

SECTION 226(1)(a)
TOWN AND COUNTRY PLANNING ACT 1990

AND

ACQUISITION OF LAND ACT 1981

STATEMENT OF REASONS

THE BOROUGH COUNCIL OF SANDWELL
(CRANFORD STREET, SMETHWICK)
COMPULSORY PURCHASE ORDER 2025

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1. Introduction

- 1.1. This Statement of Reasons ("Statement") has been prepared by Sandwell Metropolitan Borough Council ("the Council") in connection with the making of a compulsory purchase order entitled "The Borough Council of Sandwell (Cranford Street, Smethwick) Compulsory Purchase Order 2025 ("the CPO")" in relation to the proposed redevelopment of approximately 100 new homes including 25% affordable homes and one commercial unit ("the **Scheme**").
- 1.2. The Council is the Acquiring Authority for the purposes of the CPO. This Statement justifies and explains the need for the CPO to enable land and any other interests in the land that is not within the ownership or control of the Council to be acquired to permit the works to be carried out to deliver the Scheme.
- 1.3. This Statement is a non-statutory statement provided in compliance with the Ministry of Housing, Communities and Local Government's "Guidance on Compulsory Purchase Process" (the "MHCLG Guidance") (January 2025). It is not intended to discharge the Council's requirement to produce, nor is it to be taken as, its 'Statement of Case' in the event that the Secretary of State should convene a public inquiry to be held to consider any objections received in relation to the Order.
- 1.4. All documents referred to in this Statement are listed in section 18 and details of how these documents can be inspected are in section 17 of this Statement.

2. Purpose of the Order

- 2.1. On the 16 November 2022 the Council's Cabinet resolved to use compulsory purchase powers and authorised the preparation and making of the Order. The resolution was reaffirmed by the Council's Cabinet on 25 June 2025, after updates to the Scheme were reported to the Cabinet.

- 2.2. The Council has made the Order pursuant to the powers in Section 226 (1) of the Town and Country Planning Act 1990 ("the Act") and the Acquisition of Land Act 1981.
- 2.3. In this document the land included within the Order is referred to as "the Order Land".
- 2.4. In this document the proposed development site is referred to as "the Site", shown on the plan at Appendix 1 to this Statement. The Order Land includes the Site but also includes highway land which is unregistered, which is to be acquired due to the need to remove the existing bridge over Cranford Street
- 2.5. The Council is the local planning authority and the local highway authority for the area in which the Order Land is situated.
- 2.6. The Order has been made to facilitate the Scheme, comprising demolition of buildings on Site, and the remediation of the land to create a cleared site, and construction of a primarily residential development, comprising approximately 100 homes (of which 25% are intended to be affordable) together with commercial floorspace.
- 2.7. The Order Land lies within the Grove Lane area of Smethwick which is one of the key regeneration areas in Sandwell. Grove Lane received Housing Zone status in 2016 from the then Department for Communities and Local Government, due to the long-term vision of accommodating circa 800 new homes in an area that was already subject to regeneration. The construction of the new Midland Metropolitan University Hospital has seen the clearance of older, life expired industrial premises for a new state of the art hospital that is the catalyst for further regeneration opportunities in the area.
- 2.8. Grove Lane sits within the Soho & Victoria ward within the Council's administrative area ("the Borough"). Smethwick Town comprise four wards, Smethwick, Soho & Victoria, St. Paul's and Abbey and is one of the most deprived areas in England, with Soho & Victoria being the third most deprived

ward in the Borough at 42.7% in relation to the Index of Multiple Deprivation. The need for good quality affordable housing is one of the most pressing issues for the Borough as a whole but more so in Smethwick which has become a popular and sought after residence of choice. This is due to its excellent transport links to Birmingham City Centre and other parts of Smethwick via train, bus, cycling and walking as well as being in proximity to the motorway and canal networks and accessibility to a range of education, cultural and commercial services.

- 2.9. Regeneration of Grove Lane has been a prominent ambition since its inclusion in the Smethwick Area Action Plan ("the AAP"), adopted in 2008. The AAP identified a site within this area for health or employment purposes. This was to address the need at that time for the construction of a new hospital to consolidate health care in a central position between Sandwell and Birmingham, transferring services from City Hospital and Sandwell General. In addition, the proposals for Grove Lane included the wider regeneration to accommodate housing and commercial uses. In 2012, the AAP was incorporated into the adopted Sandwell Site Allocations and Delivery DPD. Together with the Black Country Core Strategy, this formed the Council's Local Plan. The allocation for residential use was carried through to the Local Plan.

3. The Use of the Enabling Power – the need for a Compulsory Purchase Order

- 3.1. The powers provided in s226 of the Act enable acquiring authorities to exercise their CPO powers if they believe that acquiring the land will facilitate the carrying out of development, redevelopment or improvement on, or in relation to the land being acquired. The acquiring authority must only exercise this power where it thinks that the proposed development will promote or improve of the economic, social or environmental well-being of the area for which it has administrative responsibility.
- 3.2. The CPO will promote the economic, environmental and social well-being of the area, by bringing forward the wider proposals for Grove Lane and will support

and underpin the process of regeneration that is currently under way throughout the wider Grove Lane area (set out in greater detail in section 5 of this Statement). A large part of the Order Land consists of a site that is currently in temporary use as a car park and compound for the construction of the adjacent Midland Metropolitan University Hospital. This hospital is now complete and has been in operation since October 2024. In addition, the buildings that are on site are derelict buildings or premises that are in poor and time-expired condition. The Site is within a single freehold ownership and there is a lease to the NHS Trust currently in place.

- 3.3. The approved Grove Lane Masterplan, explained within section 7 of this Statement, sets out the vision that will contribute to the regeneration already being promoted in the Grove Lane area. A 142-unit scheme has been completed to the north of Cranford Street and is now fully occupied. The new Midland Metropolitan University Hospital sees at least £750m investment into this part of Smethwick and will aim to serve residents of Sandwell and West Birmingham with state-of-the-art medical facilities. In addition to this, there are proposals to also introduce an Urgent Treatment Centre as part of the expanding health services. The Towns Fund has also been instrumental to the proposal for the Midland Met Learning Campus – the first University facility to be promoted in Sandwell. This is a collaboration between the Sandwell and West Birmingham NHS Hospitals Trust, Sandwell College, University of Wolverhampton, Aston University, The Learning Works and the Council. The facility will provide training in healthcare and healthcare related positions up to Level 7. The continuation of regeneration proposals in the area will contribute to creating a new community around a key employment hub, providing new homes, a new hospital, university and school close to good public transport and other accessibility options for those wishing to travel to Birmingham or other areas of Sandwell. The removal of derelict sites and obsolete premises and their replacement with new, good quality homes (including affordable homes), as is proposed in the Scheme, will help transform the area environmentally and contribute to reducing opportunities for and actual incidents of crime, thus helping to meet wider social goals.

