



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)

Matters 7a, b, c, d and e – Site allocations

August 2022

Cheshire Constabulary HQ



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MATTERS 7a, b, c, d and e – Site allocations

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 Matters 7a, b, c, d and e – Site allocations.
- 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 site allocations at Croft (Policy OS1), Culcheth (Policy OS2), Hollins Green (Policy OS3), Lymm (Policies OS4 and OS5) and Winwick (Policy OS6) are justified, effective and consistent with national policy.

Questions

Does the policy identify appropriate and necessary infrastructure requirements? How will these be provided and funded? Is it sufficiently clear?

- 2.1 Policies 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 in the Local Plan (LP). Despite this, all of the Site allocations will require the proportional growth of police infrastructures to maintain equivalent levels of service in the areas concerned.
- 2.2 Paragraph 93 of the National Planning Policy Framework (NPPF) 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 Policies OS1-OS6 do not recognise them. This is plainly neither a justified nor effective way of planning for the level of growth in the Borough.
- 2.3 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 Site allocations policies but as currently drafted, they do not.
- 2.4 The support for provision of policing infrastructure via physical on-site infrastructure (where appropriate) and planning contributions 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.”

- 2.5 On this basis, Policies OS1-OS6 do not identify all appropriate and necessary infrastructure requirements and are therefore inconsistent with national policy.

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

- 2.6 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.

- 2.7 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 accounted for through the delivery of the Site allocations.

- 2.8 If it is not, WBC, stakeholders and delivery partners 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.

- 2.9 Although work is currently on-going to establish the precise emergency services infrastructure necessary to support the Site allocations, this should not preclude Policies OS1-OS6 from recognising the requirement for this.

Are there any main modifications necessary for soundness?

- 2.10 As currently worded, Policies OS1-OS6 are neither justified, effective or consistent with national policy as set out in paragraphs 8, 16, 20, 93, 97 and 130 of the NPPF.

- 2.11 In order for the LP to be considered sound, PCC and CCCC therefore requests the following additional principle to be added within the policy wording for Policies OS1-OS6:

- Appropriate emergency services infrastructure.

2.12 This can take either the form of physical on-site provision or a financial contribution in lieu of on-site provision.