



Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For
official
use only)

Name of the Local Plan to which this representation relates:

Solihull MBC Local Plan

Please return to psp@solihull.gov.uk or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14th December 00:00

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text"/>	Mrs
First Name	<input type="text"/>	Glenda
Last Name	<input type="text"/>	Parkes
Job Title (where relevant)	Chief Constable of West Midlands Police	Director
Organisation (where relevant)	West Midlands Police	Tyler Parkes
Address Line 1	Please refer to agents	66 Stratford Road
Line 2	<input type="text"/>	Shirley
Line 3	<input type="text"/>	Solihull
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	B90 3LP
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy **P15** Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Representation of support on behalf of the Chief Constable of the West Midlands Police (CCWMP) (8980)

Policy P15 Securing Design Quality

1. **On behalf of the Chief Constable of the West Midlands Police (CCWMP) we are instructed to make representations on the Solihull Local Plan Review 2020. Policy P15 ‘Securing Design Quality’ is supported as worded, as it is consistent with national policy and therefore sound.**
2. **Policy P15 confirms (paragraph 1), that all new development must be of high quality design. It also confirms (paragraph 2), that development proposals will be expected to create safe streets and public spaces (paragraph 2 vii) and should contribute positively to the creation of high quality places (paragraph 2 ix), emphasising that the design and layout of developments should reduce crime and the fear of crime through the adoption of Secured by Design standards. These references within Policy P15 are welcomed and supported.**
3. **The Police Design Out Crime Team, Senior Leadership Team and Local Policing Unit should 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.**

4. On behalf of the Chief Constable of the West Midlands Police (CCWMP) we are instructed to make representations on local development documents in respect of securing policy reference in such documents to matters including:
- 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 Design & Access Statements, or other relevant planning application documents;
 - promoting a safe and secure entertainment, leisure and evening economy;
 - ensuring the timely and effective engagement of the police to ensure effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
 - in appropriate cases, seeking financial contributions towards the additional expenditure burden placed on West Midlands Police as a consequence of development proposals and growth;
 - 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 Counter-Terrorism matters. For example, Counter Terrorism Security Advisors can give appropriate advice concerning Vehicle-Borne Devices (VBD) mitigation and the Crowded Place agenda (particularly in relation to shopping areas and the night-time economy).
5. 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'.
6. The CCWMP clearly has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties, with the aim of achieving a reduction in crime.
7. The CCWMP is grateful for the opportunity to comment on the Solihull Local Plan Draft Submission Plan (SLP Draft Submission Plan) as part of the Solihull Local Plan Review. The comments set out in this representation are in addition to the matters raised in our earlier letters dated the 14th of December 2016 (Enclosure 1) and the 15th of March 2019 (Enclosure 2). Those previous representations concerning the Draft Local Plan Supplementary Consultation, in respect of which the proposed changes, remain pertinent to the plan making process.

Purpose of the Consultation on the SLP Draft Submission Plan and Summary of comments on behalf of CCWMP:

8. The purpose of the consultation on the SLP Draft Submission Plan relates to

whether the plan, as published, complies with the relevant legal requirements and is sound.

9. The focus of this representation, made on behalf of the CCWMP, relates to whether specific policies in the plan are sound.

Policy P15 Securing Design Quality

10. In summary, this representation concludes the following:
11. The CCWMP has a statutory duty to secure the maintenance of an efficient and effective Police force for its area, and the Council has a statutory requirement to consider crime, disorder and community safety in the exercise of its planning functions. Planning policies therefore require the theme of community safety and crime prevention be given prominence in the Solihull Local Plan Review, which is vital in the context of creating sustainable communities.
12. In order to sustain the level of growth proposed in the Draft Submission Plan and to meet national and local policy objectives relating to promoting safety and security, policy emphasis on community safety, minimising crime and the fear of crime is required.
13. In terms of Policy P15, the policy as worded is supported as being consistent with national policy and therefore **sound**.
14. Policy P15 confirms (paragraph 1), that all new development must be of high-quality design. It also confirms (paragraph 2), that development proposals will be expected to create safe streets and public spaces (paragraph 2 vii) and should contribute positively to the creation of high quality places (paragraph 2 ix), emphasising that the design and layout of developments should reduce crime and the fear of crime through the adoption of Secured by Design standards. These references within Policy P15 are supported and welcomed.
15. The Police Design Out Crime Team, Senior Leadership Team and Local Policing Unit should 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.
16. These representations on behalf of the CCWMP are directed at the above points and are considered on the basis of:
 - a) Planning Policy Background
 - b). Is Policy P15 of the SLP Draft Submission Plan sound?

a) Planning Policy Background

National Planning Policy Framework, February 2019

17. The National Planning Policy Framework (NPPF), February 2019, paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
18. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 identifies three

overarching objectives for the planning system: an economic, social and an environmental objective. These objectives include identifying and coordinating the provision of infrastructure and fostering a well-designed and safe built environment to support inter alia communities' social well-being. Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans.

