

Abbey South

Our Reference: 8979 Sandwell LP 1 - IDP JB

Emailed to: [REDACTED]

Copied to: Tim Dawson (Arup), Philippa Smith and Patricia Mccullagh (Sandwell MBC)

26 September 2023

Dear Abbey,

**Sandwell Local Plan: Draft Local Plan: Infrastructure Delivery Plan –
Formal Representations on behalf of the Police and Crime Commissioner for West
Midlands**

As you know, we act for the Police and Crime Commissioner for West Midlands (PCCWM) and are instructed to make representations on local development documents in respect of securing policy consideration and reference in such documents to 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 of 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 infrastructure and 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; and

- Ensuring the timely and effective engagement of the police in relation to Counter-Terrorism matters. For example, Counter Terrorism Security Advisors can give appropriate advice concerning Vehicle-Borne Devices (VBD) mitigation and the Crowded Place agenda (particularly in relation to shopping areas and the night-time economy).

The PCCWM is grateful for the opportunity to comment on the Draft Infrastructure Delivery Plan Draft as part of the preparation of the new Sandwell Local Plan. The comments set out in this letter of representation are specifically in relation to the impact of proposed new development, and principally new housing, during the plan period, upon future Policing and the associated implications for WMP Infrastructure.

Introduction

National Policy and Guidance

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. 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.

The National Planning Policy Framework (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 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 National Planning Policy Framework (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*” (Author’s emphasis).

It is also especially noteworthy that Schedule 13 (Infrastructure Levy), Paragraph 204N(3) (Application) of the latest version of the Levelling-Up and Regeneration Bill, which at the time of writing was having its third reading in the House of Lords, confirms that for the purposes of Community Infrastructure Levy (CIL)/S.106 Obligations “infrastructure” includes, inter alia, “facilities and equipment for emergency and rescue services” (at sub-paragraph h). (Author’s emphasis).

Background

It is the case that increases in local population and the number of households do not directly lead to an increase in funding for the Police Service (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 policing 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.

At this juncture, it is appropriate to consider the High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin). 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). (Author’s emphasis).

To ensure that levels of service can be maintained for both existing 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 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” (Author’s emphasis).

As identified above, the Levelling Up and Regeneration Bill also now more clearly defines that facilities and equipment for emergency and rescue services would amount to eligible infrastructure, and this will be embedded in legislation in due course.

It is the case that WMP receives approximately 80% of its funding directly from Central Government with just 20% coming from Council Tax precept. Furthermore, the West Midlands has the 2nd lowest policing council tax precept in the Country. This is further compounded by the fact that the West Midlands has a higher-than-average number of properties in the low Council Tax bands (and therefore a narrower Council Tax base) along with a higher number of people per household on average, making the precept figure even lower on a per capita basis.

It is also important to stress that changes in population do not increase the overall funding made available from Central Government. That being the case, and to be clear on this matter, 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.

Sandwell Council's identified housing growth during the Local Plan Period (2022-2014)

It has been confirmed (in your email dated 19/09/23) that the Local Plan housing supply figure has been revised and is now likely to be between 10,000 and 11,000 new homes. Having attended the Council's recent Local Plan Stakeholder's Workshop, that supply figure appears to roughly tally with the Council's latest Strategic Housing Land Availability Assessment (SHLAA). However, in considering the infrastructure needs and delivery during the Local Plan period, one would have thought that the overall Housing Need figure should be applied.

We understand that the overall need will be somewhere in the region of 29,500 new homes (including those identified within the SHLAA). Of course, we acknowledge that some of that shortfall between supply and need may be accommodated in neighbouring authorities under a duty to cooperate but given the "fall out" following the collapse of the Black Country Plan, there must be some doubts as to how that might play out. In light of this, in presenting the details regarding WMP Infrastructure needs, we have included two versions of the infrastructure costs, based upon both the housing supply figure of 11,000, and the housing need figure of 29,500, which are set out in the tables which follow.

In order to sustain the level of growth proposed during Local Plan period and to meet national and local policy objectives relating to safety and security, there will clearly be a need for additional and/or enhanced Police infrastructure contributions secured through CIL/S.106 Obligations. This representation includes general observations on the existing pressures and future requirements for Police infrastructure provision.

If additional 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.

With significant levels of development growth, the demands placed on the police service increases as the local population increases. This is exacerbated by the major changes in the nature of crime and its consequent demands, particularly regarding cybercrime, child sex exploitation and terrorism.

As increases in local population and the number of households do not lead directly to an increase in funding from central government or local taxation, it is necessary to secure CIL funding/S.106 contributions for WMP infrastructure, due to the direct link between the demand for policing services and changes in the physical environment resulting from the planned housing and economic growth, which have permanent impacts on future policing.

Securing modest contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising frontline services. The consequence of no additional funding is that existing infrastructure will eventually become stretched to breaking point, putting effective policing under genuine threat.

West Midlands Police (WMP) Funding

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to the Government's austerity programme and reduced budget. 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.

