



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*
2. Agent's Details (if applicable)
Title, First Name, Last Name, Job Title, Organisation, Address Line 1, Line 2, Line 3, Line 4, Post Code, Telephone Number, E-mail Address

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 Policies Map

4. Do you consider the Local Plan is :

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

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

Policy P21 Developer Contributions and Infrastructure Provision

Paragraphs: 478 to 514

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. It is submitted that Policy P21 is unsound on the basis that there is an omission of an explicit reference to Police infrastructure in the overarching infrastructure policy of the Plan or its supporting text which is inconsistent with national policy. The recognition in Policy P21 that major development will be expected to provide, or contribute towards provision of ‘social’ infrastructure, to support the needs associated with development and the fact that it confirms that the Council will, where appropriate, seek to secure site-specific, mitigation measures through planning obligations or CIL payments is welcomed and supported. However, it is contended that, as worded Policy P21, is not effective and is inconsistent with national policy as set out in paragraph 34 of the NPPF. The term ‘social’ infrastructure is not defined in the Policy P21 nor in the supporting explanatory text. Policy P21 makes no reference to the Draft Infrastructure Delivery Plan and Police infrastructure is not identified as being included within the term ‘social’ infrastructure within the Draft Submission Plan. Accordingly, insufficient**

policy weight has been given to the provision of essential Police infrastructure and it is submitted that Policy P21 is unsound.

2. 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).
3. 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'.
4. 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.
5. 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 CCWMP 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 the CCWMP:

6. 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.
7. The focus of this representation, made on behalf of the CCWMP, relates to whether specific policies in the plan are sound.

Policy P21 Developer Contributions and Infrastructure Provision

8. In summary, this representation concludes the following.
9. 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.
10. In order to sustain the level of growth proposed in the Local Plan Review and to meet national and local policy objectives relating to safety and security, contributions will be required through S.106 agreements and/or CIL payments to help fund the provision and maintenance of Police services. This representation includes general observations on the existing pressures and future requirements for Police infrastructure provision.
11. The Council's inclusion of Police infrastructure within the Draft Infrastructure Delivery Plan (October 2020) is welcomed. Notwithstanding the Council's acceptance in principle of the relevance of contributions towards policing associated with the level of growth planned in the Borough, as a result of the policies in the Draft Submission Plan, it is disappointing that Policy P21 fails to refer to the IDP or to Police infrastructure.
12. Recorded crime in the Borough has increased by 2% since 2016-2017 and this trend is likely to continue. However, the Joint Strategic Needs Assessment, whilst providing an overview of the threats and opportunities arising from the scale of development proposed, fails to prioritise all areas of crime adequately and is narrow in scope: to that extent is not proportionate in the context of the evidence base underpinning the Local plan Review.
13. In terms of Policy P21, the inclusion of 'social' infrastructure within the policy is welcomed, but it is contended that the omission of an explicit reference to Police infrastructure in the overarching infrastructure policy of the Plan or its supporting text, is **inconsistent with national policy and therefore is unsound**.
14. The Police should be actively engaged on an on-going basis in the future reviews of the IDP, to ensure that the evolving needs of policing are kept up-to-date and are taken into consideration; and
15. The Police Design Out Crime Team, 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 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) Justification for Police Infrastructure provision
- c) The Joint Strategic Needs Assessment January 2019 as part of the evidence base supporting the Local Plan Review;
- d) Costs of policing the proposed levels of growth
- e) Is Policy P21 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 20 (b) states that Strategic policies should set out an overall strategy for the pattern and scale of development **and make sufficient provision for infrastructure for security.**
- 21. Paragraph 28 of the NPPF deals with non-strategic policies and states that these should set out more detailed policies for the provision of infrastructure at a local level.
- 22. In Chapter 3 'Plan Making', at paragraph 31, the NPPF provides that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, justifying the policies concerned.
- 23. As far as development contributions are concerned, paragraph 34 of the NPPF provides that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure. Such policies should not undermine the deliverability of the plan.
- 24. 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.

25. 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.
26. 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.
27. 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

28. The national 'Planning Practice Guidance' (PPG) was updated in July 2019. 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.
29. Paragraph: 004 Reference ID: 23b-004-20190901 of the PPG relates to planning obligations and provides that policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. Such policies should, inter alia, be informed by evidence of infrastructure and a proportionate assessment of viability. The paragraph emphasises that planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.

30. In terms of the Community Infrastructure Levy (CIL) Paragraph 011 Reference ID: 25-011-20190901 states that charging schedules should be consistent with and support the implementation of up-to-date relevant plans.
31. Paragraph: 012 Reference ID: 25-012-20190901 provides that the relevant plan is any strategic policy, including those set out in any spatial development strategy. Charging schedules are not formally part of the relevant plan but charging schedules and relevant plans should inform and be generally consistent with each other.
32. In relation to the levy, Paragraph: 017 Reference ID: 25-017-20190901 states inter alia, that charging authorities must identify the total cost of infrastructure they wish to fund wholly or partly through the levy. In addition, the paragraph states that information on the charging authority's area's infrastructure needs should be drawn from the infrastructure assessment that was undertaken when preparing the relevant plan (the local plan) and their CIL Charging Schedule. This is because the Plan identifies the scale and type of infrastructure needed to deliver the area's local development and growth needs (see paragraph 34 of the NPPF). In addition, the Community Infrastructure Levy examination should not re-open infrastructure planning issues that have already been considered in putting place a sound relevant plan.
33. Paragraph: 144 Reference ID: 25-144-20190901 states that the levy can be used to fund a wide range of infrastructure, including police stations and other community safety facilities.
34. Paragraph: 166 Reference ID: 25-166-20190901 confirms that developers may be asked to provide contributions for infrastructure in several ways. This may be by way of CIL or S.106 agreements. Authorities can choose to pool funding from different routes to fund the same infrastructure, provided that authorities set out in their infrastructure funding statements which infrastructure they expect to fund through the levy.
35. Paragraph: 167 Reference ID: 25-167-20190901 confirms that the levy is not intended to make individual planning applications acceptable in planning terms. As a result, some site-specific impact mitigation may still be necessary for a development to be granted planning permission. There is still a legitimate role for development specific planning obligations, even where the levy is charged, to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated.
36. Paragraph: 169 Reference ID: 25-169-20190901 provides that the levy delivers additional funding for charging authorities to carry out a wide range of infrastructure projects, that support growth and benefits the local community. Authorities can choose to use funding from different routes to fund the same infrastructure. Authorities should set out in infrastructure funding statements which infrastructure they expect to fund through the levy and through planning obligations (Regulation 121A). For example, a local authority may set out in their plan that they will use S.106 planning obligations to deliver a new school to serve additional pupils arising as a result of development on a strategic site.
37. Paragraph: 170 Reference ID: 25-170-20190901 confirms that amendments to the regulations removed the previous restrictions on pooling more than 5 planning obligations towards a single piece of infrastructure. This means that subject to meeting the 3 tests set out in CIL Regulation 122, charging authorities can use funds from both the levy and S.106 planning obligations to pay for the same piece

