

TOWN & COUNTRY PLANNING ACT 1990

ACQUISITION OF LAND ACT 1981

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

STATEMENT OF CASE

Under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007

Planning Inspectorate Reference: APP/PCU/CPOP/G4620/3372599

19 March 2026

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1 Introduction

- 1.1 This document is the Statement of Case of the Borough Council of Sandwell (the **Council**) as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and in compliance with the Ministry of Housing, Communities & Local Government "Guidance on the Compulsory Purchase Process" (January 2025) (the **Guidance**) (**CD 3.4**).
- 1.2 On 13 August 2025 the Council made a compulsory purchase order (**CPO**) titled the Borough Council of Sandwell (Cranford Street, Smethwick) Compulsory Purchase Order 2025 (the **Order**) (**CD 1.1**). The Order was made pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**) (**CD 6.1**). The Council is the local planning authority and local highway authority for the land included within the Order (the **Order Land**).
- 1.3 The Order Land is shown coloured pink (land to be acquired compulsorily) on the map attached to the Order (**CD 1.2**) (the **Order Map**). The Order Land includes the proposed development but also includes highway land that is unregistered, which is to be acquired due to the need to remove the existing bridge over Cranford Street.
- 1.4 A large part of the Order Land consists of a site that was recently 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 the Order Land are derelict buildings or premises that are in poor and time-expired condition. The Order Land is within a single freehold ownership and the lease to the Sandwell and West Birmingham Hospitals NHS Trust (which was in place the date the Order was made) has now expired and has not been renewed.
- 1.5 Authorisation to make the Order was given by the Council's Cabinet on 16 November 2022 (**CD 2.1**). The resolution was reaffirmed by the Council's Cabinet on 25 June 2025, after updates to the Scheme were reported to the Cabinet (**CD.2.2**). Cabinet resolved to make the Order for the acquisition of all freehold interests (and any other interests and rights as may be required) in the Order Land as well as any other necessary land interests within the area to facilitate the regeneration of the Order Land. Cabinet also delegated to the Monitoring Officer the power to effect the making, confirming and implementation of the Order.
- 1.6 The Order was submitted along with supporting documents (including the Council's Statement of Reasons (**CD 1.3**)) to the Secretary of State for Housing, Communities and Local Government (the **Secretary of State**) for confirmation on 4 September 2025.
- 1.7 Two objections to the Order were received and the Secretary of State by way of a letter dated 5 February 2026 has given notice of an intention to hold an inquiry into those objections.
- 1.8 If confirmed by the Secretary of State, the Order will enable the Council to compulsorily acquire interests in the Order Land in order to facilitate the comprehensive regeneration of the Order Land in accordance with adopted planning policy and (once granted) a planning permission.
- 1.9 This Statement sets out the particulars of the Council's case for the making of the Order. It seeks to supplement the Council's Statement of Reasons (**CD 1.3**), which should be read in

conjunction with this Statement. This Statement sets out the case as to why the Council considers that the powers of compulsory purchase contained in the Order are necessary, and why there is a compelling case in the public interest that the Order be confirmed by the Secretary of State. It addresses the issues raised by the objectors to the Order in section 13.

- 1.10 The proposed redevelopment of the Order Land comprises a residential-led mixed-use development, with the delivery of 100 new homes including 25% affordable homes and one commercial unit (hereinafter referred in this Statement as the **Scheme**). Planning permission has been sought for the Scheme and this is currently awaiting determination by the Local Planning Authority under reference DC/26/71442.
- 1.11 The Council considers that its proposals for the Scheme are supported by planning policy at national, regional, and local level. The Council's aims and objectives for the Scheme are consistent with policy objectives of the National Planning Policy Framework (December 2024) (the **NPPF**) (**CD 3.1**), the Council's Local Plan (adopted in 2012) (**CD 3.2**) and the Council's emerging Local Plan which as of the date of this statement is going through consultation on the main modifications following examination hearings with the Secretary of State (**CD 3.3**). The Scheme presents an opportunity to deliver a new development, creating a sense of identity and providing modern affordable homes. The policy context of the Scheme and the extent to which the Scheme complies with relevant policy is set out in detail in section 6 of this Statement.
- 1.12 The Council has consulted on the Scheme. Further detail as to the consultation and engagement is set out at section 9 of this Statement and the Council's response to the objections received is provided at section 13.
- 1.13 The Council recognises that, in line with the Guidance, a CPO can be made if there is a compelling case in the public interest which justifies the acquisition of private rights in the land they are seeking to acquire (paragraph 2 and 12 of the Guidance (**CD 3.4**)). The Council is satisfied that the Order will meet this requirement and that the delivery of the Scheme will satisfy the test in s226(1A) of the 1990 Act (**CD 6.1**) by contributing to the promotion and improvement of the economic, social and environmental well-being of the area. The justification for the use of compulsory purchase powers is set out at section 7 below.
- 1.14 The Council has sought to acquire interests in the Order Land by negotiation. Despite the efforts and progress made by the Council in seeking to acquire all interests by agreement, it is clear that in order to deliver the Scheme within a reasonable timescale, the Council's compulsory purchase powers must be used. Information as to the efforts and negotiations that have taken place with a view to acquiring the required land and rights are set out at section 9 below.
- 1.15 As set out in section 6.22 of this Statement, the Council does not envisage that there will be any impediments to the Scheme progressing.
- 1.16 In deciding to make and progress the Order, the Council has had full regard to the requirements of the Human Rights Act 1998. The Council has carefully considered the balance to be struck between individual rights and the wider public interest and has also had regard to whether there are any alternative means of securing the redevelopment of the Order Land. The Council has concluded that the interference with rights caused by the Order is proportionate when weighed against the significant benefits which will be delivered by the Scheme as set out in this Statement at sections 5.4 and 7. On 16 November 2022 Cabinet

also agreed that the public interest in enabling the development of the Order Land outweighs the interference with relevant rights under the European Convention on Human Rights (**CD 2.1**), and this was reaffirmed by Cabinet in June 2025 (**CD 2.2**).

- 1.17 Details of the Equalities Impact Assessment (the **EqIA**) (**CD 5.1**) carried out in respect of the Scheme are set out in section 11 of this Statement. In summary, the Scheme will benefit future residents, including those with protected characteristics.
- 1.18 If the Order is confirmed by the Secretary of State (or self-confirmed by the Council following authorisation of such by the Secretary of State), the Council intends to execute a General Vesting Declaration and if required any Notices to Treat, in order to secure unencumbered title to the Order Land.
- 1.19 The Council supports the Order and wishes it to be brought forward to facilitate the Scheme and redevelopment of the Order Land in accordance with planning and housing policies for the Borough Council of Sandwell.
- 1.20 All documents referred to in this Statement are listed in the table in section 15 below.

2 **The Order Land**

- 2.1 The Order Land is required to facilitate the delivery of the Scheme and the Order is needed to secure the necessary land assembly within a reasonable timescale.
- 2.2 The Council has given careful consideration to the need for the land comprising the Order Land and is satisfied that all of the land included within the Order is necessary and justifiable, as detailed below.
- 2.3 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 Order Land with one on the north of the highway lying outside of the Order Land. The Order Land is bound by Cranford Street to the north and Cape Arm canal to the west and south. Existing industrial buildings lie to the east. The Order Land is roughly triangular in shape but is fairly level across the site up until the embankment with the canal arm. A Map of the Order Land is provided at **CD 1.2**.
- 2.4 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 overall condition of the Order Land is poor, including the underlying adverse ground conditions, overgrown vegetation and derelict buildings which provide a poor reflection of the area.
- 2.5 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.
- 2.6 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 for 2025. 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 its accessibility to a range of education, cultural and commercial services.

