

Our ref: 8978 DLPR19 PCCWM response 29 November 2024 DC

Planning Policy Team
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29th November 2024

Dear Sir/ Madam,

Dudley Local Plan 2024-2041 Publication (Regulation 19) Version: Representations made on behalf of the Police and Crime Commissioner for the West Midlands

Introduction

The Tyler Parkes Partnership Ltd acts for the Police and Crime Commissioner for the West Midlands (PCCWM) and is instructed to make representations on local development documents on behalf of West Midlands Police (WMP) in respect of securing appropriate policy reference in such documents to a range of 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 with 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, including in relation to Secured by Design and engagement with Design Out Crime Officers, as well as Park Mark; and
- Ensuring the timely and effective engagement of the police in relation to Counter Terrorism matters, e.g. Counter Terrorism Security Advisors can give appropriate advice concerning vehicle-borne Improvised Explosive Devices (VBD) and Person-Borne Improvised Explosive Devices (PBIED) mitigation and the Crowded Place agenda (particularly in relation to shopping areas and the night-time economy).

The PCCWM welcomes the opportunity to participate in the current consultation, and these representations build on those made previously, in particular to the Draft Dudley Local Plan (Regulation 18) in December 2023. These representations should be read in conjunction with those made previously.

At the outset, the PCCWM recognises that the Council has acknowledged his previous representations made at the Regulation 18 consultation stage; however some objections to the Regulation 19 plan do remain and these are set out below. **As such, the PCCWM considers that the Local Plan (Publication Version) is UNSOUND.**

The PCCWM looks forward to working pro-actively with the Council as the plan moves forward. The observations are structured as follows, with the order of the points made matching that of the consultation documents, chapter by chapter:

- Introductory observations on the emerging plan
- Detailed comments on Part One of the Local Plan
- Detailed comments on Part Two of the Local Plan
- Glossary
- Comments on the Evidence Base:
 - (i) Viability, S106 and Community Infrastructure Levy (CIL)
 - (ii) Sustainability Appraisal of the Local Plan

INTRODUCTORY OBSERVATIONS

Incidents of crime are a characteristic of urban living, and it is an unfortunate fact that an increase in the resident population of an area is likely to see a consequential increase in the relative levels of crime taking place. Detailed, up-to-date, statistics on the levels and distribution of crime across the West Midlands area are available online. This data could provide a usual monitoring resource for the Council. It could also be used to provide a brief summary of the incidence of crime in the Profile of the Borough if that was considered appropriate.

To assist, however, the PCCWM provides the below figures based upon WMP data collection Office of National Statistics (ONS) household statistics, and which summarises levels of crime within Dudley for the last full calendar year, 2023.

Table: Crime Statistics from 2023 (full calendar year)

	Households	Calls for Service	Offences	Calls for service per household	Offences per household
West Midlands	1,170,711	770,335	340,094	0.66	0.29
Dudley	137,261	61,895	27,961	0.45	0.20

The proposals in the emerging local plan for the provision of 10,470 new dwellings represent an increase of around 7.6% over the number of homes in the Borough. Recent announcements by the new Government suggest an increase of 143% in the level of housing provision (rising from 657 dwellings per annum to 1,594 dwellings per annum). A consequential increase in population will inevitably result an unfortunate increase in crime levels. Recent statistics show levels of offending in Dudley Borough 12% higher than the national rate for England as a whole ([Dudley Crime and Safety Statistics | CrimeRate](#)). It therefore follows that:

- The demands placed on the police service are likely to rise as the local population increases.
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cyber-related crime and terrorism.
- Significant additional resources will be required to meet the Policing requirements from the rising population. This is likely to include not only start-up and training costs of new officers and support staff, but also supporting equipment and infrastructure.
- As Dudley’s population increases, there is an urgent need to ensure that new development and growth is supported by adequate policing infrastructure, in the interest of creating sustainable communities.

Table: Predicted Crime Statistics

Existing Statistics for Dudley (2023)		Predicted additional incidents/offences based upon 10,470 new homes 7.6% increase
No. of Households	137,261	10,470
No. of Calls for service	61,895	4,704
No. of Offences	27,961	2,125

It is also widely appreciated that the careful design of new developments and works to the public realm can help reduce the amount of additional crime generated as the population grows by employing 'Secured by Design' principles. The adoption of 'Park Mark' principles can further act as a deterrence to crime. WMP wishes to work on a continuing basis with the Council and other stakeholders involved in the development process to ensure that Secured by Design principles are integral to new development and investment. To this end WMP employs dedicated Design Out Crime Officers whose role is to provide such advice to emerging developments on an ongoing basis.