- 3.5 In terms of providing certainty that the powers will be exercised and the development commenced within three years of the Order being confirmed by the Secretary of State, the Council will be seeking a development partner to deliver the Scheme in line with an anticipated planning approval. Once acquisition of the Order Land is achieved, work can commence immediately on supporting surveys and reports. Demolition contractors will be procured through the Council's Demolition Framework with any remediation following demolition of structures on site. It is programmed to have a clear and remediated site ready for development by March 2027 subject to acquiring the Order Land within this timescale.
- 3.6 The CPO process is being undertaken in parallel with continuing consultation and negotiations with the landowner and other interested parties within the proposed Order Lands. For details of the consultation undertaken see Section 9 of this Statement.

4. The Order Land

- 4.1 A schedule of the Order Land is appended to the CPO. There are four parcels of land in this CPO.
- 16851 square metres, or thereabouts, of buildings and premises, accessway, electricity substation, car park and hardstanding situated to the northwest of Abberley Industrial Centre, Smethwick
 - 1996 square metres, or thereabouts, of public adopted highway (Cranford Street, B4135), electricity substation, electricity distribution poles and overhead electricity distribution lines situated to the northwest of Abberley Industrial Centre, Smethwick
 - 62 square metres, or thereabouts, of conveyor bridge over public adopted highway (Cranford Street, B4135) situated to the northwest of Abberley Industrial Centre, Smethwick

- 701 square metres, or thereabouts, of public adopted highway (Cranford Street, B4135), electricity distribution poles and overhead electricity distribution lines situated to the northwest of Abberley Industrial Centre, Smethwick

- 4.2 The Order Land comprises 1.941 hectares on the south side of Cranford Street, Smethwick including the adopted highway B4135 / Cranford Street and a conveyor bridge joining a building on the Site with one on the north of the highway lying outside of this Order. The Site is bounded by Cranford Street to the north and Cape Arm canal to the west and south. Existing industrial buildings lie to the east. The Site is roughly triangular in shape but is fairly level across the site up until the embankment with the canal arm.
- 4.3 Cranford Street to the north of the Site (part of which is within the Order Land) is a busy through route from Smethwick to Birmingham. Recently it has been the subject of an approval to declare a highway improvement line along the southern side of Cranford Street to facilitate a road widening scheme incorporating cycling and walking routes. This will link the existing cycle routes in Sandwell to those within Birmingham. The Scheme will be designed to facilitate these highway improvements.
- 4.4 The Order Land is not in a Conservation Area nor are there any Listed or Locally Listed structures on the Site or in the immediate vicinity. However, the nearby canal arm is designated as a wildlife corridor although this lies outside of the Order Land. Whilst the Order Land includes Cranford Street, an adopted Highway, this will remain as such and therefore a Stopping Up Order will not be required.
- 4.5 The Order Land has not been utilised for employment purposes for a significant period and consists of several vacant buildings along the Cranford Street frontage, which are in a state of disrepair. The remainder of the Order Land consists of concrete slabs and areas of overgrown vegetation. The Order Land is presently leased to Sandwell and West Birmingham NHS Hospitals Trust

("the Trust"), which is using part of the Site on a temporary basis for car parking and for compound and office facilities in connection with the construction of the Midland Metropolitan University Hospital. It is understood that this lease operates on a rolling annual renewal basis, and the Trust will continue its occupation until the hospital construction contract is formally signed off. Given that the hospital construction is now complete, with only snagging works outstanding, it is understood from the Trust that the lease will be terminated when it expires at the end of this year if not before. Some of the temporary structures used by the Trust have already been removed.

- 4.6 In the event that the Trust remains in occupation at the time the Order Land is acquired by the acquiring authority and does not have an alternative site within its ownership, reasonable efforts will be made to facilitate the relocation of the Trust's operations although it is understood that there are options within the Trust's own landholdings that could accommodate this use if needed.
- 4.7 The Order Land had historically been used for employment purposes and was last occupied by Guest Keen and Nettleford. Following their departure in the 1980s the buildings in the main part of the Site were demolished with only the Cranford Street frontage buildings remaining. An historic planning application approved the use of some of the buildings as an indoor karting facility (DC/05/43819 refers). This facility was opened in July 2005 but in the following month was destroyed by fire. It was never rebuilt. Since then, the Order Land has been slabbed to facilitate use of the site for car parking in relation to the hospital construction.

5. The Authority's purpose in seeking to acquire the Order Land

- 5.1 In 2019 the Ministry of Housing, Communities & Local Government (MHCLG) announced a £3.6bn Towns Fund to assist in the Levelling Up of 101 communities throughout the country. Each area was chosen by MHCLG based upon Office of National Statistics data with the primary aim of driving the sustainable economic regeneration of towns to deliver long term economic and

productivity growth. Funding was offered to assist projects be delivered on three main themes: Urban Regeneration, Skills and Enterprise Infrastructure, and Connectivity.

- 5.2 After several years of unsuccessful attempts to engage with the landowners, the Council became aware that they were seeking to sell the Site. Recognising this as an opportunity, the Council sought to utilise Towns Fund grant funding to acquire and remediate the Site in preparation for residential development in partnership with a developer. This approach aligns with the Urban Regeneration theme of the Towns Fund and complements other projects in the area. Given the Site's current condition, the extent of remediation required, and the prolonged period of vacancy, it was deemed unlikely that development would proceed without public sector intervention.
- 5.3 The Council together with other partners has also developed the Smethwick to Birmingham Corridor Framework ("the Framework") and Grove Lane Masterplan to ensure that any development within this corridor aligns with the aspirations, visions and aims of the partners. This is covered further in Section 6.
- 5.4 The Scheme will complement the massing and height of the adjacent 10 storey Midland Metropolitan University Hospital, with a development of up to 10 storey apartment block to the south-east of the Site, its closest position to the new hospital, with further blocks of 4 & 5 storeys and more family orientated housing to the north. Housing will be mixed tenure with at least 25% being affordable housing. There is the potential also to work in partnership with the NHS Trust in providing some element of key worker accommodation. The proposal will include a linear green space creating an attractive and safe walking route from the community space created by the hospital through to the new accesses produced to utilise the new improved canal towpath for both pedestrians and cyclists.

6. Justification for the Order

- 6.1 The regeneration of this part of the Borough has been promoted since the adoption of the AAP in 2008 where the proposed allocations for residential and mixed use surrounding a new state of the art hospital were outlined. The area has been industrial for many years but over time the buildings have become dilapidated and some beyond repair. The area has attracted low value employment uses with little investment being channelled into the upkeep of the premises and surrounding area.
- 6.2 The Grove Lane area shares a boundary with Birmingham and is on a key route from this major city. The introduction of the new hospital has always been considered the catalyst for further regeneration in this area. The Scheme is key to this by providing new homes for those wishing to either stay within the Smethwick area to be close to family and the services the area provides, or to attract new residents with a range of housing types and tenures that meet the housing needs of the borough.
- 6.3 There is currently insufficient land in the Borough to cater for the housing need. From evidence gathered as part of the Sandwell Local Plan preparation, it has been recognised that Sandwell needs to identify land for 26,350 homes by 2041¹. The supply of suitable residential land based on the most recent evidence will be able to accommodate 10,434 new homes. Therefore, this means that there is a shortfall in sites for 15,916 homes.
- 6.4 Allocating the area around Grove Lane for residential reflected the need to accommodate housing growth in the borough, based around areas of future regeneration and investment. The £700+m that has been invested in constructing a new major hospital has been the catalyst for this further regeneration to evolve. Further investment has been evident in the 142-home development north of Cranford Street and the West Midlands Combined Authority in acquiring two further sites in proximity to bring forward new homes, demonstrate market confidence in the area. Recently there has been further commitment from Government with the awarding of £18m for the acquisition of sites and remediation of land within the Grove Lane Area as part of Levelling

¹ Sandwell Strategic Housing Land Availability Assessment (SHLAA) April 2024

Up Fund Round 3, and also the award of £20m for the wider Smethwick area from the Long-Term Plan for Towns Fund.