3 **The Council's Power to Acquire Land Compulsorily**

3.1 Section 226(1)(a) of the 1990 Act enables the Council to acquire land compulsorily if it considers that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to land in its area. This power is subject to section 226(1A) which provides that the Council must not exercise powers of compulsory purchase unless it considers that the proposed development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

3.1.1 The promotion or improvement of the economic well-being of its area;

3.1.2 The promotion or improvement of the social well-being of its area; and

3.1.3 The promotion or improvement of the environmental well-being of its area.

3.2 The compulsory acquisition of the Order Land is necessary for the delivery of the Scheme. The Scheme will make a significant contribution to the environmental, social and economic well-being of the area.

3.3 The Guidance (**CD 3.4**) states at paragraph 98.1 that the power under section 226 of the 1990 Act (**CD 6.1**) is expressed in wide terms and can, therefore, be used to assemble land for regeneration. This view is now confirmed through the new sub-section 1B to section 226 of the 1990 Act, which states that "In the application of subsections (1) and (1A) in England, "improvement" includes regeneration". The Guidance provides recommendations to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of these recommendations in the progression of and making of the Order.

3.4 As set out in paragraph 109 of the Guidance, where land is being assembled pursuant to section 226(1)(a) of the 1990 Act, the Secretary of State will have regard to a number of factors when determining whether to confirm an order. These factors include the following:

3.4.1 Whether the purpose for which the land is being acquired fits in with the development plan for the area and the NPPF (**CD 3.1**) (please see section 6 of this Statement for further consideration of this);

3.4.2 The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area (please see sections 5.4 and 7 of this Statement for details as to how the Scheme will meet these requirements);

3.4.3 Whether the purpose for which the local authority is proposing to acquire the land could be achieved by other means (please see section 8 of this Statement); and

3.4.4 The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and any commitment from third parties, will usually suffice to demonstrate that there is a reasonable prospect that the scheme will proceed (see section 4.3 of this Statement which details the funding of the Scheme).

3.5 Section 6A(1) of the Land Compensation Act 1961 (the **LCA 1961**) provides that "The no-scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of the land" (see rule 2A in section 5 of the LCA 1961) (**CD 6.2**). Section 6D of the LCA 1961 confirms that for the purposes of section 6A, the "scheme" means the scheme of development underlying the acquisition. The Order authorises the compulsory acquisition of the Order Land for the purposes of facilitating the delivery of the Scheme. As such, the 'scheme' for the purposes of the LCA 1961 to be disregarded for the purposes of assessing compensation is the redevelopment of the Order Land as described in Paragraph 1.10 of this Statement.

3.6 Having regard to the nature of the proposals and the Guidance, the Council is satisfied that the use of its compulsory purchase powers under section 226(1)(a) of the 1990 Act (**CD 6.1**) is justified in order to facilitate the Scheme and achieve its objectives. Details of the justification of the use of compulsory purchase powers are contained in section 7 and section 5.4.

4 The Scheme

4.1 Background to the Scheme

4.1.1 The Scheme proposes a comprehensive redevelopment of the Order Land.

4.1.2 The Council considers that the Scheme, which is to be delivered pursuant to the Planning Application (defined below), will deliver qualitative and quantitative improvements to the housing stock in the area to meet local housing need, improve social facilities and environmental amenity, and is supported at all levels of current planning policy.

4.1.3 This Scheme will provide for car parking provision for the houses in line with current policy but will have 24 parking spaces for the 31 apartments (0.8 spaces per apartment) with some visitor parking being provided within the site. Provision will be made for cycle parking in accordance with planning policy requirements.

4.1.4 There is a single freehold ownership of the Order Land. Full details of the owners and their outstanding interests are contained in the Schedule to the Order (**CD 1.1**) and shown on the Order Map (**CD 1.2**).

4.1.5 Despite the Council's ongoing efforts to acquire the freehold interest in the Order Land by negotiation (as is described in greater detail at section 9), the Council has not been able to acquire the freehold interest. The Council also needs to acquire an area of unregistered land which currently forms part of a public highway in order to carry out redevelopment. In order to deliver the Scheme, it is essential that the Council is able to secure vacant possession of the Order Land and it is unlikely that the Council will be able to agree terms for the acquisition of the freehold interest in the Order Land within a reasonable timeframe.

Consequently, the freehold interest must be acquired by the Council and the Council considers it necessary to utilise its power of compulsory purchase in order to achieve this and facilitate the Scheme. The Council will, nonetheless, continue to engage with the freehold owner and attempt to acquire the freehold interest in the Order Land via private negotiation.

4.2 Evolution of the Scheme

- 4.2.1 The Order Land lies within the Grove Lane area of Smethwick which is one of the key regeneration areas in Sandwell. As noted previously, 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.
- 4.2.2 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 of land including the Order Land for residential use was carried through to the Local Plan.
- 4.2.3 The Smethwick to Birmingham Corridor Framework (the **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 Framework which sets 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, providing a joined-up transport strategy and design principles for new development and promoting the area for further private and public investment. The partners involved in the 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.
- 4.2.4 In addition, more detailed guidance was also produced in respect of 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 Order Land lies centrally within the Masterplan area, adjacent to the new hospital and canal arm. The Framework and the Grove Lane Masterplan provide principles for developing this corridor into a safe, healthy place to live, work, and visit. Acquiring the Order Land 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 with the vision of the Framework and the Grove Lane Masterplan, supporting the creation of a sustainable new community in a designated Housing Zone.

- 4.2.5 The Grove Lane Masterplan was approved by Cabinet on 9 February 2022 (**CD 2.3**) 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 for employment use. As a result, the Grove Lane 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 Framework and the Grove Lane Masterplan have been incorporated into the emerging Local Plan which, if adopted, will eventually become the statutory Development Plan for the Borough.
- 4.2.6 Over the course of 2024 and 2025 the Council was in the process of developing the Planning Application which was submitted to the Council and validated on 5 March 2026.
- 4.2.7 On 16 November 2022, Cabinet resolved that the Order may be made to acquire all interests (and any other interests and rights as may be required) in the Order Land to facilitate the regeneration of the Order Land (**CD 2.1**). The resolution was reaffirmed by the Council's Cabinet on 25 June 2025, after updates to the Scheme were reported to the Cabinet (**CD.2.2**).

4.3 Funding of the Scheme

- 4.3.1 In 2019 the Ministry of Housing, Communities & Local Government (the **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 with projects being delivered on three main themes: Urban Regeneration, Skills and Enterprise Infrastructure, and Connectivity.
- 4.3.2 After several years of unsuccessful attempts to engage with the owner of the Order Land, the Council became aware that the Owner was seeking to sell the Order Land. Recognising this as an opportunity, the Council sought to utilise the Towns Fund grant funding to acquire the Order Land from the Owner and remediate the Order Land 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. However, the Council has been unsuccessful in acquiring the Order Land from the Owner by private negotiation (see section 9 for further detail) and given the Order Land'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.
- 4.3.3 In 2024 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.