The PCCWM 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.

The PCCWM requests that in accordance with national planning policy, the theme of community safety and crime prevention is given prominence in the Dudley Local Plan, with appropriate references being included as set out in the following detailed comments.

Additionally, and especially in and around the major facilities and infrastructure present in the city ensuring the timely and effective engagement of the Police in relation to Counter-Terrorism matters, e.g. Counter Terrorism Security Advisors, is crucial.

DETAILED COMMENTS ON PART ONE OF THE REGULATION 19 VERSION OF THE LOCAL PLAN

Chapter 1: Introduction

Paragraph 1.4

The PCCWM **supports** the addition of a new 5th bullet point into paragraph 1.4. which reads:

“create safe, welcoming, and high-quality accessible places, which are design to encourage positive public interactions and minimise antisocial behaviour”

This addition responds to specific representations made to the Regulation 18 consultation by the PCCWM and sets an important tenor for the plan a whole.

Chapter 3: Context of the Local Plan

National Context

Paragraph 3.2

In relation to Paragraph 3.2, the PCCWM made the following representation to the Regulation 18 consultation:

“ could usefully have an additional bullet making reference to healthy, secure and safe living environments. The PCCWM requests this is added as it would demonstrate commitment to the importance of these matters to the built environment. [Objection]”

The Consultation Statement acknowledges this representation and suggests an amendment has been made to the plan adding a new bullet point to (an incorrectly numbered paragraph 1.4). This appears to be a drafting error and the PCCWM requests this should be re-examined. Pending this re-examination the PCCWM **objects** to this omission and requests the addition of a further bullet point to paragraph 3.2 making reference to, **“healthy, secure and safe living environments”**.

Local Context

Paragraph 3.17

The PCCWM **welcomes and supports** the Borough’s Vision to 2030 as set out in paragraph 3.17 and, in particular, the 3rd point which reads:

“A place of healthy, resilient, safe communities where people have high aspirations and the ability to shape their own future”.

This is an important provision which strikes a chord with all of the PCCWM’s other representations throughout this consultation response.

Sustainability Appraisal

Paragraph 3.39

The PCCWM's representations effectively deal with the social implications of sustainability. It is noted that paragraph 3.39 states, "A Sustainability Appraisal (SA) is a statutory requirement, which ensures that the environmental, social and economic effects of a plan .."

However, it is noted that the SA's objectives are materially different to the objectives and strategic priorities of the Local Plan and appear to focus on the environmental arm of sustainable development. If this interpretation is correct, then it implies that social and economic matters (including those of the PCCWM and those of others) receive lesser priority in the assessment process because of its focus on environmental considerations.

Table 3.2 Homes and Communities – Issues and Challenges

The PCCWM raised several matters in relation to Table 3.2 in his Regulation 18 response. While the PCCWM appreciates that it is difficult to encapsulate all of the issues in the analysis, it is felt that the various entries in this table that relate to design quality and infrastructure do tend to gloss over the importance of providing a secure and safe living environment. Additionally, there is no reference to policing, yet all other public services and infrastructure providers do appear to have been picked up.

The PCCWM therefore reiterates his concerns where appropriate references might be made under the following issues. In each case the suggested changes are set out in bold and underlined with any deletions highlighted by a strikethrough.

- Page 43 – The PCCWM **objects** to the omission of necessary text. Amend the issue to read, "Delivering homes of a high-quality, **safe and secure** design that reflect the character and distinctiveness of the borough" and the proposed policy to, 'Design is an overarching concept which interacts directly or indirectly with all other aspects of the plan. Strategic design policies in the DLP aim to form the foundations on which to build future detail and ensure that development is located and designed to create **safe and secure** places for all residents in future".
- Page 44 – The PCCWM **objects** and requests amendments. Under the issues, "Ensuring access to local services and supporting infrastructure" and "Balancing growth across communities by ensuring that local services and facilities continue to thrive", under column 3 in both entries, amend second bullet to:
 - Liaison with health, **West Midlands Police** and education providers'.

