to be ignored as whilst the policy makes reference to such uses as public houses and live music venues, it does not provide details of how such applications will be assessed in the context of crime and disorder and therefore the policy could potentially undermine the Plan's vision and objectives and the sustainable development objectives of the NPPF.

The PCCWM considers that the general objectives of evening specific issues for any decision-maker include ensuring a thriving, vibrant economy where people can feel safe, with reduced crime and a reduction in the fear of crime.

The PCCWM **objects** to the lack of any reference in Policy SCE2 to crime, fear of crime, disorder or anti-social behaviour as considerations for planning applications for non-E class uses in town centres. The PCCWM requests that the policy be modified by the introduction of the following text shown in bold:

'5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

In these policies which relate to Town, District and Local Centres, as well as Small-Scale Local Facilities not in Centres, there is no reference in the policies to crime, fear of crime, disorder or anti-social behaviour as considerations for planning applications as would be expected in light of the Council's statutory duty and its objectives and vision in the draft Sandwell Local Plan, and therefore the PCCWM objects and requests that these policies all contain the following wording:

'In locations where there are considered to be issues concerning community safety, crime, and disorder, advice will be sought from the police and other safety organisations before planning permission is granted for proposals.'

The justification to the policies should similarly reference this requirement.

Policy SWB2 - Development in West Bromwich

The PCCWM **objects** to this Policy as it does not cross reference other relevant policies of note, including those relating to town centres, therefore the Policy should cross reference policies such as Policy SCE1 'Sandwell Centres' etc. For example, point 4 should reference an amended Policy SDS5.

Policy SDM9 - Community Facilities

The PCCWM's response to Policy SDS5 is also applicable to Policy SDM9, in terms of the importance of proposals relating to new community facilities needing to consider the threat of terrorism and measures to minimise crime and anti-social behaviour which can be associated with large gatherings. Policy SDM9 gives examples of the community facilities it applies to, which include but are not limited to, banqueting suites and entertainment venues, places of worship and / or religious instruction and community centres. However, such community uses have the potential to attract large numbers of people. Whilst the policy acknowledges that most community facilities would be best located in town centre, it is recognised that such uses also take place outside of town centres, therefore the policy references to uses attracting the congregation of large numbers of people should also be included in policies relating to sites outside of town centres.

Whilst Policy SDM9 makes reference to the need to consider noise and car parking in relation to such proposals, the policy makes no reference to the need for applicants to undertake an assessment as part of the design of new developments likely to attract large numbers of people, or to demonstrate and document how potential security and crime-related vulnerabilities have been identified, assessed and where necessary, addressed in a manner that is appropriate and proportionate.

The requirement for this is set out in the PCCWM response under Policy SDS5 above and the PCCWM **objects** to the omission of this policy wording under Policy SDM9, and requests a new bullet point that states that:

'6. An assessment should be undertaken (as part of the design of new community developments likely to attract large numbers of people) to demonstrate and document how potential security and crime-related vulnerabilities have been identified, assessed and where necessary, addressed in a manner that is appropriate and proportionate.'

In addition, it is noted that the listed community facilities do not include emergency services such as police or fire, all of which are community facilities necessary for achieving sustainable development.

Policy ENV7 – Canals

The PCCWM **objects** to the omission of reference to the need to consider crime, anti-social behaviour, and the fear of crime when considering development proposals on the canal network. The policy justification acknowledges that 'The network has significant value for nature conservation, tourism, health and wellbeing and recreation, and the potential to make an important contribution to economic regeneration through the provision of high-quality environments for new developments and a network of pedestrian, cycle and water transport routes.' The success of the policy will to some extent be dependent upon people being and feeling

safe. It is therefore proposed that the following additional wording (shown in bold) be added as a modification to the policy:

'3) Where opportunities exist, all development proposals within the canal network must:...

d. relate positively to the adjacent waterway by promoting high quality design, **incorporating crime prevention measures by reference to Secured by Design principles to reduce crime**, the fear of crime and anti-social behaviour, including active frontages onto the canal and improving the public realm;

g. include a management plan where appropriate to, for example, ensure any planting does not provide concealment or facilitate illegal access to property or premises.'

