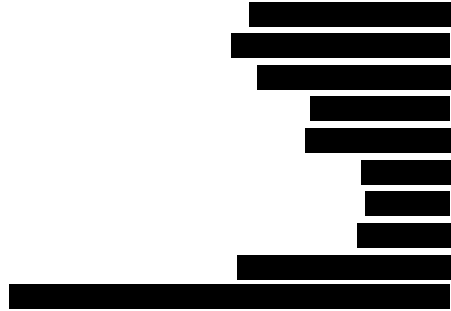


Local Plan
Planning Policy and Programmes
Growth Directorate
Warrington Borough Council
East annexe
Town Hall
Sankey Street
Warrington
WA1 1HU



15 November 2021

Dear Sir/Madam,

RE: Warrington Borough Council Updated Proposed Submission Version Local Plan 2021 (UPSVL) consultation - Representations by Chief Constable of Cheshire Constabulary

Introduction

The following representation by Chief Constable of Cheshire Constabulary (CCCC) is in response to the consultation on the Warrington Borough Council (WBC) Updated Proposed Submission Version Local Plan 2021 (UPSVL) which runs until 15 November 2021.

Further to a review of the consultation documents and supporting evidence, these representations have been structured to consider the “soundness” (as defined in Paragraph 35 of the NPPF) of the Local Plan in relation to the following matters:

- Recognising the community need for securing safe environments with crime reduction made a priority;
- Requiring developers to demonstrate how proposals address community safety and crime prevention in Crime Impact Statements, Design & Access Statements, or other relevant planning application documents;
- In appropriate cases, seeking financial contributions towards the additional expenditure burden placed on Cheshire Constabulary (CC) as a consequence of development proposals and growth;
- Promoting a safe and secure entertainment, leisure and evening economy;
- Ensuring the timely and effective engagement of the police to ensure the effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
- Ensuring the timely and effective engagement of the police in the planning process in relation to matters likely to affect crime and fear of crime; and
- Ensuring the timely and effective engagement of the police in relation to Designing out Crime and Counter-Terrorism matters.

Section 17 of the Crime and Disorder Act 1998 states, “Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

CCCC has a statutory duty to secure the maintenance of an efficient and effective police force for its area. WBC also has a statutory duty to consider crime, disorder and community safety in the exercise of its planning functions.

The UPSVLP plans for a minimum of 14,688 new homes over the period 2021 to 2038. This represents an increase in approximately 16% compared with the existing number of homes in Warrington. It is logical to conclude that the considerable levels of growth anticipated in the UPSVLP will lead to additional and increased demand for local services and key infrastructure including the police.

In order to sustain the level of growth proposed in the UPSVLP and to meet national and local policy objectives relating to safety and security, financial contributions will be required to help fund the provision and maintenance of police services. This representation includes general observations on the existing pressures and future requirements for Police infrastructure provision to support this assertion.

CCCC objects to Policy INF5 on the basis it is unsound given it explicitly omits Emergency services infrastructure from the list of valid recipients of planning contributions. This is inconsistent with national policy. CCCC therefore requests that Emergency services infrastructure be added to the list in Policy INF5 Part 5 for the UPSVLP to be made sound.

The CCCC encourages the council to ensure that the theme of community safety and crime prevention is afforded prominence in the UPSVLP on the basis that improving community safety, reducing crime, fear of crime and anti-social behaviour are vitally important to the creation of sustainable communities, as set out in the NPPF and PPG.

CCCC considers that Policy DC6 is justified, effective and wholly consistent with the NPPF and PPG. Other policies in the UPSVLP generally support the principles of crime prevention however, they must place greater emphasis on community safety, reducing crime, fear of crime and anti-social behaviour, as well as include greater detail on measures aimed at designing out crime. Without these changes to the document, the CCCC considers the document to be unsound.

WBC's Infrastructure Delivery Plan (2021) (IDP) fails to make provision for future emergency services infrastructure requirements; fundamental elements of sustainable development. This inconsistent with NPPF Paragraph 20 which requires strategic policies within a local plan to make sufficient provision for infrastructure and community facilities.

CC has requested that a marker be included in the IDP to allow precise Police infrastructure requirements for the allocated housing sites to be included within the document once known. CCCC requests that CC be actively engaged on an on-going basis in future reviews of the IDP, to ensure that the evolving needs of policing infrastructure are kept up-to-date and are taken into consideration. This includes the need for the Police Estates Team, Designing Out Crime Team, Senior Leadership Team and Local Policing Unit to be effectively engaged in the planning and design process in relation to matters likely to affect crime and the fear of crime, in the preparation of masterplans and policy implementation.