of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.

Chief Planning Officer letter, July 2017

38. 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

39. '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

40. 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.
41. The justification for Policy P5 of the adopted SLP, Figure 15, 'Table of allocated sites' sets out proposed site allocations with 'Likely infrastructure Requirements' including '...Consider impact on social infrastructure provision, e.g. emergency services and community facilities' for each site. Adopted policy therefore recognises the need for and legitimacy of, potentially seeking developer contributions towards maintaining Police infrastructure as part of the emergency services.
42. 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.
43. 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.
44. Policy P21 of the SLP requires development to provide or contribute towards provision of physical, and social infrastructure to support the needs associated with development. Paragraph 13.2.1 of the SLP accepts that 'infrastructure' in this sense is not just roads and pipes but includes physical and social infrastructure required to enable sustainable development. The supporting text to Policy P21 at paragraph 13.3.3 highlights that in terms of partnership working and infrastructure

requirements, the Council works with West Midlands Police to deliver safe developments and communities. In terms of funding sources, it is recognised in the SLP at paragraph 13.8.1 that new development will be expected to meet its own infrastructure needs including social infrastructure (which it is considered should include that associated with policing infrastructure) and that these will be secured through developer contributions. It is submitted that this should include that associated with policing.

Solihull Local Plan Review

45. Through the review of the Local Plan, Solihull Council seeks to deliver a significant level of development during the plan period. On behalf of the CCWMP representations have previously been made (letter dated 14th of December 2016 attached as Enclosure 1) in respect of Policies P2, P15, P18 and P21. These representations referred 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.
46. In addition, a letter of representation dated 15th March 2019, was submitted on behalf of CCWMP in relation to the Draft Local Plan Supplementary Consultation (attached as enclosure 2). Again, this representation 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. In relation to the UK Central Hub Area, paragraphs 125-138 of our letter of the 15th of March remains relevant.
47. 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.

SLPR Draft Infrastructure Delivery Plan October 2020

48. The SLPR Draft Infrastructure Delivery Plan (IDP) 2020 is a key component of the evidence base to support the Local Plan. The IDP provides a baseline of the existing infrastructure capacity and needs in the Borough, highlighting the infrastructure requirements to support the predicted growth set out in the Local Plan. It provides a snapshot at the time of publication and states that over the plan period, infrastructure priorities may change. It is intended that the IDP will be updated at the submission stage of the Local Plan and then reviewed on an annual basis following adoption of the Local Plan.
49. Paragraph 1.3 of the IDP confirms that high quality, reliable and robust infrastructure is crucial to sustainable economic growth. The IDP is a basis of information for understanding the deliverability of proposed allocations and levels of growth and may also be used as part of the evidence base in preparing the Community Infrastructure Levy (CIL) Charging Schedule, which will be reviewed as part of the Local Plan Review.
50. The Draft IDP confirms (at paragraph 1.3 page 4), that well-informed and co-ordinated infrastructure planning plays a key role in competitiveness, unlocking growth and providing best value for investment at a local, regional and national

scale.

51. Infrastructure is defined, at section 1.5 of the Draft IDP, as including 'social' infrastructure required to enable sustainable development. The Draft IDP confirms that social infrastructure includes the requirements of the Emergency Services, including the Police.
 52. In the light of Paragraph 20 of the NPPF, which requires strategic policies to make sufficient provision for inter alia infrastructure for security, in the context of delivery mechanisms, the Draft IDP confirms at paragraph 1.8 (page 9), that new developments will be expected to meet their own infrastructure needs. Further, where new development puts pressure on social infrastructure, the Draft IDP explicitly acknowledges that provision will also have to be made for this.
 53. The inclusion of Police infrastructure in the Draft IDP (Section 4.4 pages 87-88) and the accompanying IDP Schedule (Appendix A of the IDP) is welcomed as necessary social infrastructure to meet the needs of policing the planned level of growth in the Local Plan, through contributions from developers secured through S.106 agreements relating to proposals set out in the Local Plan.
 54. As part of its evidence base to support the SLP Draft Submission Plan, the Council commissioned a Viability Study (Cushman and Wakefield Viability Study - October 2020). The Viability Study tested a contribution of £150 per unit towards Police infrastructure (page 12 of the Viability Study) and has confirmed that this level of contribution would be viable (as indicated on Page 88 of the Draft IDP). However, it is contended that in the light of the importance of ensuring safety and reducing crime and the fear of crime endorsed in national policy, the IDP Schedule should state that the provision of Police infrastructure is **essential** rather than desirable.
 55. There is also concern that the identification of police infrastructure within the definition of social infrastructure is not reflected in the overarching developer contributions and infrastructure Policy P21 of the SLP Draft Submission Plan (see section e) below).
- c) Justification for Police Infrastructure provision**
56. The Council's recognition in the Draft IDP of the need to ensure that funding is secured for Police infrastructure requirements, arising from the scale of development proposed in the Local Plan, through the mechanism of S.106 obligations, is welcomed as an acceptance in principle of the relevance and significance of such issues, in delivering sustainable and safe communities. It is maintained, however, that in order to be consistent with national policy, it is essential that the need to ensure that funding is secured to mitigate the impact of development on Police infrastructure arising from the proposed levels of growth, is expressly referred to in the policies and supporting text of the Draft Local Plan, for the following reasons.
 57. The scale of the development proposed during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and as set out below, there will clearly be a need for additional Police infrastructure. In the context of Policy P21, it is submitted that explicit reference should be made to confirm that 'social' infrastructure includes police infrastructure, as identified in the Draft IDP. As worded, the policy text omits any reference to emergency services infrastructure. There is no reference to the provisions of the IDP in the policy itself and the supporting text is silent as to the matter. The reference in paragraph 502 (page 154 of the Draft Submission Plan) to the requirements of '*other public service*