Policy SDM1 – Design Quality

In accordance with national policy, it should be recognised that good design can have a role in reducing opportunities for crime and policies or design codes/ SPD should include reference to the mechanisms for achieving safe environments.

The PCCWM **supports** the proposed policy requirement (2d) that Design and Access Statements must demonstrate that a number of aspects of design have been addressed, including, *'...d) crime prevention measures, Secured by Design and Park Mark principles and the requirements of Part Q of the Building Regulations 2010 or any successor legislation;'* However, the PCCWM considers the policy does not go far enough as it does not have a requirement for Secured by Design principles and Park Mark to be incorporated into development proposals. Furthermore, only some mainly larger planning applications require Design and Access Statements so as an overarching design policy for the plan, it should apply to all development proposals.

The PCCWM also **supports** the inclusion in point 4 of the policy that states that development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, including in terms of *'h) crime and safety'*.

The PCCWM also **supports** the wording of justification paragraph 15.17 which explains that 'A key objective for new developments should be that they create safe and accessible environments where crime, the fear of crime and anti-social behaviour do not undermine the quality of life, health or community cohesion. Good design, layout and spatial relationships (including the use of sensitively designed and located landscaping that reduces opportunities for anti-social behaviours) can make a positive contribution towards improving community safety in an area. It is the intention of Sandwell Council to work with the police towards the reduction of crime and the fear of crime, and anti-social behaviour across Sandwell. This will be a material consideration in all planning proposals.' However, as this policy is the overarching design policy in the draft Local Plan, the PCCWM requests that reference is also made within this paragraph 15.17, to the need for

developers, as well as the local authorities, to engage with the West Midlands Police Design Out Crime Officers (DOCO) at the pre-application as well as the planning application stage.

Policy SDM6 – Hot Food Takeaways

The PCCWM **supports** a prescriptive policy on Hot Food Takeaways as set out, noting that the justification to the policy acknowledges that such uses (compared to other retail uses) are more likely to have, inter alia, a detrimental impact on amenity and such harmful impacts tend to increase anti-social behaviour.

However, it is considered that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. The PCCWM considers the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM7 – Management of Hot Food Takeaways

The PCCWM notes that the Council confirm at paragraph 15.62 that in addition to Policy SDM6, ‘...Policy SDM7 offers guidance on the requirements for the provision of hot food takeaways. Applicants wishing to provide or alter a hot food takeaway outlet should ensure they address the issues raised in the policy, which is designed to manage adverse impacts on adjacent residents and properties.’

However, it is noted that Policy SDM7 itself does not include any policy requirements to reflect the references in paragraphs 15.66 and 15.67 to such uses attracting gatherings of people and becoming a focus for anti-social behaviour and nuisance, especially at night. Paragraph 15.67 notes that where there are concerns in this respect, the applicant may be asked to contribute towards or install safety and security measures, such as CCTV systems.

In order for this consideration to carry appropriate weight, to reflect the reference to possible nuisance and anti-social behaviour created by hot food takeaways, the PCCWM **objects** to Policy SDM7 and requests that it should be amended to include a new point 8 (current point 8 should be renumbered 9) as follows –

‘Management of Associated Impacts...

8. In locations where there are considered to be issues concerning community safety, crime, and disorder, advice will be sought from the police and other safety organisations before permission is granted for proposals for new hot food takeaways.’

In accordance with the PCCWM comments made under Policy SDM6, it is considered that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa.

Chapter 12 - Infrastructure and Delivery and Policies SID1 – SID3

Background to S106/CIL contributions towards Police infrastructure

The scale of the development during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041. The policy is clear that at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals (c) ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

This is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, September 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe

built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16, 26 and 28 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 92, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 130 (f) of the NPPF calls for the creation of safe places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services including health, education and community safety'.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at **Appendix 1** is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

‘Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the “consumer view” of the issue.’ (Para 61).

‘I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.’ (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (**Appendix 2**) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

‘Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...’