- 4.3.4 For the Cape Arm area which includes the Order Land as well as other parcels of land, the Delivery Strategy's recommended route was for negotiations for acquisition to take place, with the added recommendation of implementing a CPO if necessary. This is the approach the Council has taken in order to progress development for the sites in this area. The Order Land 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 Order Land will therefore be delivered by a joint venture with a procured partner.
- 4.3.5 Funding of the CPO and the remediation of the Order Land following demolition of structures and any associated reports or surveys will be met from the allocated Towns Fund of £4.35m. Valuations undertaken on behalf of the Council by their professional advisors 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 to 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.
- 4.3.6 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 Summer 2026. 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.
- 4.3.7 Should the Order Land be acquired via CPO by the end of 2026/early 2027, it is anticipated that the Council shall procure a development partner by not later than March 2027 and on site pre-site works could commence Spring 2027, with demolition and remediation taking place and completed by March 2028. It is possible that some activities such as procurement of a demolition contractor, pre-site works and surveys could run concurrently, thereby reducing timescales to deliver a remediated, development-ready site.
- 4.3.8 The Council has sufficient resources to enable it to implement the Scheme. Funding for acquisition and remediation of the Order Land has been offered through Towns Fund to a sum of £4.35m. An independent valuation of the Order

Land 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 Order Land. A study undertaken by Savills on the potential routes to delivery for sites within Grove Lane has suggested that the Order Land 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

4.4 **Planning Permission for the Scheme**

- 4.4.1 The Council submitted an application for the Scheme on 10 February 2026 which was allocated reference DC/26/71442 (the **Planning Application**).
- 4.4.2 The Planning Application relates to the redevelopment of the Order Land comprising Proposed 26 No. residential dwellings, 5 No. apartment blocks consisting of 74 No. self-contained apartments, 1 No. commercial unit, parking, landscaping and associated works. The full extent of the Order Land subject to the Planning Application is identified on the plan at **CD 4.1**.
- 4.4.3 It is intended that the Scheme will be delivered through the implementation of the planning permission once granted. The absence of planning impediments is addressed further at Section 6 below.

4.5 **Delivery of new homes**

- 4.5.1 The Scheme will see the delivery of 100 new homes including 25% affordable housing, the mix of market and affordable to be determined once the development partner is procured which will be based upon the need at that time.
- 4.5.2 The proposed new homes are arranged to reflect and respond to the adjacent Midland Metropolitan University Hospital. There will be four blocks of apartments located to the north-west of the site ranging from three to five storeys with underground parking and communal open space centred within the blocks. A commercial unit will also be provided which may be a small retail unit or for community use depending upon need at the time of development. Additional apartment blocks are located to the south adjacent to the canal arm ranging from three to five storeys high. A range of houses are located to the north, east and central of the site. These will provide a mix of 2, 3 and 4 bedroomed properties with associated car parking. The Scheme will provide an improved, accessible, well-connected and sustainable housing scheme. The proposed site plan submitted with the Planning Application is identified on the plan at **CD 4.2**.
- 4.5.3 All the buildings will have separation distances of at least 12- 18m to maintain good levels of privacy and to prevent any unreasonable overlooking.
- 4.5.4 The new homes are being designed to meet the planning policy requirements for sustainability, aiming to achieve an estimated site-wide CO2 emission reduction of at least 10% over the target emission rate, through a combination of energy

conservation measures, renewable heat, and electricity generation technologies, such as photovoltaic solar panels and air source heat pumps.

5 **Social Housing Circumstances in the Borough Council of Sandwell**

5.1 Sections 5.4, 5.5 and 7 of this Statement set out the social, economic and environmental benefits arising from the Scheme. This section 5 provides an overview of the need for housing within the Borough, further demonstrating why developments such as the Scheme are essential within the Borough.

5.2 **Deprivation within the Borough**

5.2.1 The Order Land sits within the Soho & Victoria ward within the Borough's administrative area. 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 for 2025. 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.

5.2.2 The Office for National Statistics (**ONS**) reports that for the year ending March 2025, 37.7% of Children in the Borough's administrative area were in relative poverty compared to a national average of 18%. Further, gross disposable household income per head in the Borough's administrative area in September 2025 was £16,562 compared to a national average of £23,192.

5.3 **Housing needs in the Borough**

5.3.1 There is an urgent need for additional housing across England, and as set out below, particularly within the Borough of Sandwell as demonstrated in the Sandwell Housing Market Assessment Update (August 2024) (**CD 3.5**) (see Table 1 below).

5.3.2 The Council's Local Plan (**CD 3.2**) prioritises the provision of housing, especially affordable housing. This includes ensuring that the Council delivers their strategic and local housing needs, in conjunction with effective infrastructure planning and delivery.

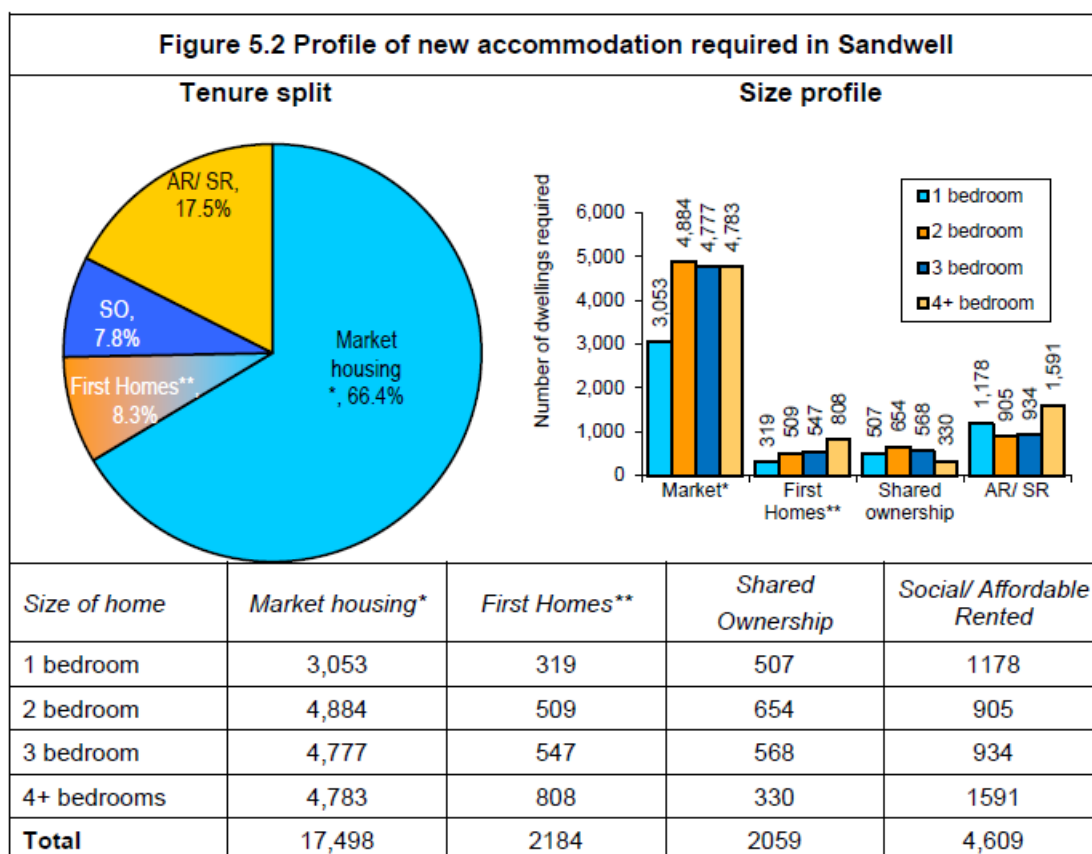
5.3.3 The Council's draft new Local Plan (in line with Regulation 19), which is currently under examination, sets the Borough's housing target as 11,901 new homes to be developed between 2024-2041. This relates to total net housing supply.