providers' fails to identify the emergency services as one of those organisations accepted to be critical to delivering the Local Plan objectives.

58. There is no reference to partnership working with the West Midlands Police in the supporting text to Policy P21 (as highlighted in our previous letter). It is important to ensure that developers are aware of the importance attached to issues of crime and safety by Solihull Council and the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.
59. The NPPF confirms that sustainable development includes securing a safe environment through the delivery of social infrastructure needed by communities. Paragraph 20(b) of the NPPF specifically states policies should deliver development that makes sufficient provision for security infrastructure.
60. Paragraph 34 of the NPPF confirms that plans should set out the contributions expected from development, which should include the levels and types of infrastructure. The SLP Draft Submission Plan fails to do so in terms of specifying what is included as social infrastructure.
61. Paragraphs 7, 16, 28, 31, 91, 95 and 127 of the NPPF collectively envisage this being delivered through joint working by all parties concerned with new developments.
62. Crime and community safety are planning considerations as the adopted SLP accepts. The NPPF identifies the need to achieve security in new development and community health and cohesion and makes provision to ensure that this is delivered through the planning system. Adequate policing is fundamental to the concept of sustainable communities.
63. The Secretary of State and Inspectors have accepted the need to support Police infrastructure through S.106 contributions in the context of S.78 appeals (see Enclosure 3: and in particular decisions relating to Land at Ashlawn Road West, Rugby– APP/E3715/W/16/3147448 paragraph 30, accepting the Inspector's conclusions at paragraphs 157 and 166 of his report; and land south of Gallows Hill/ west of Europa Way, Heathcote, Warwick- APP/T3725/A/2229398 paragraph 33, accepting the Inspector's conclusions at paragraphs 464 of his report).
64. There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions. Enclosure 4 contains examples of such plans and policies to demonstrate the need for an overarching policy in an adopted plan to secure S.106 contributions for Police infrastructure, which other local planning authorities have deemed to be necessary, rather than just desirable.
65. As an illustration, the Rugby Local Plan was adopted in June 2019 after examination and in respect of infrastructure and Implementation, Policy D3 (Enclosure 5), confirms inter alia, that '*.....permission for new development will only be granted where additional capacity can be released through new infrastructure, or better management of existing infrastructure.....Proposals should be considered in the light of the mitigation measures identified in the Infrastructure Delivery Plan*' (emphasis added).
66. The supporting text to Policy D3 states that it is essential that new development is supported by the infrastructure it needs to function and that new development does not increase pressure on existing infrastructure. '*Where development requires it the Council can require infrastructure provision as detailed in the IDP (subject to*

the tests in the NPPF), that the developer and/or landowner contributes to, as long as such requirements do not render the scheme unviable....' (emphasis added).

67. Pages 115-124 of the IDP (Appendix 3 of the Rugby Local Plan – Extracts included as Enclosure 6), highlight elements of Police infrastructure included in the IDP, including the cost of additional staff, personal equipment and Police vehicles.
68. The Inspector's Report in to the Rugby Local Plan Examination (Enclosure 7), considered whether the Plan provided the infrastructure necessary for the delivery of development in the Plan and whether its policies for delivery were justified, effective and consistent with national policy (page 76) and the Inspector concluded at paragraph 326 (page 77) that :
- "The delivery of the scale and distribution of development proposed in the Plan will be dependent on sufficient infrastructure capacity being available to mitigate its impacts. The IDP at Appendix 3 to the Plan sets out a comprehensive list of the strategic infrastructure which is required to support and mitigate these impacts....."*
69. At paragraph 327(page 78), the Inspector concluded that:
- "Policy D3 of the Plan comprises the overarching development management mechanism to ensure that planning permission will only be granted for development where capacity exists within existing infrastructure or additional capacity can be provided. MM134 and MM135 are necessary to ensure the policy is effective and justified by reference to the IDP"* (emphasis added).
70. In ***Jelson Limited v Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council*** [2016]EWHC 2979 (Admin) (attached as Enclosure 8), the High Court considered inter alia, the issue of whether an Inspector had given sufficient reasons for accepting evidence given on behalf of Leicestershire Police at an appeal under S.78 of the Town and Country Planning Act 1990, for S.106 contributions for Police infrastructure. In essence, the Inspector concluded that the contributions requested would be spent on essential equipment and services which arose *".....directly from the new households occupying the proposed development"* (see paragraph 79 of the judgment). Mr Justice Green rejected the Claimant's suggestion that the Inspector had failed to address the evidence submitted on behalf of Leicestershire Police and held that the Inspector had properly concluded in her decision that in *".....terms of causality, that there was a nexus between the expenditure and the new development.* (Paragraph 79 of the judgment).
71. In assessing the evidence Mr Justice Green concluded (at paragraph 80 of the judgment), that the data established for example, that there would be an incremental demand in relation to such matters as: calls and responses per year, an increase in annual emergency events within the proposed development, additional recorded crimes and a proportionate increase in anti-social behaviour incidents; an increase in demand for patrol cover; and an increase in the use of vehicles. Accordingly, he held that the Inspector had ample evidence before her on which to base her conclusion that S.106 contributions were in accordance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
72. Whilst it is accepted that this case concerned the issue of S.106 contributions for Police infrastructure in the context of a S.78 appeal relating to an application for development at a specific site, it was plainly accepted by the High Court that such a mechanism to fund police expenditure arising from new development, is entirely

acceptable in principle and lawful.