These representations are directed at the above points and focus on the following:

- a) Vision – Warrington 2038 and beyond
- b) Objectives W1-W6
- c) Policy TC1 – Town Centre and surrounding area
- d) Policy INF5 – Delivering Infrastructure
- e) Policy DC1 – Warrington’s Places
- f) Policy DC6 – Quality of Place
- g) Infrastructure Delivery Plan (2021)

The CCCC welcomes the opportunity to comment on the UPSVLP and be actively involved in the policy formation process along with the implementation and delivery of relevant polices, once the Plan is adopted.

Planning policy context

National Planning Policy Framework, July 2021

The National Planning Policy Framework (NPPF) requires developments to “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience” (paragraph 130(f)). Both planning policies and decisions are expected to deliver this.

Paragraphs 8, 97 and 119 together confirm that sustainable development means securing a safe environment through the delivery of social infrastructure needed by communities. Furthermore, Paragraph 20 impels strategic policies to set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for key infrastructure including “security”. Paragraphs 16, 26, 28, 32 and 38 collectively envisage this being delivered through joint working by all partners concerned with new developments.

Paragraph 97 adds that planning policies and decisions should promote public safety and security requirements by using the most up-to-date information available from the police; essential local workers providing frontline services to the public, according to Annex 2 of the NPPF.

The NPPF places an expectation on local authorities to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code (paragraph 128). Against this context, the National Model Design Code: Part 2 – Guidance Notes requires “neighbourhoods to be designed to make all people feel safe and to reduce the incidence of crime in accordance with the recommendations of Secured by Design”.

Planning Practice Guidance

The national Planning Practice Guidance (PPG) was updated in July 2019 and in the context of design, confirms that the previous guidance has been replaced.

Paragraph: 001 Reference ID: 26-001-20191001 reiterates that paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunity of promoting healthy and safe communities.

The PPG also includes a section entitled “Supporting safe communities”, which emphasises that planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides.

Paragraph: 001 reference ID: 26-001-20191001 states that well-designed places can be achieved by taking a proactive and collaborative approach at all stages of the planning process. To be read alongside this guidance, The National Design Guide sets out the characteristics of well-designed places and highlights in the section entitled ‘Public Spaces’ that well-designed places should feel safe and help overcome crime and the fear of crime.

The PPG highlights the importance of Section 17 of the Crime and Disorder Act 1998 (as amended) which requires all local, joint and combined authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they can to prevent crime and disorder. Crime for these purposes includes terrorism (Paragraph: 009 Reference ID: 53-009-20190722).

Paragraph: 010 Reference ID:53-010-20190722 sub-titled ‘How can planning help to achieve resilient places?’ states that good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience. However, good security is not only about physical measures and design; it requires risks and mitigation to be considered in a holistic way.

The PPG confirms that good design means a wide range of crime from theft to terrorism are less likely to happen by making committing those crimes more difficult. It helps create safer places, infrastructure and buildings that are less vulnerable to terrorist attack and should an attack take place, where people are better protected from its impacts (Paragraph:010 Reference ID: 53-010-20190722).

The PPG also states (Paragraph: 011 Reference ID: 53-011-20190722) that for all locations which will generate crowds in public places, applicants and local planning authorities should consider appropriate security measures in the design of buildings and spaces. Good counter-terrorism protective security can also support wider prevention. The PPG identifies a number of sources of guidance in this respect including ‘Protecting Crowded Places: Design and Technical Issues’, Page 7 of 10 which refers to ‘Secured by Design’ and ‘Safer Parking’ standards.

In terms of Plan making, Paragraph 042 reference ID: 61-042-20190315 provides that in evidence gathering, strategic policy-making authorities where appropriate, will need to:

- Work with the Police and other security agencies to develop and implement a local strategy to guide proposals for appropriate security measures at public buildings and spaces;
- Work with local Police Counter-Terrorism Security Advisors, Designing Out Crime Officers and Architectural Liaison Officers where appropriate to ensure that they are informed of planning applications concerning the development of crowded places, transport hubs and major infrastructure;
- Involve Police and appropriate design advisers in the preparation of site allocations in emerging plans.

