

Examination of the Sandwell Local Plan 2024-2041

Hearing Statement prepared on behalf of the Police and Crime Commissioner for the West Midlands (PCCWM) (Respondent ID Ref: 1482 to 1509)

MATTER 10:

Transport, Infrastructure, and Viability

Introduction

The Tyler Parkes Partnership Limited has previously made detailed representations at the Regulation 19 stage on behalf of the PCCWM (November 2024, Respondent ID Ref: 1482 to 1509). Those substantive representation are already before the Inspectors, available in full, online at the following url: [Sandwell Metropolitan Borough Council - Sandwell Local Plan - Reg 19 Publication](#)

Nature and Extent of this Statement

This Hearing Statement is submitted in direct response to the specific questions raised by the Inspectors under Matter 10: Transport, Infrastructure and Viability (selected questions only).

It is not the intention to restate, verbatim, what has been submitted previously, however some repetition will occur as each question is addressed in turn, below.

Inspectors' Questions

Issue 10 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for transport, infrastructure and delivery.

Response: Introduction

The PCCWM's representations set out the background and basis for the delivery of, and contributions towards policing infrastructure. Those extensive representations were supplemented by additional notes in relation to the PCCWM's statement on Matters 2 and 3. Those points remain valid and should be read in conjunction with this statement.

Q10.4 Does the Infrastructure Delivery Plan (DEL 001 and DEL 002) contain the full range of infrastructure necessary to support the development proposed in the plan, and how will the Infrastructure Delivery Plan respond to changes in circumstances?

Response:

The PCCWM has been involved throughout the plan preparation process. It was unfortunate, that having been invited to engage with Arup on Part 1 of the IDP, that Tyler Parkes were not afforded the opportunity to participate in Part 2 of the IDP (the Infrastructure Schedule) seemingly on the grounds that no physical infrastructure had been specified. The items specified covered capital spend towards equipping and training additional officers rather than any physical built development. ARUP's interpretation is questioned because, put simply, new development and growth *will* place a greater strain on Police resources and therefore, mitigation that would otherwise be unfunded, is appropriate.

Provision of safety and security for the existing and future population should be regarded as essential infrastructure in support of growth. It should *not* be regarded as desirable or optional. If the quality of service to the existing population would deteriorate then the new development should not take place without the appropriate support in-place.

These points are consistent with the provisions of Policy SDS1 – Development Strategy and in particular point “c. *ensure that sufficient physical, social and environmental infrastructure is delivered to meet identified requirements*”. While this local plan is being considered against an earlier version of the NPPF it is appropriate to flag up paragraph 101 of the 2024 NPPF which specifically recognises blue light infrastructure:

“101. To ensure faster delivery of other public service infrastructure such as health, blue light, library, adult education, university and criminal justice facilities, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.” (Tyler Parkes emphasis).

Notwithstanding the above, the PCCWM is aware that the development of the IDP is at an early stage and should be subject of regular review and update. The IDP review process should enable the criticisms to be addressed as an ongoing basis. However, it is clear that the response to the Inspector's question is that the IDP does not contain the full range of infrastructure (including Policing) to support the development proposed in the plan. The ongoing nature of the planning process means that it would be very difficult, if not impossible, to identify all infrastructure requirements now. This is why the IDP should be seen as a 'live document' subject to regular review and updates.

The PCCWM has the following observations on DEL 001 and DEL 002.

DEL 001 - Sandwell Infrastructure Delivery Plan (IDP) - Part 1 - Infrastructure Needs Assessment (November 2023)

As mentioned above, the PCCWM feels that this document could have gone further in respect of policing, particularly if it did not limit the consideration of policing infrastructure to physical matters. Rather, the emphasis should be on capital requirements to deliver the necessary increase in service delivery whether physical, or not. The PCCWM would hope that future liaison with the Council and their consultants could address these matters.

DEL 002 - Sandwell Infrastructure Delivery Plan (IDP) - Part 2 - Infrastructure Schedule (August 2024)

The prioritisation categories assigned in Part 2 of the IDP are as follows:

"• Essential for development to happen – Critical infrastructure that must be delivered in order for development to take place.

• Priority for any development – Infrastructure that must be provided alongside development but is not critical in order for development to take place.

• Important to achieve sustainable communities – Infrastructure that will help to achieve sustainable place-making objectives and/or improve existing operational infrastructure capacity."

The report then identifies 130 schemes with just 9 (all utility projects) being regarded as essential, 11 priority (mainly green infrastructure) and 110 as important. The implication must be that priority of schemes important to sustainable communities must be seen as desirable/optional.

The report does not identify any potential policing-related schemes.

The PCCWM suggests that projects that relate to essential public safety and security should be regarded as essential for development to take place since to do otherwise would mean that existing service levels would deteriorate.

It follows that resourcing for essential projects should take priority over those in other categories. It would also follow that projects regarded as priority should then follow in the pecking order with important projects then taking up resourcing that might be left over.

This approach would most likely represent a significant shift from the existing situation.