The PCCWM is responsible for setting the budget for WMP. This includes setting the local 'police precept', which is the part of council tax that goes to the police. However, the overwhelming majority of West Midlands Police's budget comes from Central Government. That element of the budget will face real terms cuts once inflation and additional pensions costs from the government are considered, on top of previous significant cuts (e.g. £175 million cut between 2010 and 2019).

As previously indicated, WMP receives approximately 80% of its funding directly from Central Government with just 20% coming from Council Tax precept. Furthermore, the West Midlands has the 2nd lowest policing council tax precept in the Country. This is further compounded by the fact that the West Midlands has a higher-than-average number of properties in the low Council Tax bands (and therefore a narrower Council Tax base) along with a higher number of people per household on average, making the precept figure even lower on a per capita basis.

It is important to again stress that changes in population do not increase the overall funding made available from Central Government. That being the case 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.

WMP Service Model

In recent years, WMP has been operating a centralised model for the delivery of the service to the West Midlands. This has seen key sites retained, with these facilities serving and covering the entire force area. That is to say, there was a move away from a "Borough by Borough" service provision. Instead, the whole force area was drawing from these centralised services as and when the needs arise. Officers themselves are "agile" and rather than being based at individual police stations have been heavily reliant upon mobile infrastructure (i.e. are vehicle based and reliant on mobile equipment).

However, the new Chief Constable for WMP announced earlier this year that there would be an emphasis on local policing, with more officers dedicated to work within local communities. Each policing area is now led by a Chief Superintendent with a clear understanding of the issues that matter to the local communities in that area, and the associated WMP infrastructure requirements to deliver the service in that area.

We are seeking more specific information from WMP with regard to the likely needs and priorities in terms of specific infrastructure within Sandwell, but at this present moment in time we do not have that necessary level of information to enable us to comment further with regard to the area policing infrastructure. However, to assist at this time, we are able to provide an indication of infrastructure requirements, and costings, based upon the agile/centralised model, based upon both the 11,000 housing supply, and 29,500 housing need figures.

However, at this present time from the information provided by Arup and the Council, it is not fully clear where the proposed new homes will be built; at what density; and in what form (i.e. houses or apartments, both low and high rise). To be able to provide a more definitive response, we would require more details as to where and what form the proposed new housing allocations would be likely to be located, upon receipt of which we would be able to have a more meaningful discussion with the Chief Superintendent for the Sandwell area, and establish more precisely where the pressure points for WMP Infrastructure are likely to arise, and in turn share that information with Arup and the Council.

Regardless of policing model, and the precise location or focus for new development, without doubt, the increased numbers of houses and associated population increase envisaged within the Local Plan Period will inevitably result in a corresponding increase in crime levels and demand from new residents placed upon WMP.

Existing Policing within the West Midlands and within Sandwell

The table below provides a summary of the existing staff resource for WMP and in turn a proportional breakdown of staffing to serve the Sandwell area, based upon the Office of National Statistics (ONS) household figures for the West Midlands, and the respective Metropolitan Local Authority areas. We are advised that the below figures are accurate as of 2023.

Table 1: Existing Policing Details

	WMP Force Area	Sandwell Area
Police Officers	7,839	873
Police Staff	4,199	468
PCSOs	464	52
Total	12,502	1,393

WMP Vehicle Fleet

As one might expect, the WMP vehicle fleet is significant and made up of a wide variety of marked and unmarked vehicles to serve the requirements of the Force. Typically, patrol and response vehicles have an active 5-year life of provision, due to the demands placed upon the vehicles, with other vehicles having a life of provision up to 10 years. The condition of vehicles at the end of their Police life varies, however WMP forecast that they will redeem, on average, just 5% of the vehicles original value at the point of disposal.

The WMP capital budget for their fleet is currently £4.05M per annum. This equates to £3.46 per household per year, or £17.30 per 5-year life of provision.

WMP Infrastructure start-up costs

We are advised that the infrastructure start-up costs per new Officer, and other Police Staff, are as set out below:

Table 2: Policing infrastructure start-up costs 2023

Item	Officer	PCSO	Staff
Uniform	£1,112.00	£1,112.00	£150.00
Airwave Radio	£760.00	£760.00	
Mobility Device	£440.00	£440.00	£312.00
Body Worn Camera	£830.00	£830.00	
Mirror Book			
Laptop	£1,359.00	£13,59.00	£1,359.00
Total	£4,501.00	£4,501.00	£1,821.00

In addition, staff/officer start-up costs will also include the all-important related training costs, which WMP advise currently stand at:

Police Officer and PCSO - **£9,500.00** per new person.

Other Staff - a nominal figure of **£297.00** per person.

Existing Crime Statistics from WMP for 2022

The 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 (i.e. the last full calendar year), the total number of recorded Police incidents (i.e. those occasions when WMP 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 3: Actual 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

Applying a proportional factor to the Crime Statistics

On the basis of the above actual crime statistics, the following proportional factor could 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 housing development.