Representation

Vision – Warrington 2038 and beyond

CCCC does **not support** the ‘Vision – Warrington 2038 and beyond’ in its current form as it makes no reference to the need to create and maintain safe, secure and low crime communities, places and buildings in Warrington Borough. This is at odds with paragraphs 8, 97, 119, 130 of the NPPF and PPG which place emphasis on the creation of environments where crime and disorder and the fear of crime do not undermine quality of life, the health of communities and community cohesion.

The UPSVLP recognises there are some areas in Warrington with high levels of deprivation with the 2019 Indices of Multiple Deprivation ranking Warrington 148th out of 317 local authorities. It also highlights the disparity between prosperity and quality of life between certain areas. However, the UPSVLP fails to explore the links between deprivation and crime, address the levels of crime, the fear of crime and anti-social behaviour in specific areas and the Borough as a whole.

The Local Plan fails to adequately identify the threats and opportunities arising from the scale of development proposed on crime, security and safety. Furthermore, it does not prioritise all areas of crime reduction adequately. It is narrow in scope and therefore not proportionate to the evidence base underpinning the Local Plan Vision and Objectives.

In this regard, the plan does not accord with the provisions of paragraphs 8 and 9 of the NPPF which outline that sustainable development should be supported by the guiding principles of economic, social and environmental objectives taking account of local circumstances.

Crime reduction principles are fundamental to sustainable development growth. Part 5 of the Vision references the importance of “sustainable and healthy communities”. Low crime and disorder forms a vital part of sustainability, which must be acknowledged in any definition or statement regarding this term.

These omissions are inconsistent with national policy. In the interests of consistency, the emphasis in national policy and guidance on the need to reduce crime and the fear of crime and anti-social behaviour, should be reflected in local policy. The CCCC therefore recommends additional wording be included within the Vision to ensure that the UPSVLP is consistent with national policy and therefore considered sound.

Objectives W1-W6

Whilst the CCCC supports objective W4 which seeks to “promote safer and more sustainable travel”, the Plan Objectives make no reference to the creation of safe and secure neighbourhoods and communities or crime and disorder prevention/reduction.

The objectives are underpinned by the key aim of enabling “sustainable growth of Warrington through the ongoing regeneration of Inner Warrington, the delivery of strategic and local infrastructure, the strengthening of existing neighbourhoods and the creation of new sustainable neighbourhoods”. CCCC maintains that crime reduction and prevention principles are fundamental to the delivery of sustainable development growth and this should be acknowledged within the Plan Objectives.

On this basis, the plan does not accord with the provisions of paragraphs 8 and 9 of the NPPF which outline that sustainable development should be supported by the guiding principles of economic, social and environmental objectives and take account of local circumstances.

In order for the UPSVLP to be considered sound, Objective W4 should be amended to achieve the overarching objective of delivering safe and secure communities and places.

Policy TC1 – Town Centre and surrounding area

The UPSVLP states “Warrington Town Centre will be the primary focus for ‘main Town Centre uses’ which include retail , leisure, office, cultural, entertainment and tourism related uses”. However, the policy does not include any reference to measures to promote civil resilience, reduce incidents of crime in the town centre and increase the general public’s feeling of safety.

Measures to design out crime, including counter terrorism measures should be integral to development proposals particularly in public areas that experience high levels of footfall and those which generate large numbers of people, such as the Town Centre.

This will ensure they provide adequate protection, do not compromise good design or shift the vulnerabilities elsewhere, are achievable and cost-effective. Development proposals should incorporate measures that are proportionate to the threat by way of the risk of an attack and the likely consequences of one. New development should incorporate elements that deter terrorists, maximise the probability of detecting intrusion, and delay any attempts at disruption until a response can be activated.

When considering public health and safety, local authorities and developers have a duty to ensure a balanced consideration for security implications, particularly the risk to groups of people from interaction with hostile vehicles, and the creation of large crowds in new public spaces (NPPF paragraph 20 and PPG Paragraph: 010 Reference ID:53-010-20190722, Paragraph: 010 Reference ID: 53-010- 20190722 and PPG Paragraph: 011 Reference ID: 53-011-20190722). The policy does not therefore accord with the NPPF.

To make the plan sound, along with the incorporation of recognised Secured by Design Principles, consideration should also be given to physical and electronic security (including detailed questions of design and choice of material, vehicular stand off and access, air intakes and telecommunications infrastructure).

As such, CCCC requests that the following be added to the list in Improving the Town Centre’s Environment part 7:

“f. incorporate measures for crime reduction including Secured by Design Principles and urban and landscape design solutions to mitigate the risk of potential terrorist attacks.”