73. In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.
74. If additional infrastructure is not provided, the level of growth envisaged in the SLP Draft Submission Plan will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.
75. With significant levels of development growth, the demands placed on the police service increases as the local population increases. This is exacerbated by the major changes in the nature of crime and its consequent demands, particularly regarding cybercrime, child sex exploitation and terrorism.
76. As increases in local population and the number of households do not lead directly to an increase in funding from central government or local taxation, it is necessary to secure S.106 contributions/ CIL funding for infrastructure; due to the direct link between the demand for policing services and changes in the physical environment due to housing and economic growth, which have permanent impacts on policing.
77. Securing modest contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising frontline services. The consequence of no additional funding is that existing infrastructure will eventually become stretched to breaking point, putting policing under threat.
78. It is obvious that the considerable levels of growth anticipated in the SLP Draft Submission Plan will place additional and increased burdens on local services, including Police services. Future residents and/or the workforce in these areas will need to live/work in a safe environment and will need to be reassured that the Police can operate efficiently and effectively in the area.
79. To ensure that existing levels of service can be maintained as the growth takes place, developer contributions through the mechanism of S.106 obligations or CIL for Police infrastructure identified by the Police, are essential.
80. In the light of the above, it is submitted that the SLP Draft Submission Plan should make express reference to the need to mitigate the direct and additional policing impacts that the anticipated levels of growth during the plan period will generate.
81. Whilst the Draft IDP 2020 recognises the need for contributions for Police infrastructure to facilitate adequate policing arising from the levels of growth proposed in the SLP, this is not reflected in the policies of the Plan itself. The Draft IDP is part of the evidence base supporting the Local Plan and may be subject to changes as it evolves. It does not carry the weight of policy in an adopted plan unless the most up- to -date version of the IDP is referred to in a policy. In order to be effective, the IDP's references to the importance of contributions to Police infrastructure should be reflected in Policy P21 and its supporting text in the SLP Draft Submission Plan.

82. In terms of viability, the recent changes to national planning policy give greater emphasis to this issue at the plan-making stage. In accordance with the revised guidance, the Council has commissioned a Viability Report as part of the evidence base supporting the Plan. The Viability Report prepared by Cushman and Wakefield (October 2020) has assessed the viability implications of Policy P21 and contributions towards Police infrastructure. The Report concludes that the contributions towards Police infrastructure would be viable in the South of the Borough.
83. The local police Senior Leadership Team and Local Policing Unit have detailed knowledge about site specific issues in respect of crime and safety and any needs arising from the proposed additional residential and employment land allocations. Additionally, the centrally based Design Out Crime Team (DOCT) have extensive knowledge of security measures and 'Designing Out Crime'. It is formally requested that Senior Leadership Team, Local Policing Unit and DOCTs are actively involved in the preparation of the Concept Masterplans for the proposed land allocations and future detailed Design and Development Briefs as well as being engaged in policy implementation and delivery once the Solihull Local Plan Review is adopted.

c) The Joint Strategic Needs Assessment - January 2019

84. The Joint Strategic Needs Assessment (JSNA) provides key information regarding the health and wellbeing of the population in Solihull and forms part of the evidence base supporting the SLP Draft Submission Plan. The JSNA Summary highlights the key challenges facing the Borough. It underpins the Solihull Health and Wellbeing Strategy 2016-2019, which focuses on the key priorities for the area and the actions being taken to meet Solihull's health and wellbeing needs.
85. In the section 'Safer Communities', fear of crime and reported crime are identified as indicators of the perception of safety by residents in the Borough.
86. On page 89 of the JSNA, reference is made to the 'Safer Solihull Strategic Assessment' 2018 (SSS Assessment), produced by the Police and partner agencies (as part of the Community Safety Partnership responsible for producing the Community Safety Plan 2018-2021), which shows that there were 15,006 reported crimes in Solihull in the 12 months October 2016- September 2017. This equates to a rate of 70.95 per 1,000 population compared to an average of 64.9 across similar police force areas. The number of reported crimes in Solihull increased by 20% in the 12 months to September 2017 compared with the same period in 2015/16.
87. The 2018 SSS Assessment has been updated by the 'Safer Solihull Strategic Assessment' January 2019, which shows that there were 15,283 reported crimes in Solihull in the twelve months between October 2017-September 2018. This equates to a rate of 71.63 per 1,000 population.
88. The number of reported crimes in Solihull increased by 299 crimes (an increase of 2%) in the twelve months to September 2018 compared with the same period in 2016/17. This increase in reported crime can be seen across the whole of the West Midlands force and is part of a trend of rising recorded crime, evident since 2012/13. Recorded crime and anti-social behaviour are all highest in North Solihull.
89. Recorded crime increased by a similar amount in each locality area (North Solihull, West Solihull and East Solihull) in September 2017, although there were reductions in the number of anti-social behaviour incidents in North Solihull (-21%) and West Solihull (-7%).