19. Paragraph 16 of the NPPF confirms that Plans should be prepared with the objective of achieving sustainable development and should be shaped by effective engagement between plan-makers and local organisations and statutory consultees.
20. Paragraph 35(b) of the NPPF states that Local Plans are examined to assess whether they are 'sound', which necessitates an evaluation to determine whether they have been positively prepared, justified, effective and consistent with national policy. In terms of whether a plan is justified, they should be based on proportionate evidence.
21. Chapter 8 'Promoting healthy and safe communities' identifies at paragraph 91 that planning policies and decisions 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.
22. Paragraph 95 states that planning policies and decisions should promote public safety and take into account the wider security and defence requirements. This should be achieved by:
 - a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for the relevant areas (such as town centre and regeneration frameworks) and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area
23. Paragraph 127(f) states that planning policies and decisions should ensure that developments, amongst other requirements, 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

Planning Practice Guidance

24. 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 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.

25. 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.
26. Paragraph: 004 Reference ID: 26-004-20191001 confirms that non-strategic policies can be used to establish more local and/or design principles for an area, including design requirements for site specific allocations.
27. 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.
28. 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).
29. 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.
30. The PPG highlights that local authorities may find it helpful (either through decision taking or plan making) to undertake a Security Considerations Assessment (SCA), or to take into account a SCA process undertaken by developers and other applicants as part of the design of new developments. A SCA is a mechanism by which organisations can demonstrate, through a fully documented process, that potential security-related vulnerabilities have been identified, assessed and where necessary, addressed in a manner that is appropriate and proportionate (Paragraph: 010 Reference ID: 53-010-20190722).
31. 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).
32. 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', which refers to 'Secured by Design and 'Safer Parking' standards.

(<https://www.gov.uk/government/publications/protecting-crowded-places-design-and-technical-issues>)

33. Paragraph: 011 Reference ID: 53-011-20190722 also states that the consideration of security requirements will need to be proportionate to the size and nature of the development, the anticipated number of users and the wider setting. As well as understanding the purpose of the site, how it will operate and its potential to be regularly crowded, consideration will need to be given to the measures that directly or indirectly mitigate identified threats as far as is proportionate. This could include protection of the public from vehicles used as weapons or as an Improvised Explosive Device.

34. 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, Crime Prevention Design Advisors, Designing Out Crime Officers and Architectural Liaison Officers where appropriate to ensure that they inform them of planning applications concerning the development of crowded places, transport hubs and critical infrastructure;
- Involve Police and appropriate design advisers in the preparation of site allocations in emerging plans.

Chief Planning Officer letter, July 2017

35. On the 12th July 2017, a letter from the Chief Planning Officer was published by the Department of Communities and Local Government. This reminded local planning authorities of the important role the planning system plays in ensuring appropriate measures are in place in relation to counter-terrorist and crime prevention security. It encourages, where appropriate, pre-application discussions between planning officers and security advisors, such as Counter Terrorism Security Advisors and Police Crime Prevention Design Advisors, to ensure that authorities and applicants share an understanding right at the beginning of the design process, of the level of risk and the sort of measures available to mitigate the risk in a proportionate and well-designed manner. In addition to the need for reference to be made to the requirements in the NPPF and the PPG, the letter also states that reference should be made to the guidance 'protecting crowded places: design and technical issues'.

'Protecting crowded places: design and technical issues', April 2014

36. 'Protecting crowded places: design and technical issues', updated in April 2014, is aimed at everyone involved in the planning, design and development of the built environment to give advice about counter-terrorism protective security design.

Local Plan Policy: Solihull Local Plan, December 2013

37. The Solihull Local Plan (SLP) was adopted in December 2013. One of the challenges identified in the SLP focuses on the significant levels of deprivation in the North Solihull area, with high levels of crime and the fear of crime. The SLP also acknowledges the existence of pockets of anti-social behaviour crime around other areas within the Borough.

38. Policy P15 confirms that all development proposals will be expected to achieve

good quality, inclusive and sustainable design which inter alia, create attractive, safe places and reduce crime and the fear of crime.

39. Policy P18 promotes health and wellbeing and requires new development to contribute to a safe public realm. As explained in the supporting text to the Policy at paragraph 12.2.9 of the SLP, it is recognised that high quality and well-designed buildings and spaces which have safe access, can reduce crime and the fear of crime.