CCCC also requests that the supporting text to Policy TC1 be amended to include reference to the need for CC Designing Out Crime Advisors together with Counter Terrorism Security Advisors to be consulted at the pre-planning stage to ensure major Town Centre projects contain appropriate design solutions, which respond to the potential level of risk whilst ensuring the quality of places is maximised.

Policy INF5 – Delivering Infrastructure

Policy INF5 – Delivering Infrastructure Part 5, includes a list of appropriate matters to be funded by planning contributions where development is required to provide or contribute towards the provision of the infrastructure needed to support it. The list includes but is “not limited to”:

- Affordable housing;
- Public realm improvements and creation, including public art;
- Improvements to Heritage Assets. Flood defence and alleviation schemes, including SuDS;
- Biodiversity enhancements;
- Open space, including green infrastructure and allotments;
- Transport improvements, including walking and cycling facilities;
- Education provision;
- Utilities;
- Waste management;
- Health infrastructure; and
- Sport, leisure, recreational, cultural and other social and community facilities.

The recognition in INF5 that the Council will seek planning obligations where development creates a requirement for additional or improved services and infrastructure and/or to address the off-site impact of development so as to satisfy other policy requirements, is welcomed and supported.

However, CCCC **objects** to policy INF5 as currently drafted on the basis that it omits Emergency services infrastructure from the list of valid recipients of planning contributions. The term “other social and community facilities” is not defined in the policy nor in the supporting explanatory text. Furthermore, Police infrastructure is not identified as “other social and community facilities” in the UPSVLP.

This is a significant omission as CC cannot be assured that developments that place additional burdens on the Police will comprehensively and effectively mitigate their associated impacts on the force.

Prior to the publication of the UPSVLP, CC requested that Emergency Services be included in the planning contributions recipient list in INF5. However, it is understood that WBC is not prepared to update the list to include Emergency services on the basis of concerns surrounding viability and subsequent deliverability of UPSVLP housing allocations. **No evidence has been provided to CC to substantiate this position.**

Historically, when mitigating the impacts of development, “blue light” services have struggled to achieve parity with other essential services such as education, health, affordable housing, transport, open space etc. due to the lack of explicit reference to emergency services as “essential” community infrastructure in primary planning legislation. However, it cannot be disputed that police, fire and ambulance are essential services play a critical role in supporting and ensuring public health and safety in our communities. Their role is fundamental to the delivery of sustainable population growth and development.

On this basis, CC maintains developments need to ensure they mitigate their impacts on all infrastructure and services/providers including emergency services. CC must be afforded the

opportunity to request planning obligations where appropriate and where requests meet the requisite tests. This must be acknowledged in Policy INF5 of the UPSVLP.

WBC did not engage CC in the preparation of the UPSVLP Viability Assessment that underpins Policy INF5. However, regardless of whether policing contributions have been factored into the viability calculations, there is sufficient flexibility within the wording of Policy INF5 to allow additional planning contributions not “considered as part of the Local Plan’s viability appraisal” to be pursued at planning stage.

Policing contributions are modest in comparison to those for other infrastructure/services and there is no evidence to suggest that additional planning obligations towards policing will tip the balance between a viable and unviable site. Even where viability is questioned by the applicant or WBC on a specific site, this position will not be reflective of all sites that come forward for development. Even so, there is scope for the applicant to undertake a Viability Assessment at application stage if viability is a concern.

To preclude the Emergency services inclusion from Policy INF5 is against the spirit of positive partnership and collaborative working. In this regard, it is contended that as worded, Policy INF5 is not effective nor consistent with national policy as set out in paragraphs 8, 20, 97, 119 and 130 of the NPPF. Accordingly, insufficient weight has been placed on the provision of essential Police infrastructure and the policy fails to meet the requirement to “do all it can to prevent crime and disorder” (PGG Paragraph: 009 Reference ID: 53-009-20190722). It is therefore submitted that Policy INF5 is unsound.

The UPSVLP plans for a minimum of 14,688 new homes over the period 2021 to 2038 (an average of 816 homes pa). This represents an increase of approximately 16% over the existing number of homes in Warrington. This is in addition to significant housing growth expected elsewhere across the Cheshire policing area.