90. Page 48 of the Safer Solihull Strategic Assessment 2019 highlights four priorities for its new three year Community Safety Strategy 2018-2021. They are:
- Better protecting people from harm
 - Bringing offenders to justice and tackle reoffending
 - Supporting stronger communities
 - Making our neighbourhoods safer places.
91. The Safer Solihull Strategic Assessment 2019 also highlights safety issues that can be predicted to occur within the Borough and its key findings include:
- total recorded crime has seen a 2% increase compared to the previous period captured in the 2018 Partnership Strategic Assessment (October 2016-September 2017). Based on the past 3 years of data, trajectories indicate that this trend is likely to increase at a steady rate. Large increases have been seen in harassment, residential burglary, common assault and domestic violence, with notable decreases in thefts from vehicles. Theft of motor vehicles is up by 3%. Solihull has seen decreases in most serious violence, gun and knife crime.
 - anti-social behaviour decreased but public safety and welfare incidents increased.
 - Chelmsley Wood, St Alphege and Kingshurst and Fordbridge (police neighbourhoods) were disproportionately affected by crime with Chelmsley Wood 1.5 times above the average crime per ward in Solihull. Bickenhill however, has the highest Crime Severity score (this area includes the NEC and Birmingham International Airport).
 - although Solihull is ranked second 'safest' in amongst other Community Safety Partnerships in the West Midlands area, when comparing Solihull to 'Most Similar Groups', it stands above average for the number of crimes per 1,000 population.
92. Whilst Solihull as a Borough is amongst the 'least' deprived 35% of local authorities in the country (Index of Multiple Deprivation), it contains a large degree of inequality within a relatively small geographical area (noted as a risk factor for violence on page 15 of the 2019 Safer Solihull Strategic Assessment). In terms of locality demand, calls for service to West Midlands police were highest in the east locality area (Birmingham International Airport) and north locality area (Chelmsley Wood).
93. In terms of a breakdown of crimes, the Safer Solihull Strategic Assessment 2019 demonstrates (page 62) that serious acquisitive crime has risen, which is a trend reflected in the force area and nationwide. Solihull was the top of its 'Most Similar Group' for burglary, robbery and vehicle crime. Table 1 (page 10/11) of the 2019 SSS Assessment discloses an increase in burglary by 22%; an increase in fear /provocation of violence by 37%; an increase in domestic violence by 25%; an increase in common assault by 28% and an increase in harassment by 127%.
94. Figure 1 (page 11) of the 2019 SSS Assessment shows that in terms of crime trends, significant increases in crime are shown in the three-year and five-year trajectories.
95. The 2019 SSS Assessment also provides a brief overview of the development opportunities and threats that they may pose (pages 70-71). As an illustration, in terms of threats, the Assessment identifies the following:
- HS2 – An increase of foot-flow means, there will be an increase in crimes such

as theft and vehicle offences.

- Housing Strategies – The plan to build housing will attract people to the area to live and work, in turn boosting the economy. During the construction phase, construction site business models involve multiple levels of subcontracting which creates a loss of visibility, creating the perfect environment for modern slavery and exploitation to thrive. Construction sites also lend themselves to being hotspots for crime such as theft from motor vehicles (i.e tools). Once completed, the new housing developments may contribute to a rise in burglaries.

96. Notwithstanding the detailed information available in the documents referred to above, in particular the Safer Solihull Strategic Assessment 2019, the JSNA is limited in its scope in relation to safer communities and does not set out an accurate picture in terms of the levels or types of crime in the Borough and the predicted increase. It is not therefore proportionate evidence in support of the SLP Review as it fails to reflect a reliable picture.

97. The JSNA highlights preventing ‘Domestic Abuse’ as one of the priorities for Solihull without identifying the need to prioritise other areas of crime. In this respect, it is contended that the JSNA is too narrow in its focus and fails to portray the full, accurate picture of existing and future crime levels. It should reflect the key findings of the Solihull Strategic Assessment 2019 in greater detail by identifying the existing crime statistics and trends in order to better reflect pressures on frontline police services and the opportunities and threats that the proposed housing and economic growth in the Borough represents.

98. In addition, by failing to refer to the consequential impact of the proposed levels of development set out in the SLP Review in terms of necessary Police infrastructure, the JSNA is deficient in material respects and does not comply with paragraph 35 (b) of the NPPF. There is a concern that important strategic growth decisions are being made without due consideration of the factual, detailed background or the future infrastructure implications.

d) Costs of policing the proposed levels of growth

Summary

99. During the plan period 2020 to 2036 for **Solihull Borough as a whole**, using the housing requirement of 15,017 set out in the Solihull Local Plan – Draft Submission Plan (SLP) consultation document, there would be a requirement for:

- Approximately 93 additional Police Officers and 6 additional Police Community Support Officers (PCSOs) plus 51 additional Police support staff but these have not, as yet, been costed. This would result in a funding gap of approximately £506,118 for training; £348,606 start-up costs and £700,693.22 towards patrol vehicles.
- **Total need for contributions is therefore a minimum of £1,555,417.22 i.e. at least £103.58 per dwelling based upon the current costs information.**

Details

Existing Policing within the West Midlands

100. Representations have previously been submitted to the Council, based upon the

most recent information previously made available to us (i.e. 2018 figures). The current existing staff resource for WMP (based upon up to date 2020 figures) are as follows:

- Police Officers 7,122
- Police Staff 3,900
- PCSOs 476
- Total 11,498

101. At the local level, within Solihull Borough, the FTE staffing levels, as of 2020, can be broken down as listed below. This proportionally equates to 7.9% of the overall force staff:

- Police Officers 563
- Police Staff 308
- PCSOs 38
- Total** **909**

102. The origins of the 7.9% proportional figure emanate from the ONS household projections from 2018 to 2020, as set out in the following table. This indicates that, in terms of numbers of households, Solihull amounts to approximately 7.9% of the overall West Midlands household figures.

	2018	2019	2020
Birmingham	422,460	423,870	425,157
Coventry	144,851	147,042	149,178
Dudley	133,541	134,432	135,129
Sandwell	126,246	127,137	127,869
Solihull	89,735 (7.9%)	90,453 (7.9%)	91,050 (7.9%)
Walsall	111,874	112,676	113,340
Wolverhampton	105,611	106,401	107,055
West Midlands Total	1,134,318	1,114,011	1,148,778

103. The WMP vehicle fleet is significant and made up of a wide variety of marked and unmarked vehicles, to serve the requirements of the Force. Typically, patrol and response vehicles have an active 4-year life of provision, due to the demands placed upon the vehicles. Other vehicles having a life of provision up to 8-years. The condition of vehicles at the end of their Police life varies, however, WMP forecast that they will redeem, on average, just 5% of the vehicles original value at the point of disposal.

