



Independent Examination of Warrington Local Plan

Hearing Statement submitted on behalf of the Police and Crime Commissioner for Cheshire and Cheshire Constabulary (Respondent ref: 0428)

Matter 6e – Main Development Area: Thelwall Heys

July 2022

Cheshire Constabulary HQ



CONTENTS

1	Introduction	3
2	Issue – Whether the Thelwall Heys Main Development Area (Policy MD5) is justified, effective and consistent with national policy.	4
Appendix 1	Summary of Appeal Decisions	
Appendix 2	R (Police and Crime Commissioner for Leicestershire) vs Blaby DC [2014] EWHC 1719 (Admin)	

MATTER 6e – Main Development Area: Thelwall Heys

1 Introduction

- 1.1 This hearing statement is to be read in conjunction with the previous representation made by the Police and Crime Commissioner for Cheshire (PCC) and Chief Constable for Cheshire Constabulary (CCCC) dated 15 November 2021 (WBC ref: UPSVLP 0428). This representation was made by letter to Warrington Borough Council (WBC) in relation to the Updated Proposed Submission Version Local Plan (UPSVLP).
- 1.2 The PCC and CCCC is grateful for the opportunity to comment further on the Warrington Local Plan. These further representations and comments are made in respect of the Inspector's 'Matters, Issues and Questions' (MIQs) set out in the document issued by the Examination Programme Officer in June 2022. This document covers responses to the Inspector's questions relating to Matter 6e – Main Development Area: Thelwall Heys.
- 1.3 Any additional matters that have arisen since the submission of the UPSLVP PCC and CCCC representations are addressed in this statement.
- 1.4 The PCC has a statutory duty to secure and maintain an efficient and effective police force for Cheshire and Warrington Borough Council is required by statute to consider crime and disorder and community safety in the exercise of its planning functions.
- 1.5 The letter of representation dated 15 November 2021 sets out in detail, CCCC's comments on the UPSVLP in relation to exercising this duty and the issues raised remain relevant to the Warrington Local Plan Examination. This statement should be read in conjunction with the submissions made on behalf of PCC and CCCC. For the avoidance of doubt, the previous comments made on behalf of PCC and CCCC remain valid and in the interest of brevity, are not repeated in detail herein.

2 Issue – Whether the Thelwall Heys Main Development Area (Policy MD5) is justified, effective and consistent with national policy.

Questions

Question 8 – Does Policy MD5 identify all appropriate and necessary infrastructure requirements? How will these be provided and funded? Is it sufficiently clear?

- 2.1 Policies MD1-MD6 all share the same omission, namely that the impact of these sites upon the police service and other emergency services is not recognised or accounted for in the Local Plan (LP). Despite this, all of the Main Development Areas will require the proportional growth of police infrastructures to maintain equivalent levels of service in the areas concerned.
- 2.2 Policies MD1-MD6 are major strategic priorities for the Borough and paragraph 20 of the NPPF impels them to enable the delivery of the security (i.e. police) infrastructure required to support development; yet Policy MD5 fails to do so.
- 2.3 Paragraph 93 of the National Planning Policy Framework (NPPF) also requires policies to plan positively for the services that a community needs. The police and other emergency services self-evidently fall into that category yet Policy MD5 does not recognise them. This is plainly neither a justified or effective way of planning for the level of growth in the Borough.
- 2.4 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 from WBC to cater for the infrastructure needs and associated costs that come with the delivery of development and associated population increase. There is an opportunity to address this issue within the emerging LP and specifically through the Main Development Area policies but as currently drafted, they do not.
- 2.5 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:

“[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.

[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.”

- 2.7 On this basis, Policy MD5 does not identify all appropriate and necessary infrastructure requirements and is therefore inconsistent with national policy.

Question 9 – Are there potential adverse effects not covered above, if so, what are they and how would they be addressed and mitigated?

- 2.8 In order to sustain the level of growth proposed in the LP and to continue to meet its statutory requirements along with national and local policy objectives relating to safety and security, CC cannot continue to absorb the additional demands placed upon it by proposed developments without impacts being mitigated.

- 2.9 Appeal cases APP/X2410/A/13/2196928 and APP/X2410/A/13/2196929 and APP/G2435/A/14/2228806 (**Appendix 1**), concluded that adequate policing is fundamental to the concept of sustainable communities and must therefore be taken into account in the delivery of the Main Development Areas.

- 2.10 If it is not, WBC, land promoters, applicants, stakeholders and local communities cannot be satisfied that the identified infrastructure costs will cover the full infrastructure and enabling works necessary to bring the sites forward for development. This could undermine the delivery of sustainable development and the Plan as a whole.

- 2.11 The aforementioned judgement (**Appendix 2**) confirms the reasonableness of the police seeking infrastructure contributions to mitigate the impacts of development proposals. CC therefore proposes to seek contributions for applications that come forward within the Main Development Areas to address the impacts of the developments on police infrastructure.

Question 12 – Are any main modifications necessary for soundness?

- 2.12 As drafted, Policy MD5 is unsound. In light of the above, on behalf of PCC and CCCC we therefore request that the following be added to the list of infrastructure requirements under Community Facilities:

- A contribution towards emergency services infrastructure