It is logical to conclude that this will lead to a proportional increase in demand for policing services in areas such as, but not limited to:

- Additional calls and responses per year via the Force Control Centre;
- Attendance to additional emergency events within new developments and their locality each year;
- Additional non-emergency events to follow up with public contact each year;
- Additional recorded crimes in new developments and their locality;
- Additional anti-social behaviour incidents each year within the new development and locality;
- Demand for increased patrol cover;
- Additional vehicle usage;
- Additional calls on police Airwaves system;
- Additional local policing patrols within new developments;
- Additional use of the Police National Database (PND) systems to process and store crime records and intelligence;
- Additional demand for deployment of Mobile CCTV technologies;
- Additional demand for use of ANPR technologies;
- Additional demand for local access to beat staff from local neighbourhood teams; and

- Additional policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver services.

Accordingly, CC infrastructure will require expansion in response to the planned housing and other development growth in Warrington Borough. Whilst physical designing out crime measures and principles go a significant way towards creating safe and secure communities, these measures in isolation do not reduce the need for police service deployment and associated infrastructure requirements within new developments, once operational.

Since 2010, police forces have faced significant reductions in resources due to the Government's austerity programme which has necessitated changes to the policing model. As a result, Cheshire has suffered a decrease in police officers, support staff post and other essential resources. This confirms the financial pressures CC face in meeting its existing operational requirements and the lack of any central funding available to address additional pressures arising from development growth.

Consequently, the primary issue for the Police and other emergency services is to ensure that new development makes adequate provision for the future demands it will generate. Like other public services, the Constabulary's primary funding is insufficient to provide new infrastructure to support major new development when and wherever this occurs.

The link between police funding and population growth is not a simple one, but it is a fact that an increase in population in an area does not lead to an overall increase in central government grant. There are also no external taxation funds that the police can apply for to secure finance to provide capital infrastructure in response to development growth. Similarly, these shortfalls will not be remedied by council tax precept growth as any additional monies collected will be spent on meeting revenue costs. This funding is also not available for new infrastructure that would be required to effectively police the proposed areas of new development.

Therefore, whilst the Government expects all publicly funded bodies to operate with less funding from the taxpayer because of the national economic situation, it is not a national policy objective that they should be under-resourced or that they be deprived of funding from other sources. The appeal decisions detailed in **Appendix 1** confirm this.

Furthermore, whilst the Home Office on 09 October 2019 confirmed that CC will receive funding to recruit an additional 240 officers by the end of 2024, this is purely meant to address the reductions in officer numbers in preceding years caused by austerity. This funding is therefore earmarked to ensure existing settlements and communities receive an acceptable level of policing service, rather than provision in response to proposed development growth.

More broadly, the Police fund their existing capital infrastructures by borrowing. However, in a service where most of the budget is staffing related, the CC capital program can only be used to overcome very pressing issues with existing facilities, or to re-provide essential facilities (such as vehicles) once these can no longer be used.

The reality of this financial situation is a major factor in CC's planning and alignment with plans for growth in that whilst the it can plan to use its revenue resources to meet its on-going, and to a limited extent, additional revenue costs, these do not stretch to fund necessary additional investment in its infrastructures.

There are no bespoke capital funding regimes to address this problem for the Police and other emergency services. This fact has been tested extensively and endorsed by numerous Planning Inspectors and by various Secretaries of State via a large number of public inquiries, as demonstrated by **Appendix 1**.

This is why local Plan documents across CC's geographical area (and specifically the UPSVLP) must include provision for additional capital infrastructure to accompany growth, and that is what the NPPF (2021) expects in its assertions about inclusive planning and the delivery of sustainable development; including places that are safe, inclusive and accessible (paragraph 130(f)).

Therefore, where appropriate to do so, it will be necessary for CC to secure Section 106 contributions towards infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond the Constabulary's control i.e. housing growth and the subsequent and permanent impacts it has upon policing.

Whilst this will not, in most cases, lead to the delivery of visible structures such as new police stations in Warrington, there remains a fundamental need to provide expanded infrastructure capability in policing through staff and officer set up costs (uniform and personal equipment, workstation, training etc), mobility (police vehicles), control room telephony and database capacity, communications (CCTV, ANPR, radio systems and IT infrastructure) and support functions (crime recording, strategic planning, judicial services, HR, Finance, Fleet Management, Estates and others). Wherever possible, these will be developed in partnership with other agencies, and should form a core component of S106 planning.

Securing modest contributions means that the same level of service can be provided to residents of new developments as it is to existing without compromising frontline services. The consequence of no funding is that existing infrastructure will eventually become stretched to breaking point, and the communities CC serve may begin to receive inadequate police coverage.