104. The current WMP capital budget for their fleet in 2020 is £6.7M. It is acknowledged that this is a significant increase upon the previous budget figure provided and can confirm that this increase is due to several factors, including : Officer uplift and associated additional vehicle needs; timely replacement of old vehicles; and vehicle price increases. This current 2020 budget figure for the WMP fleet equates to £5.83 per household, per year or £23.33 per 4 year-life of provision (£46.66 per 8-year of life provision).

105. Such a basis for costing has been successfully used by other Police Forces elsewhere in England in requesting S106 contributions. This approach has stood-up to robust examination and scrutiny by the Secretary of State and the Planning

Inspectorate through various planning appeal decisions.

106. More detailed infrastructure costs for Officers, as well as support staff are set out below and reflect the 2020 WMP figures:

Policing infrastructure Start-Up Costs

	Officer	PCSO	Staff
Police uniform for new recruit	£918	£918	£88
Airwave radio terminal	£769	£769	
Mobility device	£625	£625	£250
Body Worn Video	£200	£200	
<u>Mirabook</u> (converts phone to laptop)	£320	£200	
Laptop			£1,000
TOTAL	£2,832	£2,832	£1,338

107. The above costs include additional equipment not previously identified in our earlier submissions, however, such items have been consistently and routinely required by, and provided to, new recruits over recent years and form an identifiable and quantifiable item for inclusion on the overall costs breakdown.

108. Due to a new national training package, which is to be introduced imminently, current training costs could not be relied upon as they would not be relevant. However, WMP have estimated at a training cost figure of £5,000 per Officer and PCSO. Such training costs would be of direct relevance, in our submission, and a more definitive figure will be provided at the earliest opportunity. However, for the purposes of this submission we are relying on the estimated figure above. Additionally, the training costs for Support Staff are £218 per support staff member.

Existing Crime Statistics from WMP

109. In 2019, the total number of recorded Police incidents (i.e. those occasions when WMP were called upon to deploy 1 or more Officer(s) to an incident) was 911,466 for the entire force area. The actual number of crimes recorded, resulting from these incidents, was 260,873 crimes (which equates to 0.8 incidents/0.23 crimes per household, across the entire WMP force area).

110. In terms of the location of the residential development allocations proposed in the emerging Solihull Local Plan Review, based upon the WMP records the number of Police incidents within the Solihull area in 2019 was 42,798, resulting in 16,020 recorded crimes (equating to 0.47 incidents/0.18 crimes per existing households). As a reference a breakdown of the types and severity of crimes being committed, and so-called “emerging crimes” can be found within the ‘Safer Solihull Strategic Assessment 2018’ (SSSA).

111. The SSSA 2018 states that total recorded crime has seen a 20% increase, compared to the previous period captured in the 2016 Partnership Strategic Assessment (October 2015-September 2016). Based on the past 3 years of data, trajectories indicate that this trend is likely to increase at a steady rate, with the 5-year trajectory forecasting that crime will level off. In this regard, the 'Safer Solihull Strategic Assessment' January 2019, shows that there were 15,283 reported crimes in Solihull in the twelve months between October 2017-September 2018. This equates to a rate of 71.63 per 1,000 population. Large increases have been seen in theft of motor vehicles, whilst notable decreases have been seen in drug offences. Vehicle crime accounted for over a fifth of all offences. Anti-social behaviour increased, as did public safety and welfare incidents, overall demand arising from these incidents increased by around 4%.
112. The SSSA 2018 indicates that compared to Solihull's Most Similar Groups (out of 15), the Borough has the worst rates for robbery (person), vehicle crime and theft. Solihull's sexual offences rate was lower than all other Most Similar Group Areas.
113. Figure 7 (page 9) of the SSSA 2018 deals with 'Crime Proportionality' in Solihull and summarises the break-down of 'Total Recorded Crime' for the last year. It demonstrates that theft and handling offences have consistently been the highest contributor to overall crime over the last few years, with its contribution remaining steady over the last three years (at around 44%). Burglary offences have risen year- on-year over the last three years. Violence has remained stable as a proportion of total crime. Domestic Abuse offences accounted for 7.8% of all crime. Hate Crime and Vulnerable Adult Referrals both accounted for less than 1% of all crime.
114. The 2018 Assessment also provides a brief overview of the development opportunities and threats that they may pose (pages 35-39). As an illustration, in terms of threats, the assessment identifies the following:
- HS2 – As with many developments that increase the foot-flow of the public, there will be an increase in crimes, in particular theft. During construction stages, there will be the target of tools from vehicles and metal theft. Once HS2 is completed, there is elevated risk for criminal damage and theft from person.
 - Housing Strategies – With the need for new housing, comes the need for construction sites. They often involve multiple levels of subcontracting which creates a loss of visibility, creating an environment in which modern-day slavery and exploitation can thrive. Construction sites are also a hotspot for crimes such as theft from motor vehicles (i.e. tools) and metal theft. Once the housing is completed, there is the potential for increase in crimes and incidents that are commonly seen in neighbourhoods such as burglaries, anti-social behaviour and vehicle crime.
115. A summary of the trends is provided in the "Solihull Community Safety Partnership Community Safety Strategy 2018 - 2021" which can be viewed via the web link below:
- <https://www.solihull.gov.uk/Portals/0/StrategiesPlansPolicies/Community-Safety-Strategy.pdf>

Applying a proportional factor to the Crime Statistics for Solihull MBC area

116. On the basis of the above statistics, in terms the proposed residential expansion within Solihull MBC area as a whole, (i.e. a minimum of 15,017 new homes

between 2020 and 2036) and the aforementioned incidents/crimes per household, the following proportional factor can be applied and use to predict the potential additional incidents/crimes which would be likely to occur within a calendar year upon completion of the development.