- 6.5 The proposals for comprehensive redevelopment and renewal of the proposal Site conform to good planning principles and continuing the momentum for regeneration in this key area of the Borough is paramount to achieving sustainable development. With Levelling Up Funding attributed to acquiring and remediating land to the east and to the north of the hospital, and with the proposals for 100% affordable housing being promoted to the site owned by the West Midlands Combined Authority to the east, the Site represents the most obvious site to develop in order that a phased approach to regeneration can be achieved across the area. A plan showing these sites in relation to the Order Land is included as Appendix 2 to this Statement.
- 6.6 Comprehensive development of the Site for primarily residential use would be in conformity with the planning policy for Grove Lane and would assist in transforming the social, economic and environmental conditions of this Site and the wider area. It would create the new community envisaged for the area and with other investment coming forward in the form of a new primary school, the new Midland Met Learning Campus and walking and cycling routes, the social and highway infrastructure will be in place alongside this new development.
- 6.7 As the Council will be in control of the Site and the eventual development, it can ensure that the design, layout and quality of development is of the highest quality, and that an appropriate level of affordable housing is provided.
- 6.8 The use of compulsory purchase powers will enable the development to take place in a timely fashion, in order to derive the wider public benefits that the development will secure and to provide certainty on timescale. Efforts have been made to engage with the landowners to acquire the Site by agreement. The Council has commissioned independent surveyors to prepare a valuation of the Site in order to drive negotiations. However, it seems that the landowner is unwilling to accept the valuation estimate as it stands. Further information is provided in Section 8.

7. Planning

National Planning Policy Framework

- 7.1 In terms of national planning policy guidance, the development directly accords with and is supported by the National Planning Policy Framework ("NPPF"), the latest of which was published on 7 February 2025. The NPPF provides a framework within which Local Authorities should prepare local plans that will ultimately be used to assist with the decision making for new developments coming forward.
- 7.2 Underpinning the NPPF is a presumption in favour of sustainable development with three overarching and interdependent objectives – economic, social and environmental.
- 7.3 Redevelopment of the Site for a high-density housing scheme will meet the NPPF aim of achieving sustainable development in the three objectives: economic, social and environmental. These objectives should be used to prepare and implement the development plan, and used in conjunction with planning policies, taking into consideration local circumstances that reflect the character, needs and opportunities on an area-wide basis.
- 7.4 With regards the **social objective**, the NPPF supports strong, vibrant and healthy communities by ensuring that sufficient homes can be provided that meets local needs (NPPF Section 6). There is currently a shortfall of available and appropriate sites within Sandwell that can meet the Borough's housing needs. This Site is allocated for residential use in the Council's Local Plan and the Grove Lane Masterplan (discussed below) has indicated capacity for circa 160 new homes and apartments which will go some way to alleviating the housing need for Smethwick. The main aim of the Smethwick to Birmingham Corridor Framework – approved in February 2022 – is to ensure that any development opportunities that come forward within the corridor meet the basic principles of creating healthy communities. This is further echoed by Section 5 of the NPPF that promotes delivery of sufficient supply of new homes. The land has been identified as being appropriate for residential use through the plan making and planning inquiry process. Other policies in the development plan

recognise the need for affordable housing to make up a significant portion of this provision.

- 7.5 The **economic objective** seeks sufficient land for the right types of development to support growth, innovation and improved productivity. As the Site is adjacent to the new hospital, there is scope within the development to introduce a commercial unit that could be utilised for a range of light industrial, retail or ancillary uses that could be linked to the hospital or merely serve the immediate residents. Good quality homes in an accessible location will also support nearby employment uses. Opportunities also exist for the development of key worker accommodation close to the hospital that will provide housing for permanent and temporary health related employees.
- 7.6 The presumption in favour of sustainable development will ensure that **environmental** benefits of bringing forward the Site for residential development can be met. The new development for housing will bring back into use a site that has been derelict for many years, save for its recent temporary use as an open car park by the NHS Trust. The overall condition of this brownfield site and buildings, including the underlying adverse ground conditions, overgrown vegetation, derelict buildings provide a poor reflection of the area. The Grove Lane Masterplan (discussed below) has been developed to ensure that the aspirations and aim of all stakeholders with an interest in the Smethwick to Birmingham Corridor can be achieved, in particular the creation of healthy communities with access to green and blue infrastructure, increasing health benefits and quality of life as well as improvement to the general environmental quality of the area. Introducing accessible open space and improving biodiversity will be key to developing the Site, with attention on including measures to adapt to climate change and provide zero carbon homes where possible.
- 7.7 The Local Plan currently consists of the Black Country Core Strategy ("BCCS") and the Sandwell Site Allocations and Delivery Development Plan Document ("SAD").

- 7.8 The BCCS was developed by the four Black Country boroughs, Dudley, Sandwell, Walsall and Wolverhampton. The BCCS is a spatial planning document, in that it deals not only with land use but also with social, economic and environmental issues. It sets out the spatial vision, objectives and strategy for future development in the Black Country up to 2026.
- 7.9 Following submission to the Secretary of State in February 2010 the BCCS was subject to independent scrutiny through an examination. The Inspector's report was published in October 2010, and Inspectors concluded that the BCCS is sound and provides an appropriate basis for the planning of the area up to 2026. The BCCS was adopted in February 2011.
- 7.10 Smethwick is within Regeneration Corridor 12 (Oldbury, Smethwick and West Bromwich), where it is anticipated around 2500 new dwellings are proposed to be delivered by 2026 alongside and near to the canal and major transport route between Sandwell and Birmingham. The following policies will also apply.

CPS4 – Place Making. This ensures that any new development gives consideration the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement. The main aim in allocating the Site for residential use in the Local Plan was to create a new community in an area where regeneration was proposed to take place. The area allocated for residential surrounds the new Midland Metropolitan University Hospital which is a major anchor for employment and community uses. Promoting the Site immediately adjacent to the new hospital and developing it in line with the approved masterplan will ensure that the linkages between the Site, the public transport system, the local centre and the canal network is put in place to encourage increased social interaction in a safe and accessible environment.

HOU1 – Delivering Sustainable Housing Growth. The allocation of this site for residential purposes is supported by policy HOU1 which outlines that sufficient land will need to be provided to deliver at least 63,000 new homes up to 2026 across the four Black Country boroughs. The more up to date figure for

Sandwell will be included in the policy information for the emerging Sandwell Local Plan below.