- Page 45 – The PCCWM **objects** and requests amendments. In relation to the issue, “Addressing the health and wellbeing of residents and inequalities across the borough”, under the proposed policy approach, ‘The Plan recognises the important role that spatial planning has in the creation of healthy, safe, **secure** and inclusive communities and that the places that we live in have a fundamental impact on **health** quality of life. Many of the policies of the Plan will have an impact on these matters, so it is important that community needs are supported through the provision of appropriate physical and social infrastructure and the built and natural environment, including the public realm, allows for and supports healthy living choices for **residents** everyone.’ The third column should add reference to ‘**Liaison with West Midlands Police**’.

- Page 46 – The PCCWM **objects** and requests amendments. Under the issue “Infrastructure needed to support new growth”, under column 3, amend second bullet to: ‘• Liaison with health, **West Midlands Police** and education providers’.

Chapter 4: Dudley to 2041: Spatial vision, objectives, and priorities

The vision for Dudley Borough by 2041

The PCCWM **objects** to the omission of text relating to safety and security within the vision statement, and specifically seeks the following amendments:

- Amend 4th bullet to read, “• *sustainable urban growth delivering distinctive, **safe and secure** places - meeting the needs of its communities and businesses.*” (Suggested changes in bold and underlined).
- Amend 9th bullet to read, “• a high quality and beautiful natural, built and historic environment **and safe and secure public realm** that respects and enhances local character and distinctiveness, including valued historic buildings and areas, and continues to be regarded as a tourist destination, and UNESCO Global Geopark with enhanced tourism facilities”. (Suggested changes in bold and underlined).

Objective 3: Enhancing Places and Communities

The PCCWM **objects** to the lack of reference to the need to plan for safe and secure places. It is requested that Strategic Priority 5 be amended to read: *Creating **safe and secure** well designed and beautiful places, promoting the health and social wellbeing of communities by:* and also, add additional bullet on the following lines, “**Ensure that the principles of Secured by Design are integral to new development and improvements to the public realm**”. (Suggested changes in bold and underlined).

Chapter 5: Dudley Borough Spatial Strategy

Policy DLP1 Development Strategy

The PCCWM **objects** to the current wording of Policy DLP1 and requires amendments to strengthen the policy, and in particular sub-paragraph 2.a. to read: *Delivering **high quality development in the existing urban area supported by infrastructure to meet the needs of communities and businesses supported by the integration of Secured by Design principles.*** [Suggested changes in bold and underlined).

Policy DLP4 Achieving well designed places

The PCCWM **objects** to the current wording of Policy DLP4 which requires, inter alia, greater reference to matters of crime prevention measures. The PCCWM suggests that the policy should be strengthened to read: “7. Dudley Borough will be a safe and secure place to live and work in, through organising the urban environment **including the public realm in ways that encourage people to act in a responsible manner (see Policy DLP39). All new Development proposals should include consideration of crime prevention measures and will be required to integrate ‘Secured by Design’ and ‘Park Mark principles to provide active frontages, well-located, safe and accessible pedestrian and cycle infrastructure and an appropriate intensity of use in centres and elsewhere. Designs should promote natural surveillance and defensible spaces. **Proposals 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.****”

The reasoned justification could helpfully also refer to the types of development where developers should actively seek advice regarding designing out crime. While not exclusive, it is recommended that this should include the following categories of development:

- Major developments
- Houses in Multiple Occupation (HMO)
- Hot Food Takeaways
- Public realm works
- Public transport infrastructure proposals.

Furthermore, the Evidence section to the Policy should include reference to **Secured by Design**, and the Delivery section should refer to, **West Midlands Police’s Design Out Crime Officers.** (Suggested changes in bold and underlined).

Policy DLP5 Cultural Facilities, Tourism, Heritage, and the Visitor Economy

The PCCWM **objects** and requests this policy should include the following as a new sub-heading and paragraph:

“Safety and Security. 11. An assessment should be undertaken (as part of the design of new developments likely to attract large numbers of people) to demonstrate and document how potential security and crime related vulnerabilities have been identified, assessed and where necessary, addressed in a manner that is appropriate and proportionate.”

The reasoned justification could then refer to the following references, the following policy background. Planning Practice Guidance (Paragraph: 011 Reference ID: 53-011-20190722) recognises that for all locations which will generate crowds in public places, consideration should be given to 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.

The NPPF is clear in its requirement that local planning authorities should anticipate and address possible malicious threats, especially in locations where large numbers of people are expected to congregate. It states at paragraph 101 that, *“Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

(a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴⁵. Policies for 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;”

The footnote (45) to the above paragraph confirms this includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

The Delivery section to this policy should also refer to **‘Liaison with West Midlands Police’**. [Suggested changes in bold and underlined).