The proposed numbers of new homes of 11,000 (supply) and 29,500 (need for Plan Period) development 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 4: Predicted Crime Statistics

Existing Statistics for Sandwell (2022)		Predicted additional incidents/offences based upon 11,000 new homes (supply) 8.5% increase	Predicted additional incidents/offences based upon 29,500 new homes (need) 22.8% increase
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

Future additional policing personnel requirements generated by the development

In calculating the likely WMP personnel demands upon WMP generated by the proposed new homes the proportional figures for the Sandwell area set out in Table 1 (above) have been relied upon (i.e. 873 Police Officers, 468 Police Staff, and 52 PCSOs). The number of households served by the personnel summarised above within the Sandwell is indicated as being 129,512 (as per Tables 3 and 4).

The proposed development of 11,000 (supply figure) and 29,500 (need figure) new homes represents 8.5% and 22.8% increases, respectively, in the number of households in Sandwell, and these percentage figures are applied to the existing police staff figures (as per Table 1) and results in the following calculation indicating the additional level of police personnel/staff required to serve the Sandwell area.

Table 5: Existing and Additional Policing Details

WMP Personnel	Existing WMP Force Area	Existing Sandwell Area	Extra Personnel - Apply 8.5% increase	Extra Personnel - Apply 22.8% increase
Police Officers	7,148	873	74	199
Police Staff	3,970	468	40	107
PCSOs	476	52	4	12

On the basis of the above, therefore, the development of 11,000 (supply)/29,500 (need) new homes would attract an additional policing demand of 118 and 318 Officers and Staff respectively.

The use of such comparable statistics is a common approach used to identify the impact of additional development and population within an area on most public services and is therefore equally relevant for the future policing demands on WMP that would arise from the proposed development, based upon actual demand and crime statistics.

WMP Infrastructure needs

The WMP infrastructure needs considers the number of new homes proposed and compares this with existing policing demand and recorded crime information (not the same thing) for the Sandwell area as has been summarised above.

It is acknowledged that these new homes would come forward, subject to planning permission, at various times over the plan period and not all at once. However, on behalf of the CCWMP we would welcome the opportunity to discuss these requirements further with Council Officers and play an active role in ensuring that the needs and identified levels of funding are provided, and also share any further information and future changes to WMP infrastructure requirements and priorities, in light of the above outlined move to an area based policing model.

In the meantime, **on the basis of the current information available to us**, we calculate that based upon both the housing supply and housing need figures identified previously, that the following total WMP Infrastructure costs would arise, which should be funded via either CIL and/or S.106 contributions.

Based upon the 11,000 housing supply figure:

- Training costs @ £9,500 per Officer/PCSO and £297 for Police Staff = **£752,880**
- Start-Up costs @ £4,501 per Officer/PCSO,(to include Uniform, and itemised equipment as per Table 2) and £1,821 for Police Staff = **£423,918**
- Patrol vehicles @ £17.30 per household (for 5 year of life provision) = **£190,300**

TOTAL = **£1,367,098**, which equates to **£124.28 per dwelling**. This figure should also be index linked

Based upon the 29,500 housing need figure:

- Training costs @ £9,500 per Officer/PCSO and £297 for Police Staff = **£2,036,279**
- Start-Up costs @ £4,501 per Officer/PCSO,(to include Uniform, and itemised equipment as per Table 2) and £1,821 for Police Staff = **£1,144,558**
- Patrol vehicles @ £17.30 per household (for 5 year of life provision) = **£510,350**

TOTAL = **£3,691,187** which equates to **£125.12 per dwelling**. This figure should also be index linked

Does the request meet CIL Regulations requirements?

Is the contribution necessary to make the development acceptable in planning terms?

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7), with paragraphs 8, 26, 32, 34 and 93 together confirming that amongst other things sustainable development means securing a safe environment through the delivery of social infrastructure to meet the needs of communities. Paragraph 97 states that planning policies and decisions should promote public safety and should be informed by the most up-to-date information available from the police, who are identified as essential local workers providing frontline services to the public (Annex 2 of NPPF).

The ability to deploy fully equipped staff is fundamental to delivering community safety and mitigating crime.

Is the contribution directly related to the development?

The policing demands of the future planned development during the Plan period are identified and police mitigation of this level of growth can only be delivered by adequately equipped staff. Fleet deployment is related to known policing demands and the direct additional demand can be forecast. The requested infrastructure contributions are specific to the predicted demands arising from the volume of new homes proposed.

Is the contribution fairly and reasonably related in scale and kind to the development?

The volume of planned new homes and the policing demands it will generate are known by comparison with Calls for Service from existing residential development within Sandwell. That can be the only satisfactory way of determining the need likely to arise from these new homes and the associated incident and crime figures.

The use of comparative statistics is a common approach used to identify the impact of additional population within an area on most public services, not just policing.

Conclusion

To conclude, the above sets out fully the background to the implications in terms of the future predicted demands and calls for upon WMP arising from the significant new homes being planned for, both in terms of current supply and need for the plan period.

The request clearly meets the requirements of the CIL Regulations, and the underlying basis for such a request has been tested and accepted elsewhere in the Country.

The lack of capacity in existing WMP infrastructure to accommodate the increased number of new homes and population growth and associated demands is such that it is necessary for contributions, through either CIL and/or S106 Obligations, to be made to WMP so that a truly sustainable form of development can be achieved.

Thank you.

Yours sincerely

John Baggott MA MRTPI
Director