5.3.4 As of the date of this Statement there are still over 24,962 households on the Council's housing register seeking affordable accommodation within the Borough and there is a growing reliance by the Council on expensive private sector properties used for temporary accommodation to account for the lack of available affordable social homes and to prevent homelessness in the Borough. This results in a growing pressure on the Council's general fund budget. It is evident

that there is a pressing demand within the Borough for additional housing which meets the needs of the local residents.

- 5.3.5 The adopted Local Plan (**CD 3.2**), in line with paragraph 63 of the NPPF (**CD 3.1**) targets the delivery of 63,000 new homes within the Black Country (being the Metropolitan Boroughs of Dudley, Sandwell, Walsall and Wolverhampton) over the plan period to meet its future needs.

Table 1 Housing Demand in the Borough for the next 17 years from August 2024



*Market housing includes both owner-occupied and private rented **First Homes figures represent potential demand rather than a requirement. These figures represent the distribution of housing that should be delivered.

5.4 The Scheme and meeting housing needs in the Borough Council of Sandwell

- 5.4.1 The above local context (which, though referring to up-to-date source material reflects trends that have been present in the Borough for some time) has been considered by the Council during the development of the Scheme to meet the market and affordable housing needs within the Borough and to support its vision of making the Borough of Sandwell a well-maintained borough with safer estates providing greater access to affordable housing and an environment where residents can reach their full potential.
- 5.4.2 Section 6 of this Statement (Planning Position Relevant to the Scheme) sets out how national planning policy has been strengthened over time to address the growing need to provide additional homes, including affordable housing, and to emphasise the need to make efficient use of land.

5.4.3 The Order is required to facilitate the Scheme. The Planning Application which has been submitted in accordance with which the Scheme will result in 100 net additional homes of which 25% will be affordable housing.

5.4.4 As illustrated in Table 1 above, the greatest demand within the Borough is for 2 bed, 3 bed and 4 bed properties. As detailed, the Scheme seeks to provide predominantly 2 bed, 3 bed and 4 bed properties thus assisting the Council with meeting the urgent need for an increased number of family sized units within the Borough.

5.4.5 Sections 5.4 and 7 outline the anticipated social, economic, and environmental benefits of the Scheme, which include:

- (a) increasing the supply of good quality affordable housing to meet the acute need in the Borough;
- (b) increasing the supply of market housing to meet the significant identified requirement;
- (c) improving the aesthetics of the area to make residents proud of where they live;
- (d) providing local economic investment, including job and training opportunities; and
- (e) improving public realm.

5.5 Social Housing Circumstances - Conclusion

5.5.1 Taking into account various data sources regarding housing demand and supply across the Borough, the following conclusions have been drawn:

- (a) The Borough of Sandwell remains a borough of high housing need; and
- (b) the Borough needs to deliver a significant number of homes and affordable homes each year to meet housing need.

5.5.2 The social and housing circumstances described in this Statement demonstrates the need for the Scheme and why there is a compelling case in the public interest for using powers of compulsory acquisition to support the delivery of the Scheme.

5.5.3 The Order will facilitate the redevelopment and improvement of the Order Land to provide 100 residential units. Together, these homes will address the critical housing need in the Borough and the need for regeneration, and positively impact upon the economic, social and environmental wellbeing of all residents living in the local area.

6 Planning Position Relevant to the Scheme

6.1 The Planning Application has been submitted to facilitate the delivery of the Scheme. The Council considers that the proposals for the Scheme are supported by planning policy at national, regional, and local level and that there are no planning impediments to the Scheme coming forward.

- 6.2 Determination of the Planning Application is expected by 4th June 2026.
- 6.3 The Scheme is consistent with policy objectives of the NPPF (**CD 3.1**), the Council's Local Plan (adopted in 2012) (**CD 3.2**) and the Council's emerging Local Plan. The Scheme presents an opportunity for redevelopment to create a landmark development, creating a sense of identity, providing modern homes and community facilities. The various relevant policies, and the extent to which the Scheme complies with them, are summarised below.

National Planning Policy Framework

- 6.4 The NPPF sets out the Government's policies on planning and how these are expected to be applied (**CD 3.1**). 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.
- 6.5 Underpinning the NPPF is a presumption in favour of sustainable development with three overarching and interdependent objectives – economic, social and environmental.
- 6.6 Redevelopment of the Order Land 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.
- 6.6.1 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 Order Land is allocated for residential use in the Council's Local Plan and the Grove Lane Masterplan (discussed below) has indicated capacity for circa 120 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.
- 6.6.2 The **economic** objective seeks sufficient land for the right types of development to support growth, innovation and improved productivity. As the Order Land 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.
- 6.6.3 The presumption in favour of sustainable development will ensure that **environmental** benefits of bringing forward the Order Land 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 and construction compound 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 Order Land, with attention on including measures to adapt to climate change and provide zero carbon homes where possible.

Local Plan (2012)

- 6.7 The Local Plan currently consists of the Black Country Core Strategy (**BCCS**) and the Sandwell Site Allocations and Delivery Development Plan Document (**SAD**).

Black Country Core Strategy 2011

- 6.8 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.
- 6.9 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.
- 6.10 Smethwick is within Regeneration Corridor 12 (Oldbury, Smethwick and West Bromwich), where it is anticipated that around 2500 new dwellings will be delivered by 2026 alongside and near to the canal and major transport route between Sandwell and Birmingham. The following policies will also apply.
- 6.10.1 CPS4 – Place Making. This ensures that any new development gives consideration to the historic character and local distinctiveness of the area and shows how proposals make a positive contribution to place-making and environmental improvement. The main aim in allocating the Order Land 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 Order Land immediately adjacent to the new hospital and developing it in line with the approved masterplan will ensure that the linkages between the Order Land, 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.

- 6.10.2 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.
- 6.10.3 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 Order Land 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.
- 6.10.4 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 Order Land if acquired, there will be a high degree of control and certainty that at least 25% will be of an affordable nature.
- 6.10.5 TRAN2 – Managing Transport Impacts of New Development. Planning permission for new developments 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 Order Land to consider including better accessibility for pedestrians and cyclists and less reliance on the motor car.
- 6.10.6 TRAN4 – Creating coherent networks for cycling and for walking. This policy concentrates on promoting comprehensive walking and cycling routes that encourage 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 Order Land and externally to other areas, providing a route to the existing local centre, through the hospital development and to key public transport routes.
- 6.10.7 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 that has been approved 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.

- 6.10.8 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 Order Land 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.
- 6.10.9 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 Order Land lies within Flood Zone 1 which has a low probability of flooding. A Flood Risk assessment (dated April 2025) has been submitted as part of the Planning Application which confirms risk of flooding is low and sets out the measures to mitigate potential flooding.
- 6.10.10 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 Order Land, this Order Land 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.
- 6.10.11 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.
- 6.10.12 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 Order Land being located on a busy commuter route between Sandwell and Birmingham may have air quality issues. The Air Quality Statement Submitted with the Planning Application sets out dust mitigation measures that will be undertaken.