Whilst national and local funding will continue to cover salary and maintenance costs, there is insufficient funding to provide the infrastructure required for officers to carry out their jobs effectively. CCCC considers that these additional infrastructure costs arise directly because of the development proposed and that additional funding for the police under Section 106 is both necessary and justified.

The support for provision of policing infrastructure is supported in numerous appeal decisions (**Appendix 1**) and was the subject of a Judicial Review case brought by Leicestershire Police (**Appendix 2**). Mr Justice Foskett made some *Obiter* observations in the case that are relevant and applicable to section 6 of the emerging local plan:

"[11] It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force. The focus of this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without the necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that

encourages “sustainable development”: see, for example, paragraphs 17 and 79 of the National Planning Policy Framework.

[61] I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble about a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficient and effectively in the area. That would plainly be the “consumer view” of the issue.

[62] I am inclined to the view that if a survey of local opinion were taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area: lawlessness in one area can have effects in another nearby area.”

The judgement confirms the reasonableness of the police seeking infrastructure contributions to mitigate the impacts of development proposals. This view has been supported by the Secretary of State and Planning Inspectorate on numerous occasions as summarised in **Appendix 1**. In all cases, the adopted methodology for policing contributions (endorsed by the National Police Chief’s Council (NPCC)) was found to be compliant with Regulations 122 and 123 of the CIL Regulations.

The appeal decisions reflect paragraph 93 of the National Planning Policy Framework (NPPF) in that policies should plan positively for the services that a community needs. The Police self-evidently fall into that category; Policy INF5 does not recognise them. This is plainly neither a justified or effective way of planning what will be very significant new developments in the Borough.

Paragraph 162 of the NPPF states that local planning authorities should work with infrastructure providers, in order to ensure such infrastructure is delivered in a timely fashion, as required by paragraph 177 of the NPPF. The absence of recognition for the emergency services in Policy INF5 does not accord with this.

The material strength of the above points is best illustrated by the following content from an appeal decision (Appeal Ref: APP/X2410/A/12/2173673) (see **Appendix 1 Pg. 52**) concerning Barrow upon Soar. In his report, dated 14 May 2013, the Inspector in the case stated (which was endorsed by the Secretary of State):

“[291]...the twelfth core planning principle of the Framework...can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote inter alia, safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

[292] Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries (emphasis added).”

In light of the above, the UPSVLP should make express reference to the need to mitigate the direct and additional policing impacts that the anticipated levels of growth during the plan period will generate.

As drafted, Policy INF5 is unsound on the basis that it explicitly omits Emergency services infrastructure from the list of valid recipients of planning contributions which is inconsistent with national policy; namely paragraphs 8, 20, 97, 119 and 130. CCCC therefore requests that the following be added to the list in Policy INF5 Part 5 for the UPSVLP to be made sound.

- Emergency services infrastructure

Policy DC1 – Warrington’s Places

Inner Warrington

Policy DC1 highlights that the areas of Inner and Sub-urban Warrington are notably different in terms of the built environment, levels of deprivation and health and well-being.

Part 3 of the policy requires development proposals to address the priorities set out in the Central Six Regeneration Masterplan. One of the key priority areas for the community outlined in the masterplan is “Living areas that are cleaner, greener **and feel safe for people to go out in and use**” with crime and antisocial behaviour prevention and reduction a fundamental theme underpinning many of the projects being rolled out as part of the masterplan.

Despite this, the policy makes no reference to the need to ensure existing and emerging communities in these area are safe and secure and where the propensity of crime is low, contrary to Paragraphs 8, 97, 119 and 130 of the NPPF.

In order for the policy to be effective, CCCC requests that the following text be added to the list of development requirements in Part 2.

“j. Include crime prevention and reduction measures.”

Policy DC6 – Quality of Place

The NPPF places an expectation on local authorities to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code (paragraph 128). Against this context, the National Model Design Code: Part 2 – Guidance Notes requires “neighbourhoods to be designed to make all people feel safe and to reduce the incidence of crime in accordance with the recommendations of Secured by Design”.

The PPG highlights the importance of Section 17 of the Crime and Disorder Act 1998 (as amended) which requires all local, joint and combined authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they can to prevent crime and disorder. (Paragraph: 009 Reference ID: 53-009-20190722).