If the IDP prioritisation is carried out regularly it follows that essential schemes might continue to emerge and these would need to have the highest priority as development takes place.

This approach also suggests that alternate funding sources would need to be found for non-essential schemes that cannot be funded through S106 and CIL. Transport-related schemes should be carried under S278 Agreements, but these should not take precedence over other essential and priority works.

Q10.5 Are the requirements policy SID1 and its approach to infrastructure provision and viability assessments justified and consistent with national policy, and will they be effective?

Response:

In the context of the observations set out in his representations and the responses to Matter 10.4 the PCCWM has identified a number of suggested potential modifications to Policy SID1 - Infrastructure Provision and Viability Assessments and a related change to the Glossary which are set out below, accompanied by an explanation of the proposed changes.

*“1. All new developments should be supported by the necessary on and off-site infrastructure to serve its needs, mitigate its impacts ~~on the environment~~ and the local community **by ensuring that existing service levels are not compromised**, and ensure that it is sustainable and contributes to the proper planning of the wider area.”*

Explanation of the PCCWM’s suggested modifications to SID1 point 1:

Remove reference to the impacts on the environment so that other impacts, such as those on social infrastructure such as policing are not excluded. It is also appropriate to recognise in the policy that while there will be spare infrastructure capacity that can be utilised it is important that that existing levels of service delivery are not compromised by new development and growth.

Additionally, the phrase “*necessary on and off-site infrastructure*” needs to be defined so that blue light infrastructure including policing are properly taken into account. The Glossary in the Regulation 19 version of the local plan includes a definition of infrastructure that the PCCWM suggests could be strengthened on the following lines:

*“Infrastructure - Basic services necessary for development to take place; e.g., roads, electricity, sewerage, water, education ~~and~~, health facilities **and blue-light services**.”*

Alternatively, or in addition, this clarification could be made through the addition of a footnote.

“2. Unless material circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided and /or can be phased to support the requirements of the proposed development. These will be secured through planning obligations, the Community Infrastructure Levy / Infrastructure Funding Statements, planning conditions or other relevant means or mechanisms as necessary, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated.”

No PCCWM amendments proposed to SID2 point 2.

*“3. A planning application that complies with up-to-date policies within this plan will be assumed to be viable and should ~~seek to~~ provide any relevant ~~planning~~ **S106/CIL** contributions necessary to make it acceptable in planning terms. ~~The onus will be on the applicant to demonstrate that the provision of planning contributions would adversely affect the financial viability of the development proposals.~~”*

Explanation of the PCCWM’s suggested modifications to SID1 point 3:

The policy as worded provides encouragement for a prospective developer not to provide the necessary infrastructure. This encouragement should be removed to prevent this becoming the default position. The starting point should be that essential infrastructure to facilitate development is provided otherwise the proposed development should not proceed.

*“4. **In exceptional circumstances, where any development is not fully policy compliant, a** Financial viability assessment conforming to national guidance will be required to be submitted **prior to determination** and, where necessary, independently appraised by an appropriate professional appointed by the local planning authority at the cost of the applicant.”*

Explanation of the PCCWM’s suggested modifications to SID1 point 4:

This proposed modification would emphasise that non-policy compliant development proposals would be the exceptional and be subject to vigorous, independent viability testing.

“5. Any viability assessment should be prepared on the basis that it will be made publicly available ~~other than in exceptional circumstances, and in such circumstances an executive summary will be made publicly available.~~”

Explanation of the PCCWM’s suggested modifications to SID1 point 5:

The PCCWM believes that viability assessment reports should be (i) publicly available and (ii) be subject to public consultation.

6. On sites where applying the relevant planning contributions, affordable housing or accessibility requirements set out in Policies SHO4 and SHO5 can be demonstrated to make the development unviable, the maximum proportion of such housing will be sought that will not undermine the viability of the development, subject to achieving optimum tenure mix and securing other planning obligations necessary for the development to gain planning permission.

No PCCWM amendment proposed to SID2 point 6

“7. Sandwell Council will set out in an Infrastructure Delivery Plan:

a. The infrastructure that is to be provided or supported.

b. The prioritisation of and resources for infrastructure provision

c. The scale and form of obligation or levy to be applied to each type of infrastructure.

d. In conjunction with infrastructure providers to update the IDP on at least an annual basis.”

Explanation of the PCCWM’s suggested modifications to SID1 point 7:

The IDP should be regarded as a ‘live document’ and be the subject of at least an annual update and review. It is also important that S106/CIL resources should be regarded as potentially available to the full list of infrastructure including policing.

In the unlikely event that is not regarded as satisfactory EITHER because the Viability Assessment did not cover the potential requirement of the blue light services OR because the established CIL scheme does not cover such services then that part of the evidence base should be updated and/or, if necessary, the Inspector’s report to identify that a review of the CIL scheme is urgently required.

The PCCWM recognises that it will be necessary for him to actively participate in the regular update and review of the IDP and is happy to commit to this.

Q10.7 In terms of this issue, are any main modifications necessary for soundness?

PCCWM suggestions for main modifications have been identified above.