Site Allocations and Delivery Development Plan Document (the SAD DPD)

- 6.11 The SAD DPD builds on the BCCS 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 Statement. The most pertinent policies to consider with regards to the Scheme are:

- 6.11.1 H1 – Housing Allocations. The Order Land has been allocated for residential use since 2008 and therefore is shown on the Policies Map as the preferred use for this land. The Order Land is allocated for residential development as Area 9 (Ref 125).
- 6.11.2 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. The Planning Application seeks to secure at least 25% affordable housing and since the Council will be leading on any future development, it is more certain that this target will be achieved.
- 6.11.3 TRAN2 – Road Improvement. Whilst not indicated on the extant Policies Map, this Order Land 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 motor vehicles, cyclists and pedestrians within the Grove Lane area to ensure there is appropriate accessibility to accommodate the new development in the area.
- 6.11.4 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 Order Land 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)

- 6.12 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.
- 6.13 Therefore, each Black Country authority took on the responsibility of preparing their own individual Local Plan. Work on 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. The Examination in Public took place in July and September 2025 with consultation on the Main Modifications taking place between 16 February and 30 March 2026. Assuming it is found 'sound', the SLP will be adopted towards mid-2026. 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 Order Land is identified for housing in the emerging SLP (site reference SH55).

6.14 The proposal to bring forward this Order Land 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:

6.14.1 SHO1 – Delivering Sustainable Housing Growth which seeks to ensure sufficient land is provided to deliver at least 11,901 net new homes between 2024 – 2041.

6.14.2 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.

6.14.3 Policy SHO4 – Affordable Housing. This policy seeks affordable housing to be provided on sites of 10 or more homes where financially viable and with 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.

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

6.15.1 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.

6.15.2 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.

6.15.3 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.

6.15.4 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.

6.15.5 STR3 – Managing Transport Impacts of New Development. Any development proposals for the Order Land 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

- 6.16 Currently the Council cannot demonstrate a five-year housing supply therefore, paragraph 11(d) of the 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.
- 6.17 The proposed use for this Order Land 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 the outcome of the consultation on the Main Modifications and subsequent adoption should the plan be found sound by the Secretary of State.
- 6.18 With regards to conformity with planning policy, bringing forward residential development on the Order Land 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.
- 6.19 The benefits of the Scheme, as included within the Planning Application, are considered to clearly outweigh any harms and so it is expected that planning permission will be granted in line with the tilted balance in any event.

Grove Lane Masterplan

- 6.20 The Grove Lane Masterplan has been discussed above and the Planning Application conforms with its requirements.

Conclusions and planning and related impediments to delivery

- 6.21 The Scheme benefits from strong policy support at national, regional and local level. It is proposed to be delivered by implementation of the planning permission once granted.
- 6.22 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 pending determination and is anticipated to be granted by 4th June 2026. Extensive consultations have been held between relevant internal parties at the Council to ensure that any issues were resolved prior to submission of the Planning Application to ensure it conforms to policy, reducing the opportunity for objections and providing 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.
- 6.23 While a full or partial road closure may be necessary for the demolition or redevelopment of the Order Land, this will be applied for through the normal processes and will be a temporary measure that facilitates, rather than hinders, project delivery.
- 6.24 Any oversailing rights required to facilitate the development of this Order Land will be applied for separately and at a future date once the requirements and how this will affect adjoining land and premises are understood. 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 the Scheme's delivery.

7 **Justification for the use of CPO powers**

7.1 Acquisition of the Order Land is necessary in order to deliver the Scheme.

7.2 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 are beyond repair. The area has attracted low value employment uses with little investment being channelled into the upkeep of the premises and surrounding area.

7.3 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.

7.4 The Council does not have a five-year housing land supply as explained in section 6 above. 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 2041. The supply of suitable residential land based on the most recent evidence will be able to accommodate 11,901 new homes. Therefore, this means that there is a shortfall in sites for 14,449 homes.

7.5 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, which demonstrates 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 Up Fund Round 3, and also the award of £20m for the wider Smethwick area from the Pride in Place 1 Fund.

7.6 The proposals for comprehensive redevelopment and renewal of the proposal Order Land 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 Order Land 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 **CD 5.8**.

7.7 Comprehensive development of the Order Land for primarily residential use would be in conformity with the planning policy and would assist in transforming the social, economic and environmental conditions of 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.

- 7.8 As the Council will be in control of the Order Land 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.
- 7.9 Despite the Order Land being vacant for a number of years (aside from temporary car parks and construction compounds) the Landowner has not sought to bring the Order Land forward for residential development and the Council has been unable to acquire the Order Land through private treaty (see section 9 for further detail).
- 7.10 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 Order Land by agreement. The Council has commissioned independent surveyors to prepare a valuation of the Order Land 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 9.
- 7.11 If the relevant interests cannot be acquired, the Scheme would be severely compromised as the units to be acquired lie within the main development area of the Planning Application. A new planning application and permission would be required, for which there would be no certainty of being achieved given the compromised area available for redevelopment. The same scale of benefits would be unlikely to be achievable, and certainly not within the timescales currently proposed.

8 **Alternative options**

- 8.1 Since 2008 the Order Land has been allocated for residential development which is still considered the most appropriate use for the Order Land, in line with the planning policy for the area to achieve significant housing growth. The allocation of the Order Land is for residential use in both the existing Local Plan (BCCS & SAD DPD) and the emerging SLP, now submitted to the Secretary of State.
- 8.2 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 Order Land in the longer term.
- 8.3 Whilst the current landowners made pre-application enquiries in 2022 for a residential scheme, no planning application has been submitted to date. In recent discussions the owner of the Order Land has told the Council that offers have been received from third parties to acquire the land, however no evidence of this has been provided when requested.
- 8.4 To the best of the Council's knowledge, the Order Land has not been actively marketed for either residential or any other use in the years preceding this Statement aside from very recently where the landowners have informed the Council that they have engaged in a selective marketing process to developers with the closing date for offers in mid-March 2026, however, the Council has seen no evidence of such marketing nor is any marketing available online.

8.5 The Order Land 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 Order Land was marketed and no alternative uses have been proposed for the Order Land.

8.6 There are not considered to be any realistic alternatives to the Council's Scheme. Due to the Order Land's history, it is considered there are no realistic prospects of the Order Land coming forward for the Scheme or any other residential led development without public intervention and funding.

9 Consultation and Engagement

Consultation

9.1 The proposed scheme for the Order Land 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 involved discussion with internal stakeholders only, such as Urban Design, Architects, Development Management and Highways to ensure the proposed development complied with policy and any issues were resolved prior to formal submission of the Planning Application. As part of the Planning Application reports have been prepared to support the planning application on Air Quality, Noise, Flood Risk Assessment and a Transport Assessment has been prepared.

9.3 The Planning Application, as part of the normal planning application process, will be subject to consultation with key stakeholders, statutory consultees and adjoining occupiers.

Engagement – efforts to acquire by agreement

9.4 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.

9.5 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.

9.6 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. Based on an initial inspection and taking into account recent land sales of a similar nature within the vicinity, the condition of the site and other associated constraints, a valuation was provided for the

site. This was revised following consideration of the existing lease on the Order Land to the NHS Trust.