117. With a household figure of 89,743 for the Solihull area (based upon the 2018 ONS figures) having increased to 91,050 (2020 ONS figures), the proposed increase in the number of homes would equate to a 16.5% increase in households during the plan period.
118. We note that the Council relies on differing, but similar, household figures within the SLP (at paragraphs 155 and 220). Notwithstanding this differing baseline figures, the 16.5% increase in households figure remains applicable, as illustrated in the table below. This represents a steep increase when compared to the increase in households between 2011 and 2018, which was only 4% based on the ONS statistics. It is submitted that this represents an increase which is likely to have a significant impact on the need for additional Police infrastructure.
119. If the same proposed 16.5% percentage increase in households is applied to the Crime Statistics outlined above, the predicted proportional incidents/crimes likely to occur within a calendar year are set out in the following table.

Existing Statistics for Solihull area of WMP force area	ONS 2020 figure (with Council's figure as per para 220 of SLP in brackets)	Proposed no. of new homes over the plan period (202-2036)	Predicted statistics applying 16.5% factor to give the approximate increase in crime
No. of Households:			
1. ONS Figure	91,050	15,017 (+16.49%)	
2. Council Figure (para 155)	91,059	15,017 (+16.49%)	
3. Council Figure (para 220)	90,937	15,017 (+16.51%)	
		Assume 16.5% for calculations	
No. of Incidents (2019)	42,798		+7,062 = 49,860
No. of Crimes (2019)	16,020		+2,643 = 18,663

120. As previously indicated, if the above referenced 2020 ONS prediction of 91,050 households for the Solihull area are taken as a percentage of overall WMP area (1,148,778) that equates to 7.9%. Applying this figure proportionally, the following calculation indicates the level of staff required:

Existing WMP Force Area	Solihull Area Coverage (7.9%)	Apply 16.5% hh increase
Police Officers	7122	563
Police Staff	3900	308
PCSOs	476	38

121. On the basis of the above, therefore, proportionally development of 15,017 new homes would attract an additional policing demand of 150 staff (of which 93 would be Police Officers and 6 would be PCSOs, with 51 Police Support Staff).
122. The existing demands upon the police service within the Solihull area have been identified and applied proportionally to forecast the impact of, and demands arising from, the proposed scale of residential development over the plan period.
123. Including costs associated with additional support staff as well as Officers and PCSOs, it is estimated that S106/CIL contributions will be required, which total approximately **£1,555,417.22 (i.e. £103.58 per dwelling)** made up of the following:
- Training costs @ an estimated £5,000 per Officer/PCSO = **£495,000**
 - Training costs @ an estimated £218 per Support Staff = **£11,118**
 - Start-Up costs @ £2,832 per Officer/PCSO,(to include Uniform, Airwave radio terminal and mobility device, etc) = **£280,368**
 - Start-Up costs @ £1,338 per Support Staff = **£68,238**
 - Patrol vehicles @ £46.66 per household (for 8 year of life provision) = **£700,693.22**
124. It is important to note that the figures included within this representation relate only to the impact of the projected increase in households as a result of projected residential development.
125. Based on the WMP financial figures currently available, (which would need to be Index Linked to be responsive to changes in economic conditions), the headline infrastructure contributions required are duly summarised above.
- e). Is Policy P21 of the SLP Draft Submission Plan sound?**
126. The recognition in Policy P21 that major development will be expected to provide or contribute towards provision of 'social' infrastructure to support the needs associated with development is supported and welcomed and the fact that it confirms that the Council will, where appropriate, seek to secure site-specific, mitigation measures through planning obligations or CIL payments. However, it is submitted that, as worded, Policy P21 **is unsound** as it is not effective and is inconsistent with national policy as set out in paragraph 34 of the NPPF. The term 'social' infrastructure is not defined in the Policy itself, nor in the supporting explanatory text. Policy P21 makes no reference to the Draft Infrastructure Delivery Plan and Police infrastructure is not identified as being included within the term 'social' infrastructure within the Draft Submission Plan. Accordingly, insufficient policy weight has been given to the provision of essential Police infrastructure and it is **submitted that Policy P21 is unsound.**
127. Paragraph 004 Reference ID: 23b-004-20190901 of the PPG states that policy requirements for planning obligations should be **clear**.
128. As highlighted in section b) above, there is a compelling justification for requiring contributions through the mechanism of S.106 obligations or CIL payments for Police infrastructure. It is submitted that it is imperative that in order to achieve the national policy objective of promoting safe and secure communities, the SLP should contain a policy which expressly confirms that social infrastructure includes Police infrastructure.
129. The failure to identify what is included in 'social' infrastructure in paragraph 1 of

Policy P21 or to make explicit reference to the IDP as providing the basis on which infrastructure contributions will be required is contrary to the PPG requirement that policies relating to infrastructure should be clear. The omission of an express reference to Police infrastructure as a relevant consideration in the context of the overarching policy relating to developer contributions and infrastructure provision means that there is no clear policy for this type of infrastructure in the SLP. **Policy P21 is therefore inconsistent with national policy and is unsound.**

130. Further, Policy P21 paragraph 7, fails to identify West Midlands Police as infrastructure providers. Whilst paragraph 7 of Policy P21 states that the council will work in partnership with other delivery agencies in updating the IDP, and the policy is silent as to whether West Midlands Police would be included.
131. It is contended that in terms of the justification for Policy P21, there are also significant omissions. Paragraph 481 of the supporting text, which is, of course, explanatory and does not carry the weight of policy, fails to identify that Police infrastructure is included in the term 'social' infrastructure. Whilst examples are given by reference to '*health care, open spaces, community facilities etc.*', emergency services, in particular the Police, are not referred to as falling within the definition of social infrastructure.
132. Paragraph 482 of the supporting text to Policy P21, which is explanatory and does not carry the weight of policy, also fails to identify that Police infrastructure is relevant in the context of developer contributions.
133. Whilst the supporting text makes reference at paragraph 483 to the Infrastructure Schedule of the IDP, again there is no specific reference to the requirement contributions to Police infrastructure.
134. Paragraph 484 of the supporting text states that new development will be expected to meet its own physical infrastructure needs and confirms that where proposals result in pressure on inter alia, social infrastructure or creates a need for community facilities or open space, these will be secured through developer contributions. There is no reference in the supporting text to Policy P21 for the need to provide contributions to Police infrastructure.
135. Despite the reference in paragraph 485 to the fact that site policies for each of the allocations set out the likely infrastructure requirements for each of the sites that the Council has identified in the SLP, it is of significant concern that none of the site specific policies include reference to the need for contributions for Police infrastructure. The objection to the omission of an explicit reference to the requirement to maintain Police infrastructure in the proposed site allocation policies is set out in more detail within site specific representations, which form part of the Police representations on the SLP Draft Submission Plan
136. Whilst paragraph 502 of the supporting text states that the Council has considered the requirements of other public service providers in preparing the Local Plan and acknowledges that many of these services will be critical to delivering the Local Plan objectives, there is no reference to Police infrastructure or those matters set out in the IDP.
137. In our view there should be express reference to the need for financial contributions towards the additional expenditure burden placed on West Midlands Police, as a consequence of the proposed planned growth. The absence of positive references within the Local Plan to the need to provide Police infrastructure undermines the delivery of safe and secure development.