CC has previously engaged with WBC regarding the wording of Policy DC6. UPSVLP Policy DC6 fully addresses the comments made by the Constabulary’s Designing Out Crime Team. CCCC therefore considers that Policy DC6 is justified, effective, wholly consistent with and supported by paragraphs 92 and 130 of the National Planning Policy Framework and Paragraph: 001 reference ID: 26-001-

20191001) of the PPG. Namely, that planning policies should aim to achieve healthy, inclusive and safe places which:

“are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”

For planning applications made on or after 1 August 2021, PPG requires measures to ensure fire safety matters are incorporated at the planning stage for schemes involving a relevant high-rise residential building (defined at PPG Paragraph: 003 Reference ID: 71-003-20210624). To ensure the UPSVLP accords with PPG Paragraph: 001 Reference ID: 71-001-20210624, it is requested that the following text be added to Policy DC6 Part 1:

“1. For all relevant buildings and developments, consider and address fire safety matters as they relate to land use planning matters. Information provided should be proportionate to the scale, type and complexity of the proposal.”

Site Allocations Policies MD1-MD6 and OS1-OS6

Policies MD1-MD6 and OS1-OS6 all share the same omission, namely that the impact of these sites upon the Police and other Emergency services is not recognised or accounted for. This is in contrast to the site specific requirements for all other infrastructure and service providers (health, education, green and natural infrastructure, transport and utilities etc) which are explicitly covered in the individual policies.

Whilst Police and other Emergency services infrastructure is not required to enable a development to be physically constructed and become operational, all such schemes and the populations they support (whether living, working and/or visiting) require emergency services coverage 24/7 throughout the year, without exception.

All of the strategic development sites detailed in the UPSVLP will require the proportional growth of Police infrastructures to maintain equivalent levels of service in the areas concerned. This is because with population growth there is a corresponding increase in crime and the number of incidents requiring a police response. This places demands not just on the 'front line', but on the whole spectrum of support and specialist police services, e.g. forensics, roads policing or armed response team to name but a small number, that will be called upon during the lifetime of a development.

Like any other public service such as education and health, Police services can only be provided to the required standards and within acceptable response times to a given development if the infrastructure is provided to enable this to happen. However, the Police service does not currently receive funding to cater for the infrastructure needs and associated costs that come with the delivery of development and associated population growth.

A common misconception in this respect is that national funding for the Police and other Emergency services, or the monies raised through the Council Tax precept, will provide all the resources required for this infrastructure. This is not true unfortunately and mirrors the situation faced by other public services that more 'traditionally' seek infrastructure mitigation through the town planning system.

We therefore request that Policies MD1-MD6 and OS1-OS6 be amended to include specific policy recognition of the need for additional Police infrastructure in relation to strategic and other development sites.

The Constabulary is currently in the process of reviewing its Estate Strategy Plan 2021-2031 which will be made available to WBC once made publicly available. It intends to provide details on the precise infrastructure required to support future iterations of the Council's Infrastructure Delivery Plan. Therefore, although work is currently on-going to establish the precise Police infrastructure requirements for the allocated housing sites, this should not preclude the "Detailed Site-specific Requirements" sections for Policies MD1-MD6 and OS1-OS6 policy wording from recognising the requirement for appropriate mitigation on policing infrastructure; whether this be in the form of physical on-site infrastructure or via financial contributions.

The decisions in **Appendix 1** reflect the fact that paragraph 93 of the National Planning Policy Framework (NPPF) states that policies should plan positively for the services that a community needs. The police self-evidently fall into that category; yet the Strategic and smaller housing allocations do not recognise them. This is plainly neither a justified or effective way of planning what will be a very significant level of new development in the Borough.

Furthermore, as policies MD1-MD6 are major strategic priorities for the Borough, paragraph 20 of the NPPF impels them to enable the delivery of the security (i.e. police) infrastructure required to support the new developments; yet the policies fail to do so.

Paragraph 162 of the NPPF states that local planning authorities should work with infrastructure providers, in order to ensure such infrastructure is provided in a timely fashion, as required by paragraph 177 of the NPPF. The absence of recognition for the Police and other Emergency services in the Strategic Housing Sites policies does not accord with this.

In light of the above, Policies MD1-MD6 and OS1-OS6 are considered unsound. In order to make the plan sound, the CCCC, therefore requests the following additional principle is added under the "Detailed Site-specific Requirements" sections for Policies MD1-MD6 and within the policy wording for OS1-OS6.

- "Appropriate emergency services infrastructure"

Infrastructure Delivery Plan (2021)

The Infrastructure Delivery Plan (IDP) identifies the social, environmental and economic infrastructure that will be required to support the development and growth set out in the Local Plan. Its purpose is to ensure that infrastructure delivery keeps pace with growth and is an essential mechanism for helping to identify funding priorities and any potential gaps. This will ensure that services can match demand and growth is sustainable for local communities.