- 9.7 Equipped with these valuations, Bruton Knowles were further instructed to enter into negotiations with the landowner's agent which were commenced in October 2021.
- 9.8 Several meetings and exchanges of dialogue occurred 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.
- 9.9 There are several constraints on the Order Land that are reflected in the valuation including;
- 9.9.1 Narrow site access causes issues for current users and future users/uses.
- 9.9.2 Significant ground works would be required. The Order Land has an underground factory, which needs to be taken into consideration when reviewing the value.
- 9.9.3 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.
- 9.9.4 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.
- 9.9.5 The Order Land abuts the canal, so could have additional liabilities due to that proximity.
- 9.10 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 Order Land.
- 9.11 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.
- 9.12 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.
- 9.13 The landowners commissioned their own valuation of the Order Land, based upon a residential scheme, which resulted in a significant increase in value compared to a previous indication 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 difficult to establish how they had arrived at their valuation. After a couple of months of requesting this additional information, it is understood all appendices have now been received. However, the information contained in the

appendices does not make it clear whether all the constraints affecting this site have been taken into account.

- 9.14 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 to the constraints of the Order Land 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 that given the disparity between the Council's valuation and their own, the landowner will not be accepting the offer.
- 9.15 The Council will continue negotiations, however, it appears that the two parties will not be able to agree a fair price for the Order Land and an agreement will not be reached. This is a 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. It is not a matter that is for consideration by the Inspector.
- 9.16 The Council has offered to enter into a 'lands tribunal contract' with the landowner following its objection to the CPO. This offer has not been taken up but it remains an open offer from the Council, avoiding the need for a public inquiry and allowing the Upper Tribunal to resolve compensation, with the Council's valuation as a 'not less than' sum.

10 Human rights considerations

- 10.1 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**) (**CD 6.3**). 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.
- 10.2 The provisions of the Convention that may be at issue in the process of considering, making, confirming and implementing a CPO include Article 6, Article 1 of the First Protocol and Article 8. Taking each in turn:
- 10.2.1 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.

- 10.2.2 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 and 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.
- 10.2.3 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 Order Land) 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.
- 10.3 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.
- 10.4 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.
- 10.5 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 11.
- 10.6 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.

10.7 There has been public consultation on the proposals to regenerate this area. In light of objections 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.

11 **Public Sector Equality Duty**

11.1 The Public Sector Equality Duty (the **PSED**) was introduced by the Equality Act 2010 (the **EA 2010**) as part of the Government's aim to protect people from discrimination in the workplace and in wider society. The PSED came into force on 5 April 2011 and means that public bodies have to consider all individuals when carrying out their day-to-day work including when shaping policy and delivering services.

11.2 Section 149 of the EA 2010 (**CD 6.4**) established the general equality duty which is that all public authorities are required in the exercise of their functions to have due regard to the need to:

11.2.1 Eliminate discrimination and victimisation of persons that share the characteristics protected under section 4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;

11.2.2 Advance equality of opportunity between people who share those protected characteristics and people who do not; and

11.2.3 Foster good relations between people who share those characteristics and people who do not.

11.3 The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

11.4 The legislation is not prescriptive about the approach that a public authority should take in order to comply with the PSED. However, principles from case law suggest that each public authority should keep in mind that the duty must be complied with before and at the time a particular policy is under consideration, as well as when a decision is taken. A public authority must also consciously think about the need to do the things set out in the PSED as an integral part of the decision-making process, exercising the duty in substance, with rigour and with an open mind. In light of this and as part of the proposed regeneration of the Order Land, the Council has been working closely with residents of the Borough to ensure they are consulted on all aspects of the new development, and that particular needs are taken into account. This has ensured that the Council better understands how the development will impact residents and that their needs are understood.

11.5 A full Equalities Impact Assessment (**EqIA**) was undertaken in respect of the Grove Lane redevelopment project in December 2021 (**CD 5.1**).

11.6 The EqIA 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 on them or whether there would be no impact at all.

11.7 As the Order Land 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 looked at the development of the Order Land 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.

11.8 The lease that was 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 has now terminated 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 overall conclusions. Therefore, it is considered that there will be limited equalities implications arising from the Council acquiring the Order Land.

12 **Special Considerations and Special Category Land**

12.1 The Scheme will not involve the demolition/alteration/extension of:

12.1.1 Any buildings listed under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

12.1.2 Any buildings which are the subject of a building preservation notice or demolition/alteration/extension of any buildings which may qualify for inclusion in the statutory list;

12.1.3 Any buildings which are included in a conservation area designated under section 69 or section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and which require listed building consent for demolition and/or re-development;

12.1.4 Any monuments which are scheduled under section 1 of the Ancient Monuments and Archaeological Areas Act 1979; or

12.1.5 Any parks/gardens/historic battlefields which are registered under section 8C of the Historic Buildings and Ancient Monuments Act 1953.

12.2 The Scheme does not affect a conservation area, nor land owned by the National Trust.

12.3 The Scheme does not impact on ecclesiastical or burial ground.

12.4 The Scheme does not affect any common land or any area identified as public open space.

- 12.5 The Scheme does not affect any Crown land.
- 12.6 The Council is progressing discussions with statutory undertakers who have apparatus within the vicinity of the Order Land. No statutory undertakers have apparatus which fall within the Order Land. One of the objectors to the Order is a statutory undertaker. The Council's response to its objection is set out in section 13 below.

13 Council Response to Objections to the Order

- 13.1 In total, 2 objections were received to the Order (**CD 1.1**), which relate to the Order Land.
- 13.2 The position of each objector is summarised in the following paragraphs, together with a summary of the Council's response. The Council reserves the right to expand upon and add to the matters summarised below, when submitting evidence to the public inquiry to be held in respect of the Order.
- 13.3 **Objector 1 - Objection from landowner (PCL) dated 12 September 2025 (CD 5.2)**

13.3.1 Objection Ground 1: *PCL considers that the Council have failed to demonstrate that there is a compelling case in the public interest to acquire the Order Land*

13.3.2 Response: The Objection suggests that there is no compelling case in the public interest for the Order Land to be compulsorily acquired by the Council. This has been raised on the premise that the objector intends to procure the delivery of residential housing on the Order Land themselves (by disposing of the Order Land to a private developer) (the **PCL Proposal**). The suggestion is that a CPO is not necessary to achieve the aims of the Council.

13.3.3 The PCL Proposal has been considered by the Council in detail. However, based on the history of the Order Land and PCL's conduct during its period of ownership, the Council considers there is no merit in this objection. This is based on the following factors:

- (a) Between 2021 and 2025, the Council commissioned four independent valuations of the Order Land. All four valuations were significantly less than the valuation which PCL is holding out for (which, as far as the Council is aware, is the only valuation PCL has commissioned). The Council is satisfied that its valuations accurately represent the price that a developer will be willing to pay for the Order Land on the open market. No evidence of market interest in the Site has been provided to the Council by PCL despite requests. The Council considers that PCL's unrealistic price expectations for the Order Land continue to be a barrier to any private developer interest.
- (b) The Order Land is derelict (save for its recent temporary use as an open car park) and has adverse ground conditions and will require extensive remediation to be carried out in order to bring a residential scheme forward. As such, any potential developer will incur substantial remediations costs (the **Additional Costs**). There is a material risk that these Additional Costs are likely to lead potential private developers to conclude that the development is not viable (particularly given PCL's overvaluation of the Order Land). Public sector funding is therefore likely

required to bring the development forward (this is further explained below).

