

**Proposed Modifications to the Publication Draft Local Plan (Part 1) – January 2016**

**Mod 14 – 30/31 – Policy DS15**

**Place Partnership Limited on behalf of Warwickshire Police and West Mercia Police**

**Continuation Sheet**

***Response to Question 7 - Continued***

The current partnership led to the Secretary of State endorsing this work via two decisions in January 2016 in relation to 'Land at Gallows Hill and The Asps' (as the two appeal sites are referred to by Policy DS15). Summaries of these decisions are enclosed in **Appendix 1**. In the case of the Gallows Hill decision for example, which involved contributions to police premises, vehicles, ANPR cameras and staff set up costs, the Secretary of State agreed with the following statement by the Inspector:

*464. The contributions for police services are similar to those which the Secretary of State has previously endorsed as compliant with Regulation 122 [354]. I consider that the CIL compliance statement shows that they are also compliant with Regulation 123 [353].*

The conclusions of the Secretary of State and Planning Inspectorate summarised in **Appendix 1** had been previously stated in the consideration of Judge Foskett (**Appendix 2**), following a case brought by Leicestershire Police. The attention of the Inspector is drawn to the following content of the judgement:

- It is obvious that a development of the nature described (4,500 homes) would place additional and increased burdens on local health, education and other services including the police force. (para 11)
- The police challenge could not be characterised as a quibble. (para 61)
- Occupiers of the development will want to know that they are living in a safe policed environment – the consumer view of the issue. (para 61)
- 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 meet the demands of policing the new area. (para 62)

This legal background explains the first part of our concern with the present drafting of most of Policy DS15, namely that it is unjustified given the clear legal precedent that has been established for developer contributions from strategic sites within the District.

Turning to national planning policy, we consider that the absence of references to police infrastructure, with the exception of 'Land at Gallows Hill and The Asps', is inconsistent with the following paragraphs of the National Planning Policy Framework (NPPF):

- Securing sufficient facilities and services to meet local needs is a Core Planning Principle (para 17).
- Crime and disorder and the fear of crime should not undermine quality of life or community cohesion. Planning policies and decisions should deliver this (paras 58 and 69).
- Planning policies and decisions should deliver facilities and services that communities need (para 70).
- Plan policies should deliver the provision of security infrastructure and other local facilities (para 156).

- Infrastructure planning should accompany development planning by LPAs (para 177) who should work collaboratively with infrastructure providers (para 162).
- Plan policy and decision making should be seamless (para 186).

Furthermore, Section 216 of the Planning Act 2008 provides a list of “*infrastructure*” but is clear that the list is non-exhaustive and that “*infrastructure*” is not a narrowly defined term. That fact is demonstrated by the use of the word “*includes*” prior to the list being set out. There is accordingly no difficulty in the proposition that contributions towards police infrastructure are within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 156 of the NPPF (as above).

To overcome the soundness concerns the police have with the current drafting of Policy DS15, there needs to be recognition that the proposed developments will have very significant infrastructure implications for WP and WMP. Without this recognition and by extension, acceptance of the necessity of developer contributions towards such infrastructure, objectives (c), (e) and (f) of Overarching Policy SCO of the new Local Plan will not be met by WP and WMP in the District.

We are particularly concerned about the effectiveness of the policy with respect to Kenilworth. This is because Modification 14 includes the addition of the following allocated sites in the Kenilworth area, bringing the total allocation around the town to 4,310 in the plan period and a further 2,000 after that:

- Thickthorn and sites allocated to the east of Kenilworth;
- Land at Westwood Heath (including land identified as safeguarded beyond the current plan period); and
- Kings Hill (including land identified for development beyond the current plan period).

Having undertaken an initial assessment of the proposed sites, WP and WMP estimate that contributions totalling around £443,000 would be likely to be required, based on data that is current in March 2016. These contributions would enable the same local policing provision as currently exists elsewhere. Within the Kenilworth area this would amount in practice to 12 new officers, 5 new police vehicles and an office suitable for the 12 staff to serve the 4,310 new dwellings proposed in and around Kenilworth during the plan period.