Chapter 6: Infrastructure

Paragraph 6.10

Under Infrastructure, and following representations by the PCCWM at Regulation 18 stage, paragraph 6.10 has since been amended to add ‘Policing facilities’ to the bullet point list of infrastructure investment required to support development and a growing population. This amended approach is **supported** by the PCCWM.

Policy DLP6 Infrastructure Provision

While the PCCWM generally supports Policy DLP6, that is only subject to recognition that provision of policing infrastructure is eligible under S106 obligations and CIL.

While the amendment to paragraph 6.10 referred to above is welcome it is noted that paragraph 6.20 which forms the reasoned justification to Policy DLP6 does not specifically refer to policing facilities while referring to a wide range of other infrastructure. The PCCWM **objects** to this glaring omission and its inconsistency with paragraph 6.10, and this error should be rectified. Additionally, it is also important that any studies into viability also take this into consideration. The PCCWM considers it essential that, ‘**Policing infrastructure and services**’ (or alternatively ‘emergency services’) be added to the list of eligible infrastructure to add clarity:

“6.20. The scale of growth proposed in the DLP will have impacts on the local environment and the capacity of a range of infrastructure and facilities. It is important that the appropriate investment takes place to ensure, future development is sustainable. The definition of infrastructure in this context, for which overall targets and standards are set in the DLP and national planning policy is wide, including:

- a) affordable housing*
- b) renewable energy*
- c) publicly accessible open space*
- d) public services **including policing infrastructure and services** OR **emergency services***
- e) sustainable drainage*
- f) sport and recreational facilities*
- g) flood risk*
- h) biodiversity net gain*
- i) transport, including active travel*
- j) air quality mitigation measures;*
- k) residential services.”*

[Suggested changes in bold and underlined).

It is clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure. The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

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’.*

The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Dudley 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.

The NPPF, December 2023, 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.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the National Planning Policy Framework (NPPF) includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with Paragraphs 16, 26 and 28 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF “Promoting health and safe communities”, Paragraph 96, identifies 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.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as “Essential local workers”, defined as “Public sector employees who provide frontline services including health, education and community safety.”

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that “infrastructure” includes “(h) facilities and equipment for emergency and rescue services”.

Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. Such infrastructure would include both facilities AND equipment.

It should be noted that increases in local population and the number of households do not directly lead to an increase in funding for the Police Service (WMP) from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for policing services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) (at **Appendix 1**) is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads: “*It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.*” (Para 11).

The judgement goes on to comment that: “*Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe 7/12 environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the “consumer view” of the issue.*” (Para 61). “*I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.*” (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Dudley Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (see **Appendix 2**) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

“Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...”

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

The definition and support for infrastructure should be explicitly set out in the Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the Dudley Local Plan. Full details of Police funding requirements are set out in attached **Appendix 3**.

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.

If additional policing infrastructure is not provided, future growth in Dudley 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.

As the statutory Development Plan, it is the purpose of the draft Dudley Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and the Policy DLP6 and supporting text should be amended as suggested above to specifically include reference to Police infrastructure. Without these changes, **the PCCWM objects.**

Chapter 8: Housing

Paragraph 8.2

The PCCWM suggested a strengthening of paragraph 8.2 at Regulation 18 stage through the following addition, '*New housing will be of a well-designed high build quality, meeting national space and water efficiency standards, achieving high levels of energy efficiency and adapting to climate change **and integrating 'Secured by Design' and 'Park Mark principles.'***' (in line with the DLP design policies). [Suggested changes in bold and underlined).

While the Council has included a non-specific cross reference to the local plan design policies, the PCCWM would wish to reiterate his suggested amendment since the other matters referred to in this paragraph are also referenced at other points in the plan. In effect, this is a matter of consistency in the drafting of the plan and without this, the PCCWM maintains his previous **objection.**

Paragraph 8.36 (Gypsies and Traveller pitches).

The PCCWM **supports** reference to, "...that pitches and plots are well designed in line with Secured by Design principles, and it is recommended that advice is sought from West Midlands Police Design Out Crime Officers". This is welcome in itself but the PCCWM considers that it is very important that wider references are made in relation to Secured by Design principles, where appropriate, to ensure the rationale is equally strong elsewhere.