- (c) It should also be noted that, in the unlikely event that a private developer agreed to purchase the Order Land from PCL, PCL's control over the Order Land would cease upon the disposal. It could not, therefore, guarantee that residential development would be brought forward, and certainly could not ensure that it is brought forward within the required timescales. There is therefore a material risk that the Order Land will continue to lay vacant even if terms can be agreed with a private developer.
- (d) The objection states that PCL has not yet been in a position to bring forward residential development on the Order Land due to the existence of a lease at the Order Land. We understand that there are two relevant leases here: a lease of Land and Buildings at Cranford Street, Smethwick dated 21 December 2018 and made between (1) PCL and (2) Sandwell and West Birmingham Hospitals NHS Trust (the **2018 Lease (CD 5.6)**) and a lease of Land and Buildings at Cranford Street, Smethwick dated 29 September 2023 and made between (1) PCL and (2) Sandwell and West Birmingham Hospitals NHS Trust (the **2023 Lease (CD 5.7)**). The suggestion that the aforementioned leases have prevented/are preventing PCL from progressing the PCL Proposal is not borne out by the facts, namely:
 - i PCL were under no obligation to grant the 2023 Lease following the termination of the 2018 Lease;
 - ii Under the 2023 Lease PCL had the right to terminate the 2023 Lease on 3 months written notice;
 - iii The 2023 Lease expired on 15 December 2025 and was not renewed.
 - iv PCL was receiving an annual rent of £300,000 per annum from the tenant, indicating that PCL were holding the Order Land as an income generating investment rather than as a site it wishes to develop for housing; and
 - v The existence of a valuable lease is not a barrier to marketing the Site, the submission of a planning application or indeed exchanging contracts with a private developer contingent on vacant possession being obtained.
- (e) The Council has seen no evidence that PCL have actively and competently promoted the Order Land for residential development since October 2021. In any event if PCL were able to demonstrate an active promotion campaign since October 2021, the failure of such a campaign to deliver any tangible progress would be telling. PCL has not submitted a planning application for residential development and nor has it secured a conditional contract for sale with a third party developer. The Order Land has been allocated for residential use in the Local Plan since 2008 and as such the resolute failure to deliver on the objectives of the site

allocation present a clear case for intervention through the use of compulsory purchase powers.

- (f) In contrast to the PCL Proposal, as set out in this Statement, the Council intend to partner with a residential developer through a joint venture arrangement. This is highly likely to be successful, based on the following:
 - i Importantly, the Council will retain control of the Order Land (and the development), allowing it to secure the delivery of residential development. In addition, 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. As explained above, with the PCL Proposal neither PCL nor the Council will have control.
 - ii The Council has secured funding through the Towns Fund (to a sum of £4.35m) to deliver the Site which will negate the Additional Costs and make the site viable and attractive for any future JV partner.
 - iii The Council has significant experience in entering into joint venture arrangements to bring forward residential development. Examples of such sites in which this was successfully implemented are: The Lyng housing development in West Bromwich, a partnership between Sandwell Council, Barratt Homes and the Lyng Community Association and the more recent development at the Windmill Eye which delivered 227 new homes – a partnership between Sandwell Council, Barrett Homes and Homes England.
- (g) Neither PCL nor any of its linked companies (as far as the council is aware) operate in the residential development sector. PCL's experience in this area is therefore very limited (if it has any) which is problematic given that strong residential development experience is essential if the development is to be brought forward successfully and in a timely manner. Further, PCL submitted a pre-application request for residential development in August 2022 (the **Pre-Application**). The Objection fails to mention that after corresponding with the Council for 7 months, PCL ceased responding after the Highway and Urban Design Team provided their views on the Pre-Application and explained why the proposed form of development put forward by PCL would not be acceptable. Clearly, PCL were not prepared to seriously engage with the Council, and thus were not resolute in bringing forward residential development. For clarity, no planning application was submitted by PCL following the Pre-Application. Nor was any revised pre-application proposal advanced.
- (h) In summary of Ground 1, the PCL Proposal is unlikely to bring forward residential development at the Order Land within a reasonable timescale in the public interest. PCL and previous owners of the Order Land have had ample time to bring the Order Land forward for residential development and have failed to do so. This contrasts with the Council's intended approach which will secure delivery in the public interest. As such, there is a compelling case in the public interest to acquire the Order Land compulsorily to ensure that much needed new housing is delivered.

- 13.3.4 Objection Ground 2: *PCL suggests that residential development proposed by the Council on the Order Land can be brought forward by alternative means (other than by the CPO).*
- 13.3.5 Response: This ground is related to and largely repeats Ground 1, and we therefore refer you to our comments above. We note that paragraph 7.16.4 of the Objection suggests that PCL have evidence to demonstrate that a residential-led development can viably be delivered on the Order Land by the market. No evidence has been provided to the Council despite multiple requests. It is not reasonable for the Objector to withhold this evidence if it exists. Further, this is not borne out by the facts, in particular PCL's failure to demonstrate any progress towards delivering a residential development during its period of ownership (or indeed prior to that). In response to paragraph 7.17 of the Objection, this has been previously addressed in paragraph 10 of the Statement of Reasons (**CD 1.3**).
- 13.3.6 Objection Ground 3: *PCL believe that the Council have failed to take appropriate and proportionate steps to seek to acquire the Order Land by private treaty.*
- 13.3.7 Response: The Guidance requires reasonable steps to be taken to acquire interests by agreement. Council has clearly satisfied this requirement, as demonstrated by the timeline at paragraph below. The Guidance does not require an acquiring authority to wait until negotiations fail before starting the compulsory purchase process and in fact provides that it may be sensible for an acquiring authority to initiate the compulsory purchase order process in parallel with stakeholder discussions.
- 13.3.8 We note the summary timeline at paragraph 7.23 of the Objection and have corrected this below:
- (a) Following receipt of an independent valuation of the Order Land, in October 2021, the Council instructed its agents (Bruton Knowles) to commence negotiations with PCL's agent. Until May 2022, the respective agents engaged in negotiations. During this time:
 - i The Council presented an offer of £960,000 to PCL. PCL rejected this offer and instructed its agent *'not to waste any further time discussing the matter...unless a more serious offer is put forward'*.
 - ii In February 2022, the Council increased their offer, which represented a fair open market value of the Order Land at the time. This was rejected by PCL, who subsequently asked for no further offers to be made unless they were *'significantly'* higher. Continuing negotiations was therefore unwelcome, as the Council could not provide a significantly higher offer due to the requirement to *'operate within the realms of the Local Government Act to ensure that any offer reflected value for money for the public purse'* (Statement of Reasons, paragraph 8.5).
 - (b) The Objection then claims that between May 2022 and August 2024 *'there was no further contact (to a meaningful extent) by the Acquiring Authority to seek to acquire the Site by private treaty'*. Whilst this is acknowledged, the Objection fails to mention that between August 2022

and March 2023, PCL and the Council corresponded in relation to the Pre-Application enquiry. As explained in paragraph 13.3(g) above, PCL ceased communication with the Acquiring Authority in March 2023 (and not the other way around).

