

Our Reference: 8979 LPA2 Rg19dSLP GC

By email only to - Sandwell MBC Directorate of Regeneration & Growth  
[Sandwell\\_LocalPlan@sandwell.gov.uk](mailto:Sandwell_LocalPlan@sandwell.gov.uk)

11<sup>th</sup> November 2024

Dear Sirs,

**Regulation 19 Sandwell Local Plan (Publication Version) and 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) who has instructed this practice 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,
- Promoting a safe and secure entertainment, leisure and evening economy,
- Ensuring the timely and effective engagement with the Police Design Out Crime Team 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 Design Out Crime Team 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 as well as Park Mark, 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 Improvised Explosive Devices (VBD) and Person Borne Improvised Explosive Devices (PBIED) mitigation and the Crowded Place agenda (particularly in relation to shopping areas and the night-time economy).

The PCCWM has participated in the previous stages to the current consultation, and these representations should be read in conjunction with the earlier representations to the Regulation 18 Draft Sandwell Local Plan and Regulation 18 Draft Sandwell Local Plan Sustainability Appraisal, as well as the Draft Sandwell Local Plan Issues and Options along with the Infrastructure Delivery Plan. These representations should be read in conjunction with those earlier representations.

At the outset, the PCCWM would like to recognise and welcome that the Council has acknowledged his previous objections and significantly amended the draft Local Plan in response; however, some objections to the Regulation 19 plan do remain and are set out below in this detailed representation.

### **Discussion – Responses of the Police and Crime Commissioner for West Midlands**

#### **Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives**

The PCCWM **supports** the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see **Appendix 3**) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at **Appendix 4**, but for the purposes of the table at Paragraph 49 and the

subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

*“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:*

Table 2 – Crime Statistics

	Households	Calls for Service	Offences	Calls for service per household	Offences per household
West Midlands	1,170,711	770,335	340,094	0.66	0.29
Sandwell	130,399	87,775	37,469	0.67	0.29

*50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is 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 is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”*

Notwithstanding the above, PCCWM **objects** to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing’): -

- 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 West Midlands Police's (WMP) 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;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and
- WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

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. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM **objects** to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

"Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.

SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, 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.

### **Chapter 3 – Framework Policies**

#### Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM **objects** to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘**...including police and emergency infrastructure**’ and in Part 2 by a new point ‘**...ensuring all new development maximises safety, reduces crime and the fear of crime**’.

### Policy SDS5 'Achieving Well-designed Places'

The PCCWM **supports** Policy SDS5 which states at 9 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.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

### Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM **supports** the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

## **Chapter 4 – Sandwell’s Nature and Historic Environment**

### Policy SNE6 – Canals

The PCCWM **supports** the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, anti-social behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

## **Chapter 6 – Health and Wellbeing in Sandwell**

### Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM **supports** Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how

the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM **objects** to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, **wellbeing and safety** infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and **other services that contribute to community wellbeing and safety such as police and emergency services infrastructure** as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure **and other services that contribute to community wellbeing and safety.'**

#### Policy SHW4 – Open Space and Recreation

The PCCWM **supports** this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

## Chapter 7 – Sandwell’s Housing

### Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM **objects** to this policy.

In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM **supports** the following housing allocations –

Site Ref	Site Name and Address	Indic. Capacity (net homes)	Gross Site Area (ha) brownfield (B) or greenfield (G)	Net Density (dph)	Anticipated Delivery Timescale (completion year)	Further Information
SH64	Windmill House, Windmill Lane, Smethwick	10	0.21 B	47	2030 – 2031	Submitted through Call for Sites process – Site Assessment found: The site is considered most suitable for residential use and its comprehensive redevelopment could improve the street scene whilst delivering new homes.  Representations submitted on behalf of the landowner to the Reg.18 consultation on the SLP suggest that the site is available and deliverable
SH66	Wednesbury Police Station, Albert Street, Wednesbury	15	0.33 B	45	2029 – 2030	Submitted through Call for Sites process – Site Assessment found: The site is suitable, available and deliverable for housing development. A scheme developed at High Density could deliver a minimum of 15 dwellings (45dph minimum) at the site.

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM **objects** to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.



