
Name or Organisation: Police & Crime Commissioner for West Midlands

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

Paragraph Policy

4. Do you consider the Local Plan Review is:

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(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 Review 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 Review or its compliance with the duty to co-operate, please also use this box to set out your comments.

The PCCWM made the following representation to the Regulation 18 consultation:

*“Whilst the PCCWM supports the encouragement of high-quality design in the City, he **objects** to the lack of specific reference in Policy DE1 to recognising that good design can have a role in reducing opportunities for crime. Given this is the key policy on design in the Local Plan, it makes no reference to designing to reduce fear of crime, anti-social behaviour or promoting design that discourages crime or to securing high-quality design in all developments by, inter alia, requiring achievement of Secured by Design, Park Mark or other such initiatives, to achieve the environmental and social benefits of reduced crime and fear of crime. This is a significant omission.*

It is noted that proposed Policy DE1 in the Issues and Options contains reference to other matters that are already covered by other policies in the Local Plan, e.g. heritage, biodiversity etc. Given the proven link between design and crime, it is considered wholly appropriate that similar reference is made in a revised Policy DE1, in the bullets under an amended point 3.”

Whilst the Consultation Statement does not make reference to this representation, nevertheless the PCCWM is pleased to note that his representations are reflected in the reasoned justification for the policy and includes reference to these matters, notably at paragraphs 10.2 and 10.6:

10.2 In all cases well designed, safe and well-maintained streets and public spaces can help encourage walking and cycling and can reduce anti-social behaviour and crime including the perception and fear of crime for all in the community.

10.6 Policy DE1 requires development proposals to create safe and attractive streets and public spaces, which reduce crime and the fear of crime. As well as considering the impact of development proposals on public safety and the incidences of anti-social behaviour, the reference to safety in the Policy also relates to creating buildings and places that are better protected from terrorist attack, this reflects the Government's strategy for countering terrorism.

This is reflected in part 5 of Policy DE1 that expects all development to meet certain key principles, including:

- g. provide attractive, safe, uncluttered, active and easily identifiable, high quality public spaces;
- h. consider the safety and security of new and existing users, showing how these considerations have informed the design process;
- u. Provide safe, secure, convenient and accessible provision for cycle parking and storage, facilities for waste management, recycling and collection in a manner that is appropriately integrated within the overall development;

Whilst the PCCWM largely supports Policy DE1, nevertheless he suggests that it should be strengthened under Paragraph 5 to make specific reference to measures to reduce crime, the fear of crime and anti-social behaviour (See Q6 below).

6. Please set out the modification(s) you consider necessary to make the Local Plan Review 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 Review 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.

For the above reasons, the PCCWM considers that there is a case for Policy DE1 to be strengthened under Paragraph 5 to make specific reference to measures to reduce crime, the fear of crime and anti-social behaviour to read:

- g. provide attractive, safe, uncluttered, active and easily identifiable, high quality public spaces;
- h. consider the safety and security of new and existing users, showing how these considerations have informed the design process **and should also include a maintenance plan to reduce crime, the fear of crime and anti-social behaviour on an ongoing basis. Developers will be encouraged to seek advice from Design Out Crime Officers where appropriate;**
- u. Provide safe, secure, convenient and accessible provision for cycle parking and storage **that will be required to integrate 'Secured by Design' and 'Park Mark principles,** facilities for waste management, recycling and collection in a manner that is appropriately integrated within the overall development;

In addition, a further Paragraph 8 could be added to the Policy to read:

8. **All proposals should also include a maintenance plan to reduce crime, the fear of crime and anti-social behaviour on an ongoing basis.**

(Suggested changes in bold and underlined).

In particular, the inclusion of new sub-paragraph 8, above, would go some way to assuage the concerns of the PCCWM regarding the omission of similar measures to reduce crime, the fear of crime and anti-social behaviour from policies DS3, H7, H10, H13, R2, R5, and R6, the omission of an evening economy policy and a specific policy reference to Gambling and Alternative Financial Services as set out in the corresponding representations, and with respect to policies AC1, AC4, AC5 and AC6 (see corresponding representations).

Without the suggested additional text and further sub-paragraph to Policy DE1, the PCCWM raises an **OBJECTION**.

Alternatively, but less preferable, the reasoned justification and policy could be amended to read:

- 10.2 In all cases well designed, safe and well-maintained streets and public spaces can help encourage walking and cycling and can reduce anti-social behaviour and crime including the perception and fear of crime for all in the community. **Developers will be encouraged to seek advice from Design Out Crime**

Officers where appropriate.

- 10.6 Policy DE1 requires development proposals to create safe and attractive streets and public spaces, which reduce crime and the fear of crime **and developers will be encouraged to seek advice from Design Out Crime Officers where appropriate.** As well as considering the impact of development proposals on public safety and the incidences of anti-social behaviour, the reference to safety in the Policy also relates to creating buildings and places that are better protected from terrorist attack, this reflects the Government's strategy for countering terrorism.

(Suggested changes in bold and underlined).

7. To which part of the Sustainability Appraisal (SA) report does this representation relate?

Paragraph

N/A

Please add any further comments relating to the SA report in the box below

8. 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)

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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.

9. 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, and to further assist the Inspector with regard the case made by PCCWM regarding Policy DE1.

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.