HOU2 – Housing Density, Type and Accessibility. This policy states that any development for residential in excess of 15 dwellings should provide an overall mix of house types and sizes that will meet the accommodation needs of both existing and future residents. The vision for the Site and the wider Grove Lane area is to provide a mix of apartments and houses to meet the needs of the residents wishing to reside in Smethwick.

HOU3 – Delivering Affordable Housing. Any development in excess of 15 dwellings requires the provision of 25% of the total units delivered to be affordable housing, a split of 50% affordable rent and 50% intermediate housing. Where it is proposed not to deliver the full amount of affordable housing in line with this policy, evidence will be required in the form of a financial viability assessment to prove that the scheme would be unviable with the inclusion of affordable housing. Since the Council is proposing to work with a joint development partner in delivering the housing on the Site if acquired, there will be a high degree of control and certainty that at least 25% will be of an affordable nature.

TRAN2 – Managing Transport Impacts of New Development. Planning permission for new development that are likely to have significant transport implications will be refused unless supporting evidence is provided to demonstrate there would be an acceptable level of accessibility and safety by all modes of transport. It will be necessary for the proposed development on the Site to consider including better accessibility for pedestrians and cyclists and less reliance on the motor car.

TRAN4 – Creating coherent networks for cycling and for walking. This policy concentrates on promoting comprehensive walking and cycling routes that encourages sustainable travel, including links to the canal network and new developments. New development in line with the masterplan will ensure that these links are introduced within the Site and externally to other areas, providing a route to the existing local centre, through the hospital development and to key public transport routes.

ENV3 – Design Quality. Achieving sustainable development is important in transforming the environment and economy of the Borough. This policy therefore seeks to ensure that all new development has regard to key design principles and together with consideration and interpretation of the local characteristics of an area will deliver high quality environments including design of buildings, improved public realm, accessible and safe streets and spaces. The masterplan for this area has been approved that takes account of all of these elements and instils the principles that encourage development in line with creating a healthy place for all who work, live or visit the area.

ENV4 – Canals. The canals can contribute much to an area in terms of providing a place for leisure and relaxation as well as offering a sustainable travel alternative for those who wish to walk or cycle. Development is popular alongside the canal network and this policy seeks to ensure that canals are protected for any historic, architectural, archaeological and cultural interest as a result of any development. It also seeks to ensure that the canals are promoted and wherever possible, attempts should be made to bring back into use those areas of the canal network that are currently disused. The Site lies alongside the Cape Arm canal which is currently in private ownership and unnavigable due to a low canal bridge. Land in between the canal arm and the Order Land is currently owned by the NHS Trust and discussions will be held with the Trust to ascertain if this land can be incorporated into the future development scheme.

ENV5 – Flood Risk, sustainable Drainage Systems and Urban Heat Island. To minimise the probability and consequences of flood risk, developments will be steered towards areas with a low probability of flooding. This Site lies within Flood Zone 1 which has a low probability of flooding. However, it may be necessary to confirm this through the production of a Flood Risk assessment given the size of the Site.

ENV6 – Open Space, Sport and Recreation. Development which reduces the overall value of the open space, sport and recreation network will be resisted but any development that introduces or increases overall the provision of new or improved open space will be encouraged. Apart from the ecology alongside

the canal arm which is outside of the Site and Order Land, this Site currently contains no open space provision. The proposals within the masterplan show an area of open space that links the new community open space at the hospital with the canal network. The forthcoming planning application will include this within the design.

ENV7- Renewable Energy. All residential developments of 10 or more units will be expected to incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. The use of on-site sources, off-site sources or a combination should be considered. Combined heat and power should be explored for larger development schemes.

ENV8 – Air quality. New residential or other sensitive development, such as schools, hospitals and care facilities, should, wherever possible, be located where air quality meets national air quality objectives. Where development is proposed in areas of poor air quality, an appropriate air quality assessment will be required. It is likely that the Site being located on a busy commuter route between Sandwell and Birmingham may have air quality issues. Any development will be designed to mitigate this where possible.

Site Allocations and Delivery Development Plan Document

- 7.11 The Site Allocations and Delivery DPD ("SAD") builds on the Black Country Core Strategy by providing greater detail specific to Sandwell and together with the BCCS and the range of Supplementary Planning Documents, comprise Sandwell's Local Development Framework. It was prepared to assist in guiding development within the Borough up to 2021 and was adopted by the Council in 2012. Whilst the plan is technically 'out of date', until the new Sandwell Local Plan has gone through due process to be adopted, this and the BCCS remain the existing Local Plan for the Borough. The emerging Local Plan is covered later in this submission.

The most pertinent policies to consider with regards to the Scheme are.

H1 – Housing Allocations. The Site has been allocated for residential use since 2008 and therefore is shown on the Policies Map as the preferred use for this land. The Site is allocated for residential development As Area 9 (Ref 125).

H3 – Affordable Housing. For eligible sites, it will be expected that at least 25% of the units provided will be affordable and reflect the latest Housing Needs and Demands for the area. Since the Council will be leading on any future development, it is more certain that this target will be achieved.

TRAN2 – Road Improvement. Whilst not indicated on the extant Policies Map, this Site is now subject to a highway improvement line running the length of Cranford Street and affecting the buildings immediately fronting the highway. The Highway Improvement Line was approved at Cabinet on 17 January 2024 and will assist in facilitating the wider access improvements for both motor vehicles, cyclists and pedestrians within the Grove Lane area to ensure there is appropriate accessibility to accommodate the new development in the area.

EOS9 – Urban Design Principles. New development will be in accordance with policy ENV3 of the Black Country Core Strategy. Poor designs will be rejected, especially those out of scale or incompatible with their surroundings. Having in place the Grove Lane Masterplan will ensure that the Site will deliver a good quality scheme which is in line with the guiding principles of the masterplan and in context with the surrounding existing and proposed development.

Sandwell Local Plan (emerging)

- 7.12 The four Black Country boroughs produced jointly the Core Strategy document that was adopted in 2011. In 2017 a review of the Core Strategy commenced with the consultation on the Issues and Options and a call for sites. The draft Black Country Plan was consulted on during August to October 2021. However, in October 2022 it was decided that due to differences of opinions between the authorities, it was no longer feasible to continue with a joint plan.
- 7.13 Therefore, each Black Country authority took on the responsibility of preparing their own individual Local Plan. The Sandwell Local Plan ("SLP") commenced in 2023 with the initial Issues and Options consultation and Call for Sites in

February/March 2023 and then the Regulation 18 public consultation being undertaken between November and December 2023. Following publication stage consultation between September and November 2024 (Regulation 19), the SLP was submitted for examination to the Secretary of State for Homes, Communities & Local Government on 11th December 2024. It is anticipated that the Examination in Public will take in 2025 and, assuming found 'sound', the SLP will be adopted towards the end of 2025. At that point, the various site allocations and proposals it contains will become adopted policy for the Borough. However, the emerging policies contained within the SLP will gain more weight as it goes through the process, and they should therefore be considered. The Site is identified for housing in the emerging Local Plan (site reference SH55).