However, the IDP neither considers nor makes any provision for future emergency services infrastructure requirements as fundamental elements of sustainable development. This is inconsistent with NPPF Paragraph 20 which requires strategic policies within a local plan to make sufficient provision for infrastructure and community facilities. Linked to this is the effective

collaboration with infrastructure providers from early in the plan making process as identified within Paragraph 25.

The Constabulary is currently in the process of reviewing its Estate Strategy Plan 2021-2031. The plan will be made available to WBC once made publicly available. It intends to provide details on the precise infrastructure required to support future iterations of the Council's IDP.

The Council state that the IDP is a “living document” which will be updated over time. Therefore, although work by the Constabulary is currently on-going to establish the precise Police infrastructure requirements for the allocated housing sites, this should not preclude the Council from including the following marker in the IDP to refer to the need for developments to mitigate their impacts on policing infrastructure”.

“Infrastructure related to key emergency services provided by the Police, Fire & Rescue and Ambulance services are crucial to the delivery of safe and sustainable developments and communities.

The Local Plan supports the delivery of these key services and infrastructure and seeks to ensure that all new development is designed so as to create safe and secure environments and communities, reduce the propensity for crime and disorder and improve health and well-being.

It is essential Cheshire Constabulary meets its statutory duty to secure the maintenance of an efficient and effective Police force for its area and deliver consistent levels of service for both existing and future communities. The Council also has a statutory duty to consider crime, disorder and community safety in the exercise of its planning functions.

To mitigate the additional pressures placed on the service’s capital infrastructure programme arising from development growth, new development must bridge the funding gap.

The Infrastructure Delivery Plan will be updated once policing capital infrastructure costs for items such as, but not limited to premises, vehicle, CCTV/ANPR, mobile equipment and data/control room capacity etc., necessary to support the service, are known. Contributions requested towards policing infrastructure will be site specific and underpinned by comprehensive and robust qualitative, quantitative and financial evidence to demonstrate compliance with the relevant tests.”

Conclusion

The CCC has a statutory duty to secure the maintenance of an efficient and effective police force in its area and WBC has a statutory duty to consider crime and disorder and community safety in the exercise of its planning functions.

The CCC encourages the Council to ensure that the theme of community safety and crime prevention is afforded prominence in the UPSVLP on the basis that improving community safety, reducing crime, fear of crime and anti-social behaviour are vitally important to the creation of sustainable communities, as set out in the NPPF and PPG.

It is imperative that the ability of the CC to continue to undertake its functions effectively is sufficiently accounted for when considering and formulating detailed policies in the future. The CCCC suggests that in order to achieve these objectives and realise its policing strategy, the policies of the WBC UPSVLP must place greater emphasis on community safety, reducing crime, fear of crime and anti-social behaviour, as well as greater detail on measures aimed at designing out crime. Without these changes to the document, the CCCC considers the document to be unsound.

Notwithstanding the inclusion in some policies of the UPSVLP to reference to safety and security themes, other policies fail to contain explicit reference to safety or provision for developments to effectively mitigate impacts on Police infrastructure and the service as a whole. In light of the re-emphasis in the recently updated NPPF and PPG to supporting safer communities, this failure is inconsistent with national policy, rendering the policies unsound. The CCCC recommends additional wording to ensure that the UPSVLP policies are consistent with national policy.

Without the requested changes to the draft plan set out herein, the CCCC considers the document unsound.

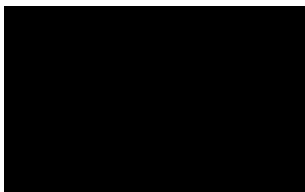
CCCC would be grateful if these representations and suggested revised wording for the relevant policies referred to above and/or supporting text are considered and the draft plan be amended prior to submission for examination. We hope that these representations are helpful in finalising the UPSVLP prior to submission to the Secretary of State.

The CCCC would like to request that CC attend the UPSVLP Examination. CCCC has outlined a number of concerns and amendments within this representation which it considers necessary to make the plan sound. These are detailed issues that will need to be explored in detail through the examination process.

Please do not hesitate to get in touch with my colleague Hannah Payne cc'd via the details at the top of this correspondence if we can be of any further assistance.

CCCC would be grateful if you could confirm receipt of this letter of representation.

Yours sincerely,



Mark Roberts
Chief Constable QPM, M.Sc., B.A (Hons)
Cheshire Constabulary