The PCCWM **objects** to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

- 1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

Site reference	Site address	Site use (as assessed in R18 SA)	Site use (as assessed in R19 SA)	Selected / rejected	SMBC’s outline reason for selection / rejection
SEC1-5	Land at Coneycgre, Newcomen Drive, Tipton	Employment	Employment	Selected for employment	Site suitable for employment use. The site was put forward as employment Call for Site submission in the BCP and assessed as part of the EDNA which found it was suitable for employment development. The site was recently granted planning permission for B2/B8 development.
SEC1-6	Land off Brandon Way, West Bromwich	Employment	Employment	Selected for employment	It was a vacant employment site that has planning permission for B2/B8 development and part of it has now been built out for employment uses.
SEC1-2	British Gas, Land off Dudley Road, Oldbury	Employment	Employment	Selected for employment	The mineshafts and pipe are considerable obstacles to development. The ecological condition of the site is unknown, but the presence of many semi-mature trees indicates that the site has been untouched for many years and may well now contain protected species. The immediate road network is not suitable for safe cycling. The surrounding uses would be compatible with this site as employment land.
SEC1-7	Site off Bilport Lane, Wednesbury	Employment	Employment	Selected for employment	This was identified in the EDNA and scored well. The site is surrounded on all sides by employment uses and therefore residential would be inappropriate.
SM2	Lion Farm Playing Fields, Oldbury	Mixed-use (including housing, employment and open space)	Mixed-use	Selected for mixed use	The site assessment assessed found a mix of Housing and Employment was suitable – The preferred uses would be a combination of residential (ca 200 units on 4.2 ha) employment (ca 6000 sqm on 2ha) retaining 5 sports pitches with changing facilities and car parking (on 5 ha) and retaining existing woodland
SH45	Site of 30-144 Mounts Road, Wednesbury	Housing/ Employment	Housing	Selected for housing; Rejected for employment	Decision pending planning permission for 45 homes
SH63	192-200 Dudley Road, Oldbury	N/A	Housing	Selected for housing	Submitted through Call for Sites process
<b>SH65</b>	<b>Smethwick Police Station, Piddock Road, Smethwick</b>	<b>N/A</b>	<b>Housing</b>	<b>Selected for housing</b>	<b>Submitted through Call for Sites process</b>
SH64	Windmill House, Windmill Lane, Smethwick	N/A	Housing	Selected for housing	Submitted through Call for Sites process
SH66	Wednesbury Police Station, Albert Street, Wednesbury	N/A	Housing	Selected for housing	Submitted through Call for Sites process

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM **objects** to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM **objects** to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

<b>Site</b>	Oldbury Police Station, Oldbury Ringway, Oldbury B69 4JW <b>(Figure 1 below)</b>
<b>Site area</b>	Approx. 1,000 sqm
<b>Site area of land suitable for development</b>	Approx. 1,000 sqm
<b>Direct vehicle access</b>	From Stone Street
<b>Current uses</b>	Police station, car parking, in a mixed-use area close to town centre
<b>Proposed use or mix of uses for site</b>	New build houses or apartments
<b>Number of homes</b>	15+ apartments
<b>Suitable for Gypsy and Traveller site</b>	No
<b>Suitable for long-term ecology project</b>	No
<b>Services at site</b>	All main services
<b>Site constraints</b>	None.

<b>Details of site relocation</b>	Neighbourhood Teams co-located with Sandwell Council; corporate functions will relocate within WMP estate.
<b>Relevant historic planning permissions</b>	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
<b>Timescale for availability of land</b>	0-2 years
<b>Length of time to develop site</b>	0-2 years



**Figure – Oldbury Police Station.**

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’ ; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that 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.

Accordingly, the PCCWM **objects** to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all 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.

#### Policy SH02 – Windfall Developments

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.

#### Policy SH07 - Houses in Multiple Occupation

The PCCWM **supports** the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 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 (174) 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 SHO7, 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 SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of accommodation [HMO] can address

certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be 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 elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would 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 SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM **supports** the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation.

### **Chapter 9 – Sandwell’s Centres**

#### Policy SCE1 - Sandwell Centres

The PCCWM **supports** the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘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 **supports** the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘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

The PCCWM **supports** the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, 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.’

### **Comments on Chapter 10 – West Bromwich**

#### Policy SWB2 - Development in West Bromwich

The PCCWM **supports** the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

## Comments on Chapter 15 – Development Management

### Policy SDM1 – Design Quality

The PCCWM **supports** the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new 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, in terms of crime and safety, and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

### Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM **acknowledges** the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view 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 at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM **objects** on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that 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 SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM **supports** Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

## Policy SDM9 – Community Facilities

The PCCWM **supports** the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

## **Comments on Chapter 12 - Infrastructure and Delivery**

The PCCWM **objects** to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads: “The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”



This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth 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 and confirms 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'.

The inclusion of the police and emergency services provision as infrastructure required to support development 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, December 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 and 26 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 96, 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 135 (f) of the NPPF calls for the creation of safe places where, inter alia, 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 in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

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...’

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.

The accompanying Infrastructure Delivery Plan (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 (**Appendix 3**), as reported in the Sandwell Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (**Appendix 4**). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

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 the Regulation 19 draft Sandwell 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.

## **Comments on the Glossary**

The PCCWM **supports** the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

We would be delighted to meet with you to discuss the representations of the PCCWM in more detail, if that might assist. In the meantime, I would like to confirm both that the PCCWM wishes to be kept informed of progress of the local and of his intention to participate in the Public Examination process.

Finally, we should be grateful if you would acknowledge receipt of this letter of representation.

Yours faithfully,

Gail Collins BSc (Hons) DipTP MRTPI DMS  
Director

### Appendices:

**Appendix 1 – Blaby High Court Case.**

**Appendix 2 – Examples of Adopted Planning Policies where appeal decisions support Police Infrastructure Contributions.**

**Appendix 3 – Representation to IDP dated 26 September 2023.**

**Appendix 4 – Updated Statistics and WMP Infrastructure Costs 2023.**