138. The inclusion of Police infrastructure as 'social infrastructure in the Draft IDP, does not address the fact that the policies of the Draft SLP omit reference to this important type of infrastructure. The Draft IDP is a document which will evolve and will be subject to change during the lifetime of the SLP. Accordingly, the priorities identified within it may be subject to change. It is important that there should be consistency between the IDP and the SLP. There should be a clear policy mechanism in the SLP for achieving what the IDP states in terms of securing Police infrastructure contributions. Policy P21 should therefore make explicit reference to the need for Police infrastructure contributions. Without such reference, it is submitted that the policy is inconsistent with national policy and is **unsound**.

Infrastructure and Implementation

139. It is formally requested that the Police are included within any list of bodies the Council intend to work in partnership with to ensure that essential infrastructure is delivered. In order to ensure appropriate infrastructure is provided at the appropriate time throughout the Borough, it is considered that it is vital that there is timely and effective engagement of the Police. This is imperative to ensure effective delivery of infrastructure projects required as a result of development growth with formal recognition that the police are a social infrastructure delivery agency.

Conclusions

140. 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.
141. 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.
142. In order to sustain the level of growth proposed in the Solihull Local Plan Review and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.
143. The Solihull Local Plan Draft Submission Plan should make provision to mitigate the direct and additional policing impact that the anticipated growth will create to ensure sustainable development objectives enshrined in national and local policy are achieved.
144. The Safer Solihull Strategic Assessments 2018 and 2019 highlight safety issues that can be predicted to occur within the Borough and discloses that recorded crime has increased by 20% since 2016 and based on previous data, this trend is likely to continue. Solihull is the top of its most similar groups for burglary, robbery and vehicle crime, with highest crime severity in North Solihull and Bickenhill. The Assessment also provides an overview of the threats and opportunities arising from the scale of development proposed in the Review Local Plan. The JSNA fails to prioritise all areas of crime adequately and is narrow in scope by focusing on

domestic abuse rather than reflecting the findings of the Solihull Strategic Assessment 2018 and to that extent is not proportionate in the context of the evidence base underpinning the Local plan Review.

145. In terms of Policy P21, 'developer Contributions and Infrastructure Provision', it is contended that it should make express reference to the fact that 'social infrastructure relates to emergency services infrastructure, including Police infrastructure. In addition, the supporting explanatory paragraphs to Policy P21 should reflect that the Infrastructure Delivery Plan includes Police infrastructure within paragraphs 481, 484 and 502. Without the modifications suggested, Policy P21 as worded in the Draft Submission Plan, is inconsistent with paragraph 34 of the NNPF and is **unsound**.
146. In addition, it is formally requested that the Police are actively engaged with on an on-going basis in the future reviews of the IDP to ensure that the evolving needs of policing are kept up-to-date and are taken into consideration.
147. 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 and policy implementation.

Enclosures

- Enclosure 1: Solihull Local Plan Review Letter of representation Dated 14/12/2016
- Enclosure 2: Solihull Local Plan Review Letter of representation Dated 15/03/2019
- Enclosure 3: (a) & (b): Appeal Decisions Supporting Police Contributions
- Enclosure 4: Policies in LA Areas Relating to Police
- Enclosure 5: Rugby Local Plan Policy D3
- Enclosure 6: Rugby Infrastructure Delivery Plan
- Enclosure 7: Rugby Inspectors Report
- Enclosure 8: Jelson Judgement

(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.

148. The following modifications are proposed to Policy P21 and its supporting text (additions in bold):

'Policy P21 Developer Contributions and Infrastructure Provision

1. *Major Development will be expected to provide, or contribute towards provision of:*

- i. *Measures to directly mitigate its impact and make it acceptable in planning terms*
- ii. *Physical, social, green and digital infrastructure to support the needs associated with the development as identified in the Infrastructure Delivery Plan. Social infrastructure includes emergency services infrastructure.*

.....

7. *The Council will work in partnership with infrastructure providers, including those identified in the Infrastructure Delivery Plan.'*

149. In terms of the supporting text, the CCWMP suggests the following modifications (additions in bold):

Paragraph 481:

*'Planning for infrastructure is an essential element in delivering the local plan. Infrastructure in this sense is not just the physical infrastructure such as roads and pipes, but also the social, green and digital infrastructure (e.g. health care, open spaces, community facilities, **emergency services infrastructure** etc.) required to enable sustainable development'.*

Paragraph 484:

*'New development will be expected to meet its own physical infrastructure needs, such as on-site provision of utilities or a new road junction to access a site. Where new development puts pressure on social or green infrastructure, or creates a need, e.g. for new community facilities, open space **or on the emergency services, including the Police**, then provision will also have to be made for these.....'*

Paragraph 502

*'In preparing the Local Plan, the Council has considered the requirements of other public service providers, **including the emergency services**. Delivering many of these services will be critical to delivering the Local Plan objectives. The Council will work with these service providers in delivering the Local Plan **in accordance with infrastructure contributions set out in the Infrastructure Delivery Plan'**.*

(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