- 7.14 The proposal to bring forward this Site for residential development will be supported by the aims and objectives of the Sandwell Local Plan and will contribute to the Council's Ambitions. In particular the development will be supported by Housing policies and the priority for providing housing that meets all our needs. Of particular note are policies.

SHO1 – Delivering Sustainable Housing Growth which seeks to ensure sufficient land is provided to deliver at least 10,434 net new homes between 2024 – 2041.

SHO3 – Housing Density, Type and Accessibility which addresses the need for new housing development to provide housing that meets the identified local need, has consideration to accessibility by sustainable transport and achieves high-quality design.

Policy SHO4 – Affordable Housing. This policy seeks affordable housing to be provided on sites of 10 or more homes, where financially viable and a range of tenures to meet demand in that area. The area is identified as a lower value zone and in that respect a minimum of 10% of homes will be expected to be provided on site.

In addition, the proposal will be supported by other ancillary policies, for example

SDS3 – Regeneration in Sandwell. The Order Land is within one of the key regeneration areas as identified within the emerging Local Plan, which focuses on residential development around the new Midland Metropolitan University Hospital.

SDS5 – Achieving Well-designed places outlines the need for supplementary guidance on a Design Code for the borough that will seek adherence to specific requirements ensuring new development is appropriate in quality, size, scale and type and make a positive contribution to the environment.

SNE6 – Canals. Whilst the Order Land does not include the Cape Arm canal, given the proximity to the Cape Arm any development will need to relate positively to the waterway by promoting high-quality design, with active frontages and improvements to the public realm.

SHW4 – Open Space and Recreation states that developments of 10 or more housing units should contribute to unrestricted open space. It is the intention for this site, as set out in the Grove Lane Masterplan, to provide an open space link from the canal arm to Cranford Street.

STR3 – Managing Transport Impacts of New Development. Any development proposals for the Site within the Order Land will be accompanied by evidence and justification regarding parking and transport implications with associated mitigation to ensure there is no adverse effect to the key route network.

Five Year Housing Land Supply

- 7.15 Currently the Council cannot demonstrate a five-year housing supply therefore, paragraph 11(d) of the National Planning Policy Framework (NPPF) is triggered and the tilted balance in favour of sustainable development is engaged. This means that planning permission should be granted unless the adverse impacts of the Scheme would significantly and demonstrably outweigh its benefits when assessed against the NPPF as a whole.
- 7.16 The proposed use for this Site for residential is in line with existing policy, albeit these are considered 'out of date', but is also aligned to the aspirations and planning policy for this key regeneration area in the emerging SLP, currently awaiting notification for an Inquiry by the Secretary of State.

- 7.17 With regards conformity with planning policy, bringing forward residential development on the Site will be in line with existing adopted planning policy contained within the BCCS and SAD DPD, as well as complying with the policies set out in the emerging SLLP and the objectives of the NPPF.

Grove Lane Masterplan

- 7.18 The Smethwick to Birmingham Corridor Framework was prepared during 2021 and 2022. Using the new hospital on Grove Lane as the catalyst, stakeholders with an interest within this regeneration corridor collaborated and contributed to the Corridor Framework that set out the guiding principles for bringing forward development on opportunity sites within the area. The vision behind this Framework focussed on the development of sustainable and healthy communities, provide a joined-up transport strategy, providing design principles for new development and promoting the area for further private and public investment. The partners involved in the Corridor Framework include Sandwell Council, Birmingham City Council, Homes England, West Midlands Combined Authority/Transport for West Midlands, Canal & River Trust and Sandwell and West Birmingham NHS Trust.
- 7.19 In addition, more detailed guidance was also produced focussing on the Grove Lane area ("the Grove Lane Masterplan"), taking forward the principles of the Framework and providing more detail to the individual sites within the Grove Lane regeneration area. This Site lies centrally within the Masterplan area, adjacent to the new hospital and canal arm. The Framework and Masterplan provide principles for developing this corridor into a safe, healthy place to live, work, and visit. Acquiring the Site would open up the next logical phase of development after the hospital, helping to create new homes for current and future residents and addressing the housing shortage. This conforms to the current and emerging Local Plan, and aligns to the vision of the Grove Lane Masterplan, supporting the creation of a sustainable new community in a designated Housing Zone.
- 7.20 The Site has not been subject of any formal planning applications for residential development up to the point of the submission of this Statement. However, it is the intention for the Council to submit a planning application in Summer 2025

for the redevelopment of the Site for 100 new homes, a mix of apartments and houses, one commercial unit, parking and open space link. The proposal will be aligned to the aspirations of the Grove Lane Masterplan and address the adjacent development of the hospital with higher storey, high density development fronting the canal arm to reflect the massing of the ten-storey hospital.

- 7.21 The Grove Lane Masterplan was approved by Cabinet on 9 February 2022 and is now a material consideration in future planning applications for the area's transformation. However, it could not be adopted as a Supplementary Planning Document because part of the plan proposed residential use in an area that the current Local Plan designates that area for employment use. As a result, the Masterplan could only be approved and be treated as a material consideration for future applications. The Order Land lies outside of the area in question and the Scheme is not in conflict with the allocations in the current and emerging Local Plans. The provisions of the Corridor Framework and Grove Lane Masterplan have been incorporated into the emerging SLP which, if adopted, will eventually become the statutory Development Plan for the Borough.

8. Efforts to acquire by agreement

- 8.1 The Council has carried out diligent inquiry to identify all persons with an interest in the land affected by the proposed compulsory acquisition. These are listed in the CPO Schedule.
- 8.2 The Council has engaged in negotiations to acquire any affected parties' interests voluntarily and is progressing those discussions. Although the Council remains committed to this approach, it is necessary for it to have the ability to acquire the land interests by compulsory acquisition, if necessary, to ensure that the Scheme can be delivered in an efficient and certain timescale so as to avoid delay in the Scheme. The Council is satisfied that the acquisition of all the land interests and new rights are necessary to enable the Scheme to proceed. The Council will continue to review the acquisition of land as the Scheme is progressed to ensure that remains the situation.

- 8.3 The Council appointed Bruton Knowles in September 2021 to undertake a site valuation as part of the Towns Fund project for the Grove Lane Regeneration. An initial inspection and taking into account recent land sales of a relative nature within the vicinity, the condition of the site and other associated constraints a valuation was reported for the site. This was further revised following consideration of the existing lease on the Site to the NHS Trust.
- 8.4 Equipped with this valuation, Bruton Knowles were further instructed to enter into negotiations with the landowner's agent which were commenced in October 2021.
- 8.5 Several meetings and exchanges of dialogue were exchanged between Bruton Knowles and the landowner's agent during the period of October 2021 and February 2022. The Council was mindful that it was required to operate within the realms of the Local Government Act to ensure that any offer reflected value for money for the public purse.
- 8.6 There are several constraints on the Site that are reflected in the valuation including;
- Narrow site access causes issues for current users and future users/uses.
 - Significant ground works would be required. The Site has an underground factory, which needs to be taken into consideration when reviewing the value.
 - Significant site clearance: Buildings on the boundary are completely derelict and would require demolition or complete renovation. However, due to the narrow site access, this would increase demolition costs/renovation costs.
 - When an inspection was undertaken, it appeared that the surface was reinforced concrete, again, this would have an impact on any future build costs/ remediation etc.
 - The Site abuts the canal, so could have additional liabilities due to that proximity.

