



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 11 – Transport and other infrastructure

August 2022

Cheshire Constabulary HQ



CONTENTS

1	Introduction	3
2	Issue – Whether the Local Plan is justified, effective and consistent with national policy in relation to the approach to transport and other infrastructure.	4
Appendix 1	Summary of Appeal Decisions	
Appendix 2	Summary of High Court Judgements	

MATTER 11 – Transport and other infrastructure

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 11 – Transport and other infrastructure.
- 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 Local Plan is justified, effective and consistent with national policy in relation to the approach to transport and other infrastructure.

Questions

Delivering infrastructure (INF5)

Question 11 – In other respects, is Policy INF5 justified, effective and consistent with national policy?

- 2.1 Policy INF5 is neither justified, effective nor consistent with national policy in so far as it makes no reference to the emergency services.
- 2.2 Without exception, every existing and planned community must have adequate emergency service coverage. Police, fire and ambulance are essential services that play a critical role in supporting and ensuring public health and safety in our communities. Their role is fundamental to the delivery of sustainable development and population growth.
- 2.3 This is a matter that Policy INF5 fails to acknowledge or address.
- 2.4 Part 5 of the policy lists “Appropriate matters to be funded by planning contributions”. The policy provides some flexibility for other infrastructure/services not explicitly listed to be considered, however as essential infrastructure providers, the council has not explained why the police and other emergency services are excluded from the list or should be treated any differently from other recognised infrastructure and service providers.
- 2.5 Without comprehensive and effective mitigation, the level of development growth proposed through the LP will place an unacceptable additional demand on police services and deployment.
- 2.6 INF5 Part 6 provides sufficient flexibility to allow other planning obligations not previously accounted for in the Local Plan’s Viability Appraisal (VA) to be considered at application stage (subject to viability). An allowance for site specific planning contributions has also been included for in the VA. However, contrary to National Planning Policy (NPPF) paragraphs 16, 25 and 26, WBC has not engaged with Cheshire Constabulary (CC) to allow policing infrastructure costs to be identified and included for within the Local Plan (LP) VA. WBC, along with other stakeholders and delivery partners cannot therefore be confident that the infrastructure required to support the plan is capable of being delivered.

- 2.7 In order to sustain the level of growth proposed in the LP and for WBC to continue to meet its statutory requirements (Section 17 of the Crime and Disorder Act 1998 (as amended)), along with national policy objectives relating to crime reduction, safety and security (NPPF paragraphs 8, 16, 20, 93, 97 and 130), the PCC and CCCC request that Policy INF5 be amended to include the emergency services as valid recipients of planning contributions.
- 2.8 Furthermore, as part of the Government's reforms to the planning system, the Levelling Up and Regeneration Bill published on 10 May 2022 sets out the intended legal framework for the Infrastructure Levy (IL). The Bill makes specific provision for emergency services to be included in the categories of 'infrastructure' (see 204N(3) on page 294) and includes "facilities and equipment". Although in its early stages, the Bill clearly identifies the emergency services as essential infrastructure providers for which IL funds will be used to address the demands that development places on it. It is therefore wholly appropriate for INF5 to account for emergency services infrastructure.
- 2.9 The main issue for the police and other emergency services is to ensure that new development makes adequate provision for the future demands upon them it will generate. Like other public services, their primary funding is insufficient to add new infrastructure to support major new development when and wherever this occurs. As detailed in our earlier representations, there are no bespoke capital funding regimes to address this problem for the police and other emergency services.
- 2.10 In this respect, regardless of whether WBC make an allowance for policing infrastructure costs in the VA, CC must be afforded the opportunity to request planning contributions where appropriate, for relevant developments to support the level of anticipated population growth and provide certainty that impacts will be mitigated.
- 2.11 We are aware of the point that is sometimes made that additional housing does not necessarily translate into additional population and associated demand upon the emergency services. However, as demonstrated beyond reasonable doubt through the LP, the additional housing proposed is being provided to accommodate a significantly growing population in the Borough.
- 2.12 Therefore, faced with unprecedented levels of demand across the County, CC has resolved to seek developer contributions to ensure that existing levels of service can be maintained as growth takes place. Hence, it is proactive in its infrastructure planning with respect to the development growth being proposed across its combined area.

- 2.13 As part of this work, CC always provides clear evidence of where developer contributions will be spent to the local authority concerned, thus ensuring that a transparent audit trail is in place for each development scheme for the benefit of all parties.
- 2.14 This system is essential, not only for audit purposes, but by its nature ensures that infrastructure provision can take place as efficiently as possible. In turn, it prevents the negative outcome of the development in question impacting on the constabulary in a way that affects its ability to provide a safe and appropriate level of service. This also means that the development remains compliant with planning policy and sustainable in planning terms.
- 2.15 The Inspectors can therefore be assured that infrastructure for the police (and other emergency services) will be delivered and developer contributions made will not be used to meet a funding deficit elsewhere or to serve existing development.
- 2.16 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 viability balance on a 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 within Policy INF5 for the applicant to undertake a Viability Assessment at application stage, if viability is a concern.
- 2.17 Policing planning contributions meet the requirements of Policy INF5 Part 4 and comply with the relevant CIL Regulation 122 tests. This fact has been tested extensively and endorsed by numerous Planning Inspectors and by various Secretaries of State, as demonstrated by **Appendices 1 and 2**.
- 2.18 To preclude recognition for the emergency services in Policy INF5 is against the spirit of positive partnership and collaborative working. It is contended that as worded, Policy INF5 is neither effective nor consistent with national policy as set out in paragraphs 8, 16, 20, 93, 97 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).

Main modifications

Question 13 – Are any main modifications to the above policies necessary for soundness?

- 2.19 For the LP to be considered sound, the PCC and CCCC request that Policy INF5 Part 5 be updated to include Emergency Services in the list of valid recipients of planning contributions.