To maximise the effectiveness of contributions towards the above, contributions relating to police equipment and vehicles would be pooled. With respect to premises, WP and WMP consider that a new police office will be required for the Kenilworth Safer Neighbourhood Team (SNT), which would provide local policing to all three sites, plus several others proposed in and around Kenilworth. The most suitable location for such an office would be within the Kings Hill development, possibly as part of a local centre. Without such contributions police resources would be stretched and the level of policing less than that currently existing across the rest of Kenilworth.

In this respect, a first contribution of £34,587 has already been approved in relation to a development on land at Common Lane, Kenilworth (Application Ref W/14/1340). As the other developments come forward, WP and WMP will work with the Council to ensure that all requests for funding meet the requirements of CIL Regulations 122 and 123. This would be as per the approach already adopted in the District, as demonstrated by the enclosed spreadsheet (**Appendix 3**).

Notwithstanding the infrastructure requirements of WP and WMP, the proximity of the proposed development growth to Coventry means that there are cross-border policing implications. This is because in practice West Midlands Police would work with WP and WMP to deliver services along the border between the Warwickshire and West Midlands counties. This is significant for the Kings Hill development particularly. In view of this, consultants Tyler Parkes will be submitting a response on behalf of West Midlands Police to the Proposed Modifications consultation. Their response and this one are intended to give the Inspector and Council a complete picture of the policing implications resulting from the proposed development envisaged by Policy DS15.

Therefore, to ensure the effectiveness of Policy DS15 in soundness terms, WP and WMP request that its table be amended to include more references to police infrastructure, including a new neighbourhood police office in relation to the Kings Hill development. The proposed amendments are shown below.

8. ***Please set out what change(s) you consider necessary to make the Proposed Modifications to the Submission Warwick District Local Plan legally compliant or sound, having regard to the test you have identified at Question 5 above where this relates to soundness. You will need to say why this change will make the Local Plan/Sustainability Appraisal legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.***

To resolve the concerns of WP and WMP expressed above, we request that the table for Policy DS15 be amended as follows:

Site	Key <u>On-site</u> Infrastructure and Services
Thickthorn and sites allocated to east of Kenilworth	Primary School (see Policy DS12) Secondary School (see Policy DS12) <b>Contribution towards police infrastructure at Kings Hill</b> A community meeting place Retail facilities: a convenience store of no more than 500sq.m gross floorspace. A number of other smaller stores may also be provided.
Land at Westwood Heath	Health Centre; community facilities (quantified in the context of the development of this allocation and the potential wider area over the long term). <b>Contribution towards police infrastructure at Kings Hill</b> Retail facilities: a convenience store of no more than 500sq.m gross floorspace.
Land at Kings Hill	Potential for some employment land; potentially land for secondary school provision; new primary schools; local centre, <b>neighbourhood police office and associated infrastructure</b> , community facilities; health centre; new rail station

There is recent precedent within the geographical area covered by WP and WMP for amending Policy DS15 in the manner requested. This is as follows.

The South Worcestershire Development Plan (adopted February 2016) covers the administrative areas of Malvern Hills, Worcester City and Wychavon Districts.

Policy SWDP 45: *Directions for Growth Outside the City (Worcester) Administrative Boundary* of the Plan concerns proposed housing developments equivalent or greater in size as those proposed by Policy DS15. There are five parts to Policy SWDP 45, which each concern a major proposed development. Under each part, the most significant infrastructure requirements are listed. Each part included the requirement to contribute towards 'emergency services infrastructure'. In his report of February 2016, Planning Inspector Roger Clews wrote;

*'Because of the particular importance of the urban extensions to the Plan as a whole, policy SWDP 45 sets out details of the infrastructure and other planning requirements for each. These are amended by MM15/45A to ensure they are comprehensive, consistent and effective.'*  
(para 188)

Incorporating the requested amendments would also ensure the consistency of Policy DS15 with Policy DS NEW 1 when it comes to police infrastructure. This would in turn improve the overall effectiveness of both of them. Policy DS NEW 1 states in this respect:

*'...To give a degree of longer-term certainty to investors and shareholders, a series of key objectives are identified below to provide clear guidance to landowners, institutions, infrastructure providers and major developers when they are drawing up their proposals...*

*k) provision of emergency services infrastructure and other issues that may be identified.*

Overall, by improving the effectiveness of both policies through consistent references to police infrastructure requirements, this would provide a sound basis for the continuation of the approach that is already being implemented successfully in Warwick District to this area of work (as demonstrated by the spreadsheet enclosed in **Appendix 3**).