- 8.7 A final offer was made in February 2022 but again was rejected. The landowners ceased dialogue with Bruton Knowles in May 2022 due to a failure to agree a price for the Site.
- 8.8 Contact was made with the landowner's agents again in June 2024 to ascertain if there was any willingness to re-open the negotiations which was responded to in a positive manner and a revision of the previous valuation to address any changes in market conditions was undertaken.
- 8.9 The revised valuation was presented to the Council in July 2024 based on vacant possession. Bruton Knowles were again instructed to engage with the landowner's agents on the council's behalf to commence further negotiations and put forward an offer of "Best Consideration", based upon whole life costs, to avoid Compulsory Purchase action. This offer was based upon existing land use but was again, rejected.
- 8.10 The landowners commissioned their own valuation of the Site, based upon a residential scheme, which resulted in a significant increase in value from their original quote in 2021. The parties agreed to exchange valuations to assist the negotiation process. However, when the Council's agent received the landowner's report, many of the appendices had been removed so it was somewhat difficult to establish how they had arrived at their valuation. After a couple of months of requesting this additional information, it is understood that some, but not all appendices have been received. Therefore, it is not clear whether all the constraints affecting this site have been taken into account.
- 8.10 A further revision of the Council's valuation was undertaken based upon a residential scheme of 100 new units. This was to ensure that negotiations with the landowner were on a fair basis, and that discussions on value could be compared on a like for like basis. The revised valuation incorporated all costs associated with bringing forward a residential scheme including taking into account demolition, remediation and construction costs as well as comparable information on current market conditions. The revised valuation resulted in a figure significantly less than the original existing land use due the constraints of

the Site and the extraordinary costs that would be required to bring forward development. Nevertheless, this offer was put to the landowners with a request for them to inform us of any request for heads of claims. Unfortunately, it seems given the disparity between the Council's valuation and their own, the landowner will not be accepting the offer.

- 8.11 The Council will continue negotiations, however, it appears that the two parties will not be able to agree a fair price for the Site and an agreement will not be reached. This is matter that may ultimately have to be resolved by the Upper Tribunal, if the CPO is confirmed and no agreement can be reached at that stage.

9. Consultation

- 9.1 The proposed scheme for the Site has been prepared in line with the guiding principles of the Grove Lane Masterplan. This document, together with the Smethwick to Birmingham Corridor Framework were consulted on in 2021 via normal local plan consultation process. Whilst the Masterplan took a high-level approach to capacity and density within the individual sites, consideration of the proposed development in more detail has resulted in a reduction in the capacity on site due to ensuring compatibility with other planning policies and the council's own design and highway spatial requirements.
- 9.2 The proposal for 100 new apartments and houses with associated parking and green space provision will form a further phase of development within one of the Borough's key regeneration areas. To date, the preparation of the planning application has involved discussion with internal stakeholders only, such as Urban Design, Architects, Development Management and Highways to ensure the proposed development complies with policy and any issues can be resolved prior to formal submission of the planning application. Further reports have been prepared to support the planning application on Air Quality, Noise, Flood Risk Assessment and preparation of a Transport Assessment.

- 9.3 Once submitted, the application will be subject to the normal planning application process with consultation with key stakeholders, statutory consultees and adjoining occupiers. It is likely that following consultation, the application will be reported to Planning Committee where the final decision will be made.

10. Alternative options

- 10.1 As previously outlined, the allocation of the Site is for residential use in both the existing Local Plan (BCCS & SAD DPD) and the emerging SLP, now submitted to the Secretary of State.
- 10.2 Due to its allocation in the Local Plan for residential use, and the overall framework for the Grove Lane area for comprehensive regeneration, it is considered there is no alternative use for the Site in the longer term.
- 10.3 To the best of the Council's knowledge, the Site has not been marketed for either residential or any other use in the years preceding this Statement, and whilst the current landowners made pre-application enquiries in 2022 for a residential scheme, no planning application has been submitted to date.
- 10.4 The Site was vacant for several years prior to its more recent temporary use as a car park and compound for the hospital construction. During this time it does not appear that the Site has been marketed and no alternative uses have been suggested for the Site. Since 2008 the Site has been allocated for residential development which is still considered the most appropriate use for the Site, in line with the planning policy for the area to achieve significant housing growth.
- 10.5 There are not considered to be any realistic alternatives to the Council's Scheme. Due to the Site's history, it is considered there are no realistic prospects of the Site coming forward for the Scheme or any other residential led development without public intervention and funding.

11. Delivery and funding

- 11.1 The Council's Regeneration and Growth Directorate has recently been looking into the possibility of forming a Joint Development Partner Framework ("the Development Framework") which would in effect look at delivery of a number of schemes in the regeneration pipeline. The wide range of projects will be broken down into smaller lots for procurement of a development partner. One of those lots would be to assist in the delivery of new housing in the Grove Lane Masterplan area. From past discussions with developers, the Council is aware that there is developer interest in the Grove Lane area and is confident that the right developer could be secured to lead on the new development in line with the planning application secured.
- 11.3 Recently the Council commissioned Savills to undertake a delivery strategy for Grove Lane named Grove Lane Masterplan Delivery Strategy Review and Priority Packages – September 2024] ("the Delivery Strategy"). The Delivery Strategy has identified each of the character areas within the Grove Lane Masterplan area to establish any opportunities and constraints that may affect the sites coming forward for development. Furthermore, the Delivery Strategy has recommended the best route to delivery based upon funding available, landowner issues, potential compulsory purchase action and how each of the priority package areas may come forward in a phased fashion.
- 11.4 For the Cape Arm area which includes the Site as well as other parcels of land, the Delivery Strategy's recommended route was for negotiations for acquisition take place, with the added recommendation of implementing CPO action if necessary. This is the approach we are taking in order to progress development for the sites in this area. Once acquisition is obtained, the most efficient route to deliver new houses on the Site would be disposal to a developer subject to a planning permission. This is seen as a priority package which, with other adjoining sites, could deliver a critical mass of residential development and

essential public infrastructure. The other sites contained within this package include the site currently owned by West Midlands Combined Authority and a site seeking to be obtained via round 3 of the Levelling Up Fund. The Site will therefore be delivered by a joint venture with a procured partner.

- 11.5 Funding of the CPO and the remediation of the Site following demolition of structures, and any associated reports or surveys will be met from the allocated Towns Fund of £4.35m. Valuations undertaken are comfortably within the budget identified in the funding profile with the remainder of the funds allocated for demolition and remediation. Demolition and remediation costs have been estimated to be approximately £1.4m based upon a high-level assumption with regards ground conditions. These have been estimated due to the reluctance of the landowner to allow the council to undertake any intrusive site investigations. However these costs may increase or decrease when more detail is known. Once remediation is complete, the de-risked site will be more attractive to developers as a cleared site ready to accommodate residential development.
- 11.6 The Scheme will be implemented through a joint venture between the Council and a developer. Procurement of a development partner to deliver on the West Bromwich Town Centre Masterplan is due to launch around May 2025. Should the development partner model be successful for West Bromwich, it is the intention to roll this out for other key areas, including the sites within the Grove Lane area. Procurement of a development partner for Grove Lane may therefore be in train before the end of the 2025 calendar year.
- 11.7 Should the Order Land be acquired via CPO by Autumn/Winter 2026 it is anticipated that start on site for pre-site works could commence end 2026, with demolition and remediation taking place and completed by March 2027. It is possible that some activities such as procurement of a demolition contractor and pre-site works and surveys could run concurrently, thereby reducing timescales to deliver a remediated, development-ready site.