- (c) In June 2024, the Council made further contact with PCL. Discussions were then referred to their respective agents. In the meantime, the Council arranged for a revised valuation to be produced to account for any changes in market conditions. In July 2024, this valuation was rejected by PCL.
- (d) To assist with negotiations, the parties agreed to swap valuations. It is notable that PCL confirmed that their valuation report would be ready in January 2025. In January 2025, PCL confirmed that the report would be provided within the following fourteen days. Finally, in April 2025, PCL provided the report. Unfortunately, PCL did not provide the associated appendices, so it was unclear how the valuation was reached. The following month, PCL provided some of the appendices, but only sent the remaining appendices in September 2025. It is nevertheless still unclear to the Council why this valuation has been reached, particularly given it does not take into account any necessary costs (including demolition, remediation and build costs).
- (e) In June 2025, PCL directly approached the Council's Chief Executive Officer (the **CEO**) to suggest that a meeting is arranged to try to make further progress. The CEO responded to say that he had requested further information regarding the outstanding issues.
- (f) In July 2025, the Council commissioned a further valuation, based upon a residential scheme of 100 new units. The revised valuation resulted in a figure significantly less than the original existing land use due the constraints of the Order Land and the costs required to bring forward development. This offer was put to PCL but was rejected.
- (g) Following the above, PCL again contacted the CEO directly and stated that it would be happy to *'open dialogue directly'* and to *'commence an open market sales process on the asset and open up to best bids'*. The CEO reiterated that the Council is keen to reach an agreement with PCL but that the matter should be dealt with by their experienced teams and consultants in order to ensure it is complying with its duty to ensure that any offer reflects value for money for the public purse.
- (h) PCL subsequently advised that a sales process would be commenced. We believe that this has occurred.

13.3.9 It is clear from the above timeline that the Council have taken all reasonable steps (and more) to seek to acquire the Order Land from PCL by private treaty. PCL's unrealistic price expectations have prevented an agreement from being reached.

13.3.10 In any event, the Council recognises that it is appropriate and proportionate to continue its attempts to obtain a private treaty agreement with PCL and is open

to further negotiations being had. Indeed, in the Council's response to the letter of objection dated 18 November 2025 (**CD 5.3**) it proposed the following steps:

- (a) Firstly, PCL should grant the Council access to the Order Land to allow it to conduct ground surveys. This will enable both PCL and the Council to update their valuations to reflect the actual ground conditions and therefore any Additional Costs that would be incurred as part of any residential development
- (b) If the Council is granted access to carry out surveys on the Order Land, but the parties remain apart on valuation, a valuer should be jointly appointed to opine on value; and
- (c) If either PCL or the Council do not agree with the joint valuation, a lands tribunal contract (the **Contract**) should be entered into (whereby the Council would initially agree a minimum payment (what it considers to be a fair value of the Order Land) to be secured by the Contract but the final value would be determined by the Upper Tribunal (Lands Chamber)). Any such valuation would then be in accordance with the CPOI compensation code, and would be assessed independently. The Contract would also provide for the Objection to be withdrawn.

13.3.11 PCL have yet to respond to the Council's proposal set out above.

13.3.12 Objection Ground 4: *It is PCL's view that there are insufficiently compelling reasons for the Site to be acquired compulsorily at this time*

13.3.13 Response: The Objection suggests that there are not sufficiently compelling reasons for the CPO to be confirmed at this time. This is incorrect. As explained in this Statement, in particular Section 7, 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. The Order Land has been allocated for new housing since 2011, there is a chronic shortage of housing in the Borough, and the private sector has failed to deliver any progress towards a residential development over a 14-year period.

13.3.14 Further, the Council have submitted the Planning Application which seeks permission for a residential development of 100 new apartments and houses with ancillary open space, parking and highways.

13.3.15 The Council intends to procure a development partner by not later than March 2027 in order to ensure the residential development is delivered in a timely manner. Procuring a development partner at this stage would be premature. However, there is nothing to suggest there will not be appetite for the Council's proposals.

13.3.16 The Council has requested access to the Order Land but PCL have refused to grant this. The ability to conduct surveys at the Order Land would enable the Council to ensure its valuations are accurate, which we consider would assist both parties with negotiations.

13.4 **Objector 2 - Objection from South Staffordshire Water PLC (SWW) dated 10 September 2025 (CD 5.4)**

13.4.1 Objection Ground: SWW has operational apparatus in the vicinity of the Scheme and requires confirmation that the CPO will not adversely impact its operational assets

13.4.2 Response: The Council has commissioned utility searches which confirm that the only SWW apparatus that is located within the Order Land is beneath the publicly adopted highway (Cranford Street). The highway land has been included within the Order Land to facilitate the removal of the existing bridge over Cranford Street. The Council has responded to this objection (**CD 5.5**) and included this information and is confident this objection will be removed prior to the Inquiry.

14 **Details of Contacts for Further Information**

14.1 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact Hayley Insley Hayley_insley@sandwell.gov.uk or phone 0121 569 4254 during normal office hours;

14.2 A copy of the Order, the Order Map, and the Core Documents may be viewed at:

14.2.1 Sandwell Council House, Oldbury, West Midlands. B69 3DE (Monday to Friday) and may be seen at all reasonable hours;

14.2.2 A redacted copy of the order and map may be viewed online at <https://www.sandwell.gov.uk/planning/cranford-street-CPO>

15 **List of Core Documents**

15.1 The Council may refer to the documents listed in the table below at the public inquiry. The below is not exhaustive and the Council may refer to additional documents in order to address any objections made to the Order.

15.2 Electronic or hard copies of these documents can be provided on request. To request copies please contact Hayley Insley at Hayley_insley@sandwell.gov.uk

Ref:	Document	Date
CD 1 Compulsory Purchase Order and Accompanying Documents		
CD 1.1	The Order and Schedule	13 August 2025
CD 1.2	The Order Map	13 August 2025
CD 1.3	The Statement of Reasons and appendices	13 August 2025
CD 1.4	The Statement of Case	19 March 2026
CD 2 Committee Reports, Cabinet Reports and Authorisations		
CD 2.1	Borough Council of Sandwell Cabinet Report	16 November 2022

CD 2.2	Borough Council of Sandwell Cabinet Report	25 June 2025
CD 2.3	Borough Council of Sandwell Cabinet Minutes	9 February 2022
CD 3 Planning Policy and Guidance Documents		
CD 3.1	National Planning Policy Framework	12 December 2024 (updated 7 February 2025)
CD 3.2	Borough Council of Sandwell Local Plan	Adopted 2012
CD 3.3	Emerging Sandwell Local Plan – Reg 19 Publication	September 2025
CD 3.4	Ministry of Housing, Communities & Local Government, Guidance on the Compulsory Purchase Process	31 January 2025
CD 3.5	Sandwell Housing Market Assessment Update	August 2024
CD 4 Planning Application and Supporting Documents		
CD 4.1	Site Location Plan	February 2026
CD 4.2	Proposed Ste Plan	February 2026
CD 5 Other documents		
CD 5.1	Equalities Impact Assessment	December 2021
CD 5.2	Objection from Portland Construction Limited	12 September 2025
CD 5.3	Response to PCL	18 November 20265
CD 5.4	Objection from South Staffordshire Water PLC	10 September 2025
CD 5.5	Response to South Staffordshire Water PLC	11 March 2026
CD 5.6	Lease made between (1) PCL and (2) Sandwell and West Birmingham Hospitals NHS Trust	21 December 2018
CD 5.7	Lease made between (1) PCL and (2) Sandwell and West Birmingham Hospitals NHS Trust (the 2023 Lease)	29 September 2023
CD 5.8	Plan showing other redevelopment sites in vicinity of the Order Land	
CD 6 Legislation		
CD 6.1	Town and Country Planning Act 1990 (section 226)	
CD 6.2	Land Compensation Act 1961 (sections 5 and 6)	
CD 6.3	Human Rights Act 1998 (Schedule 1 The Articles)	

CD 6.4	Equality Act 2010 (sections 4 and 149)	
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