Solihull Local Plan Review

40. Through the review of the Local Plan, Solihull Council seeks to deliver a significant level of development during the plan period. We have previously made representations on behalf of the CCWMP (letter dated 14th of December 2016 attached as Enclosure 1) in respect of Policies P2, P15, P18 and P21, referring specifically to the fact that the need for additional Police infrastructure is not mentioned in the plan, nor is the need for partnership working with West Midlands Police and sought for this to be addressed.
41. In addition, we submitted a letter of representation dated 15th March 2019 on behalf of CCWMP in relation to the Draft Local Plan Supplementary Consultation (attached as enclosure 2), which again highlighted the need for policy reference to matters of safety and security and the need for express reference to the need for financial contributions towards the additional burden placed on West Midlands Police, as a consequence of the proposed growth to ensure that safety and security could be maintained across the Borough.
42. The SLP Draft Submission Plan identifies a number of challenges facing the Borough and the objectives for addressing them. Challenge F 'Reducing inequalities in the Borough' (page 17) , highlights the fact that there are significant levels of deprivation, crime and the fear of crime in north Solihull and pockets of deprivation and anti-social behaviour crime around the Borough in the Mature Suburbs and in the Rural areas.

b) Is Policy P15 of the SLP Draft Submission Plan sound?

43. As set out in section a) above, the NPPF and the updated Planning Practice Guidance (PPG) emphasise the relevance of safety and security issues in the design process both in terms of plan-making and decision-taking. Paragraph 91 of the NPPF highlights that planning policies and decisions 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.
44. Paragraph: 010 Ref ID: 53-010-20190722 highlights the importance of Security Considerations Assessments to consider how potential security-related vulnerabilities have been identified, assessed and addressed.
45. Paragraph: 011 Ref ID: 53-011-20190722 states that for all locations which will generate crowds in public places, appropriate security measures should be considered on a proportionate basis depending on the size and nature of the development and the anticipated number of users, so that consideration can be given to measures to mitigate identified threats.
46. In the context of Policy P15, given the scale and type of development envisaged in the Borough as set out in the Draft Submission Plan, it is considered that the

confirmation within the policy wording that all development will be expected to create safe streets and public spaces and that the design and layout of developments should promote health and wellbeing and reduce crime and the fear of crime through the adoption of Secured by Design principles, is significant and recognises the importance national policy gives to such matters in the context of achieving sustainable development. **These references in Policy P15 are welcomed and supported.**

47. Further, the reference within Policy P15 paragraph 4 to the fact that all developments should comply with the urban design principles set out in established current design guidance, including The National Design Guide (2019) is welcomed.
48. Paragraph 389 of the supporting text to Policy P15 highlights that good design is fundamental to making places more attractive, sustainable, and safe. It reiterates that good design can help create safer places.
49. Importantly, paragraph 401 of the supporting text states:
- “ Policy P15 also requires development proposals to create safe and attractive streets and public spaces, which reduce crime and the fear of crime. Whilst adherence to Secured by Design principles is important for all new built development, it can also be relevant to smaller scale proposals such as changes of use to licensed premises and the installation of cash points, where applicants should engage with a West Midlands Crime Prevention Design Advisor at an early stage. As well as considering the impact of development proposals on public safety and the incidences of anti-social behaviour, the reference to crime in the Policy also relates to creating safer buildings and places that are better protected from terrorist attack”.*
50. In accordance with the guidance in the PPG, the size, nature and anticipated scale of new development proposed in the Draft Submission Plan, warrants a proportionate emphasis on safety and security within Policy P15, as the overarching SLPR policy to secure good quality design and safe places. **The recognition in Policy P15 and the supporting text, of the need to promote safe environments in the context of new built development and smaller scale proposals is welcomed and supported. As worded, Policy P15 is consistent with national policy and is sound.**

Conclusions

51. The CCWMP has a statutory duty to secure the maintenance of an efficient and effective Police force for its area and the Council has a statutory requirement to consider crime, disorder, and community safety in the exercise of its planning functions.
52. It is requested that in accord with national planning policy, the theme of community safety and crime prevention is given prominence in the Solihull Local Plan Review to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.
53. Policy P15 is welcomed and supported, as being consistent with national policy and therefore **sound**.
54. Further, it is formally requested that the Police DOCTs, Senior Leadership Team

and Local Policing Unit are 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, SPDs and policy implementation.

Enclosures

- Enclosure 1: Solihull Local Plan Review letter of representation dated 14th of December 2016
- Enclosure 2: Solihull Local Plan Review letter of representation dated 15 March 2019

(End)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.

(End)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To address the Council's Responses and the Inspector's Matters, Issues and Questions.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

Glenda Parkes

Date:

11/12/2020