- 11.8 The Council has sufficient resources to enable it to implement the Scheme. Funding for acquisition and remediation of the Site has been offered through Towns Fund to a sum of £4.35m. An independent valuation of the Site was undertaken in 2022 (updated in 2024 and 2025) which formed the basis of negotiations with the landowner to acquire the site and which demonstrated there was sufficient funding within the Towns Fund to support acquisition based upon the valuation. The remaining funds are sufficient to undertake any demolition and remediation of the Site. A study undertaken by Savills on the potential routes to delivery for sites within Grove Lane, has suggested that the Site would benefit from the Council agreeing to take on a development partner which could be procured through open tender once control of the site is determined. There is therefore no financial impediment to the Scheme as all necessary resources are available to achieve the purpose of the CPO within a reasonable timescale.

12. Impediments to delivery

- 12.1 There are no direct impediments to the delivery of the Scheme once land assembly is completed subject to planning permission being in place. The planning application is currently being prepared to run alongside the making of the CPO. Extensive consultations are being held between relevant internal parties to ensure that any issues are resolved prior to submission of the planning application to ensure it conforms to policy, reduces the opportunity for objections and has the best opportunity to receive approval. Given compliance with the adopted development plan and emerging SLP (along with support from the Grove Lane Masterplan), it is considered planning permission will be obtained and thus is not an impediment to delivery.
- 12.2 While a full or partial road closure may be necessary for the demolition or redevelopment of the Site, this will be applied for through the normal processes and will be a temporary measure that facilitates, rather than hinders, project delivery.

- 12.3 Any oversailing rights required to facilitate the development of this Site will be applied for separately and at a future date once it is understood the requirements and how this will affect adjoining land and premises. However, at this stage it is considered that the oversailing rights will be constrained to over the highway. Such licences are available in the ordinary course of development and are not considered to be an impediment to Scheme delivery.

13. Special categories of land

- 13.1 There are no listed buildings affected by the Scheme.
- 13.2 There are no heritage assets affected by the Scheme.
- 13.3 There are no ancient monuments or listed buildings affected by the Scheme.
- 13.4 The Scheme does not affect a conservation area, nor land owned by the National Trust.
- 13.5 The Scheme does not impact on ecclesiastical or burial ground.
- 13.6 The Scheme does not affect any common land or any area identified as public open space.
- 13.7 The Scheme does not affect any Crown land.
- 13.8 The Scheme affects elements of statutory undertaker apparatus but will not give rise to serious detriment. It is anticipated that the undertakers' design requirements for substations will be incorporated into the planning application. The Council is therefore hopeful that use of powers under the CPO to acquire the statutory undertaker apparatus will not be necessary.

14. Human Rights

- 14.1 Determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights (**“the Convention”**). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State also has to be satisfied that the land included in the Order is necessary in Order to secure the delivery of the Scheme and does not include land which is not required for that purpose.
- 14.2 Article 1 of the First Protocol to the Convention states that “...*Every natural or legal person is entitled to peaceful enjoyment of his possessions*” and “*no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...*”. Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be carried out in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 14.3 Article 6 of the Convention provides that: “*In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law*”. The regeneration proposals, including those associated with the Order Land, have been consulted on and consultation has taken place with the parties that may be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and objecting parties will have the right to be heard at a public inquiry. It

has been held that the statutory processes are compliant with Article 6 of the Convention.

- 14.4 Article 8 of the Convention states that: *“Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.”* The Council considers that any interference with this right (which is not expected given the absence of residential accommodation on the Site) that would result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing the social, environmental and economic benefits associated with the Scheme), and will be proportionate having regard to the public benefits to be secured.
- 14.5 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the compulsory purchase Compensation Code, assessed on the basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.
- 14.6 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that *“regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”*. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be *“necessary in a democratic society”* i.e. proportionate.

- 14.7 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest as mentioned above, in the redevelopment of the Order Land. The Council considers Interference with Convention Rights to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring. An Equality Impact Assessment was undertaken for the Grove Lane Regeneration Project which is dealt with in more detail in 15.2.
- 14.8 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully considered. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 14.9 There has been public consultation on the proposals to regenerate this area. If objections are received, a public inquiry will be held into the Order, and those, whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided for by law.

15. Equality and diversity

- 15.1 In line with the Equality Act 2010 and in particular the public sector equality duty contained in section 149, the Council has had due regard to equalities issues as part of its decision-making exercise, considering the impacts of the proposals on those affected, identifying whether there may be any impact on a protected group of individuals, establishing whether there are negative impacts and how these could be mitigated.
- 15.2 An Equality Impact Assessment ("EqIA") was undertaken for the Grove Lane project in December 2021 to ascertain whether people with any of the relevant protected characteristics would be affected by the regeneration proposals and whether any mitigation would be required to address any changes to be made.

- 15.3 The EqlA applied due regard to the protected characteristics including Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual Orientation. It considered how each group may be affected by the proposals and whether there would be a negative or positive impact or whether there would be no impact at all.
- 15.4 As the Site is a stand-alone facility and only currently being used as a compound for the new hospital construction, very few businesses or residents are expected to be affected by the proposal that need to be taken account of. The EqlA did not consider the implications regarding the NHS Trust and the lease they currently have for the Site, as that lease is temporary related to hospital construction only. The EqlA looked at the development of the Site and the implications for those specific protected characteristics and it was assumed the lease would be short term and would not be in place when development commenced. The EqlA found that in all but two of the groups, the regeneration proposals would have no impact, but consideration should be had to the temporary impacts of construction work which could be mitigated via a construction environmental management plan. The proposal for two groups – Age and Race would result in a positive impact due to the provision of new and affordable housing close to the new hospital with improved health benefits.
- 15.5 The lease currently held by the Trust to utilise the proposed development site for a car park and compound is based upon an annual renewal but containing break clauses to terminate by either party. It is understood that due to the hospital now being complete, the Trust will be in a position shortly to terminate the lease on this land. There have been no material changes between 2021 when the EqlA was produced and the present day that are considered likely to materially affect the results. The change to the potential outputs of residential units will not alter the conclusions. Therefore, it is considered that there will be limited implications on the Trust in the Council acquiring the Site.