Specific comments on Chapter 12 and policies SID1 – SID3

The PCCWM **objects** to the lack of reference in Chapter 12 and policies SID1 – SID3 to the requirement for Police infrastructure to serve the new development proposed in the draft Sandwell Local Plan. Chapter 12 of the Local Plan ‘Infrastructure and Delivery’ acknowledges at paragraph 12.1 that ‘Ensuring effective delivery of this amount of development [11,167 new houses and provide for 1,206ha of employment land] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’, however the policies in that chapter solely reference digital infrastructure and the chapter covers no other forms of infrastructure, despite the ‘Introduction’ to the chapter at paragraph 12.1 stating ‘A key role of the SLP is to plan for the growth required for a sustainable and prosperous Sandwell.’

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in

the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure. There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

Notwithstanding the clear omissions in these policies, there appears to be only limited reference to the emerging Infrastructure Delivery Plan in the draft Local Plan, it is only referenced 4 times and only in the justifications to Policy SDS3 – Towns and Local Areas, Policy SHW2 – Healthcare Infrastructure and Policy STR4– The Efficient Movement of Freight and Logistics. Most surprisingly, there is no reference to it whatsoever in Chapter 12 'Infrastructure and Delivery' which is a great concern. The IDP should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan

period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations, as reported in the Sandwell Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment, November 2023.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to Chapter 12 and policies SID1-3 of the draft Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM **supports** Policy SDM8 and particularly Point 6 as follows –

‘6. In determining any planning application for all pay day loan shops, pawnbrokers, and gambling uses the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

The PCCWM recommends that the justification to this policy be expanded to cover point 6.

Glossary – SBD and Park Mark definitions

The PCCWM requests that definitions be provided of the following which are referred to in the draft Sandwell Local Plan.

‘Secured by Design –

Secured by Design (SBD) is the official police security initiative that is owned by the UK Police Service with the specific aim to reduce crime and help people live more safely. The Police seeks to improve the physical security of buildings using products, such as doors, windows, locks and walling systems that meet SBD security requirements. In addition, the Police include proven crime prevention techniques and measures into the layout and landscaping of new developments, such as maximising natural surveillance and limiting excessive through movement.

Through SBD, the Police work closely with builders, developers, local authorities and registered housing associations to incorporate police crime prevention standards from initial concept and design through to construction and completion. West Midlands Police have specially trained Designing Out Crime Officers (DOCOs) who offer police designing out crime and Secured by Design advice free of charge.

Park Mark –

The Safer Parking Scheme is a national standard for UK car parks that have low crime and measures in place to ensure the safety of people and vehicles. Each car park undergoes a rigorous assessment by specially trained police assessors and a Park Mark is awarded to each car park that achieves the challenging standards.

A Park Mark is awarded to parking facilities that have met the requirements of a risk assessment conducted by the Police, meaning the operator has put in place measures that deter criminal activity and anti-social behaviour.’

Conclusions

The Police and Crime Commissioner for West Midlands has a statutory duty to secure the maintenance of an efficient and effective police force in its area and Sandwell MBC has a statutory duty to consider crime and disorder and community safety in the exercise of its planning functions.

The PCCWM encourages the Council in the draft Sandwell Local Plan to ensure that the theme of community safety and crime prevention is given greater prominence on the basis that improving community safety, reducing crime, fear of crime and anti-social behaviour are vitally important to the creation of sustainable communities.

In addition, as the scale of development during the plan period will inevitably have implications for the maintenance of safety and security in the Borough, there will clearly be a need for additional and/or enhanced Police infrastructure. To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/ or S.106 Obligations for Police infrastructure are considered essential.

Lastly, the PCCWM has put forward a number of sites for residential development towards meeting the unmet needs of the Borough in terms of housing land supply.

The PCCWM would be grateful if you could reflect these representations when considering the draft Sandwell Local Plan. We would be delighted to meet with you to discuss the representations of the PCCWM, if considered necessary.

We should be grateful if you would acknowledge receipt of this letter of representation.

Yours faithfully,

Gail Collins BSc (Hons) DipTP MRTPI DMS
Director

Encl.

Appendix 1 – Blaby High Court case

Appendix 2 – Examples of Adopted Planning Policies where Appeal Decisions Support Police Infrastructure Contributions.