- 16.1 This Statement sets out why compulsory powers have been sought in the CPO and explains why the Council considers such powers to be necessary, proportionate, and justified.
- 16.2 In determining the extent of the compulsory acquisition powers proposed in the CPO, the Council has had regard to the requirements of the relevant legislation and to the advice in the MHCLG Guidance. The Council is content that the scope of the powers sought and the extent of the interests in the land to be acquired by compulsory acquisition are required for the Scheme and are the minimum necessary that will allow the Council to construct, operate and maintain the Scheme.
- 16.3 The Council has considered the human rights of the individuals affected by the compulsory acquisition powers and the Council is satisfied that there is a compelling case, in the wider public interest, to pursue the acquisition of the Order Lands through compulsory purchase powers, to secure control of the land required to deliver the comprehensive redevelopment proposed to contribute to the regeneration of this key area of Smethwick.
- 16.4 The proposals are a fundamental part of the co-ordinated strategy to regenerate Grove Lane in accordance with planning policy and the proposals as set out in the Grove Lane Masterplan. The proposed scheme will underpin the economic, social and environmental regeneration of this part of the Borough and will assist in providing for the much-needed housing growth to meet the needs of the local and future population.
- 16.5 The Council has consulted all persons affected by the compulsory acquisition powers and persons who may have a claim for compensation arising from the Scheme. The Council has sought to acquire interests in the Order Land by agreement wherever practicable and negotiations are ongoing with the current landowner. Due to the temporary nature of the current use by the NHS Trust, there is unlikely to be any other interests in the land that would require

relocating. Measures will also be taken, as far as is possible, to limit the disruption and disturbance to individuals and businesses in the area.

- 16.6 Finally, without the granting of compulsory acquisition powers, the Council considers that it will not be possible to construct the Scheme or realise the public benefits arising from it, therefore, Compulsory Purchase powers are needed to enable the proposal to succeed, and the use of these powers is fully justified, in accordance with the Act and MHCLG Guidance. It is important for the future transformational change of the Grove Lane area, and in the public interest that the redevelopment scheme as currently proposed proceeds without delay.

17. Further details

- 17.1 The documents listed in section 18 of this Statement are available for inspection at: www.sandwell.gov.uk or copies can be provided on request via the contact details listed below.

- 17.2 Further information on the Scheme and the Order can be obtained from Sandwell Metropolitan Borough Council by email: Hayley_insley@sandwell.gov.uk or phone: 0121 569 4254

18. List of Documents

The following Documents may be inspected at the following offices:

Sandwell Council House, Oldbury, West Midlands. B69 3DE.

Documents are also available on the Council's website www.sandwell.gov.uk unless otherwise stated.

1. Copy of the Compulsory Purchase Order and Map referred to therein
2. This Statement of Reasons for making the Order

Council Reports

3. Decision taken by Cabinet on 9 February 2022 relating to the approval of the Grove Lane Masterplan.
4. Decision by Cabinet on 16 November 2022 to compulsorily acquire approximately 1.67 Ha of land and premises at Cranford Street, Smethwick.

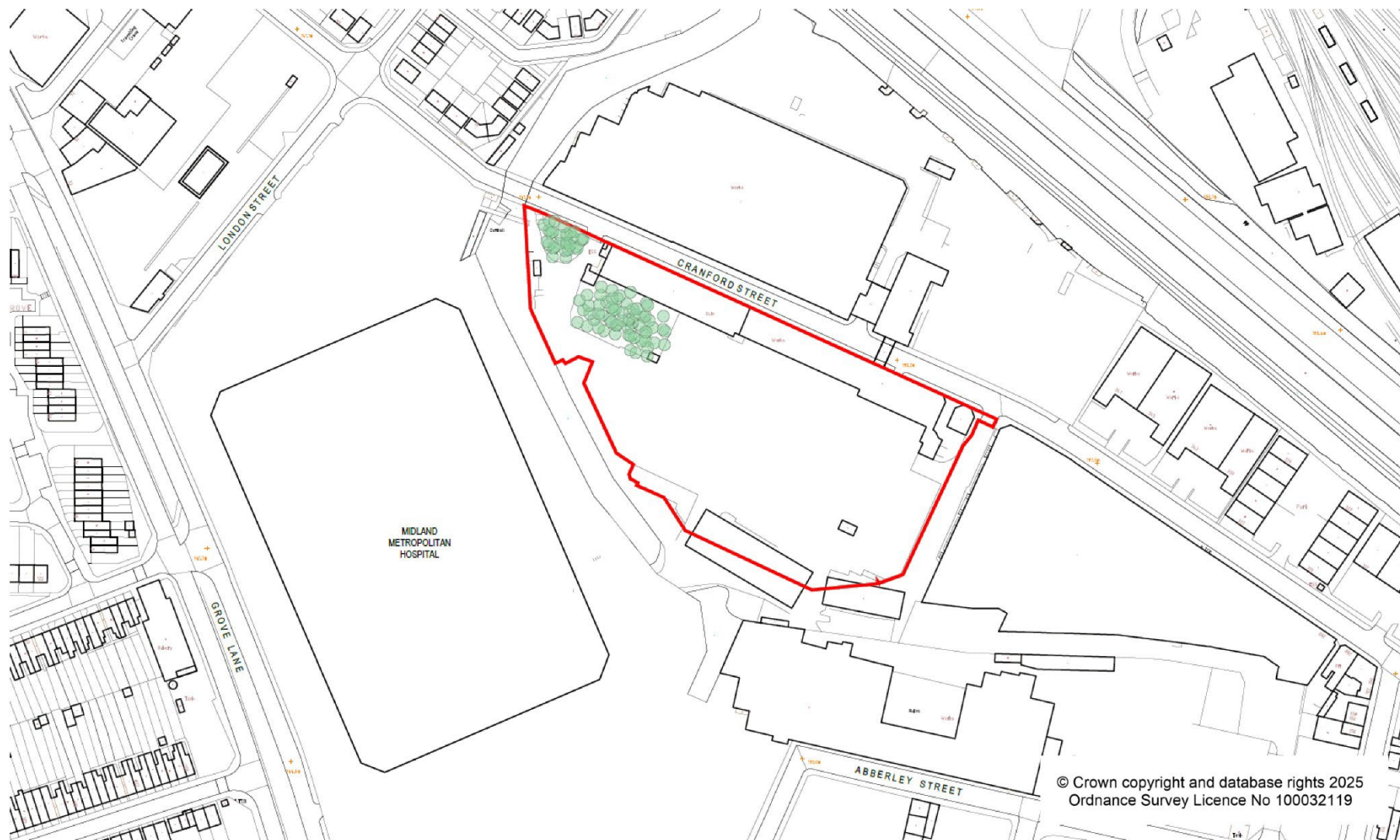
Local Planning Policy Documents

5. Black Country Core Strategy, Adopted February 2011
6. Site Allocations and Delivery DPD, adopted December 2012
7. Grove Lane Masterplan, February 2022
8. Smethwick to Birmingham Corridor Framework, February 2022
9. Sandwell Local Plan – Reg 19 Publication

19. Appendices

1. Map of the Site
2. Plan showing Order Land in relation to site owned by WMCA and sites to be acquired in relation to Levelling Up Fund.




Appendix 1 – The Site



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Appendix 2 – Order Land in relation to site owned by WMCA and sites to be acquired for Levelling Up Fund.



-  Order Land
-  Site currently owned by WMCA
-  Sites to be acquired for Levelling Up Fund

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