Policy DLP17 Houses in Multiple Occupation

The PCCWM **objects.** At the Regulation 18 stage the PCCWM requested that an additional bullet point is added to the policy, '**All proposals will be expected to demonstrate how the relevant 'Secured by Design' principles have been met including the outcome of consultation with Design Out Crime Officers (DOCO) at the pre-application stage and preparation of a management plan to demonstrate how the crime prevention measures will be maintained.**' It is extremely disappointing that this has not been incorporated. In addition, the Delivery section should add, '**Liaison with West Midlands Police's Design Out Crime Officers**'. [Suggested changes in bold and underlined).

In essence, the Council's response suggests that cross-reference to Policy DLP39 which includes reference to 'Secured by Design' principles would be sufficient. The supporting text has been amended to refer to consultation with Design Out Crime Officers.

Notwithstanding these points, the PCCWM **wishes to maintain his objection** not least because social issues associated with HMOs are well understood and other considerations that are covered by other policies, such as good access by walking and public transport, are explicitly mentioned in the policy, so there is a matter of consistency in the drafting of the plan.

Chapter 10: Centres and Town Centre Uses

Policy DLP24 Dudley Borough Centres

The PCCWM **objects** and requires the strengthening of point 6 as follows to read: '6. Measures to enhance the vitality, accessibility, and sustainability of centres, including maximising the **extent, safety and security** of the public realm, open space, provision of green infrastructure and vehicle charging points, **including integration of 'Secured by Design' and 'Park Mark principles.**' will be supported.' In addition, the Delivery section should add, 'Liaison with West Midlands Police's Design Out Crime Officers'. [Suggested changes in bold and underlined).

The Consultation Statement rejects the PCCWM's suggestions by indicating these matters are covered by Policy DLP39 and that a cross reference to that policy in the reasoned justification covers the point. However, there is no cross reference to DLP39 but in any event the **PCCWM wishes to maintain his objection**.

One further omission from this policy is in relation to the specific consideration of proposals affecting Gambling and Alternative Financial Services. There is a case for a specific policy reference on the following lines, "**proposals for all pay day loan shops, pawnbrokers, and gambling uses will take full account of any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.**" [Suggested changes in bold and underlined).

The Consultation Statement suggests that no justification has been made to justify such an addition to policy. The **PCCWM wishes to maintain the objection** and simply state that the justification arises from crime and safety issues that can arise in relation to such uses.

Policy DLP29 Hot Food Takeaways

The PCCWM **supports** the amendments made to policy DLP29, and in particular point 3 of the policy which has been amended in line with the PCCWM's requests, as follows:

'In all locations, planning permission for Hot Food Takeaways will only be granted where there would not be an adverse impact on public or highways safety. Regard will be given to:

- a. Existing traffic conditions, including availability of parking spaces.*
- b. Availability of safe legal loading areas*
- c. Proximity to junctions, pelican crossings, bus bays and bus stops*
- d. Accessibility of the site by public transport and cycling*
- e. Secured by Design, Park Mark principles, and the need for a maintenance plan to reduce crime, the fear of crime and anti-social behaviour.'**

However, the PCCWM **objects** to the Delivery section and the previous Regulation 18 objection is maintained with the addition of the wording: **'Liaison with West Midlands Police Design Out Crime Officers'** still considered necessary (Suggested changes in bold and underlined).

Figure 10.2 Hierarchical Approach Monitoring

The PCCWM welcomes and **supports** the inclusion of Secured by Design principles.

Chapter 11: Environment

Policy DLP39 Design Quality

The PCCWM welcomes and **supports** the references to consideration of crime prevention measures and Secured by Design and Park Mark principles, in addition to the requirements of Part Q of the Building Regulations 2010 or any successor legislation within this policy.

Paragraph 11.95

The PCCWM **objects** in relation to the further guidance in paragraph 11.95. The PCCWM reiterates a point made at Regulation 18 stage and suggests that this paragraph should be further strengthened by adding the following sentence, **'Developers are encouraged to undertake pre-application discussions with West Midlands Police's Design Out Crime Officers.'** (Suggested changes in bold and underlined)

DETAILED COMMENTS ON PART TWO OF THE REGULATION 19 VERSION OF THE LOCAL PLAN

By way of introduction to the PCCWM observations on Part 2, it is considered helpful to summarise the current intentions regarding the location of WMP premises within Dudley Borough. The new Police HQ for the Borough will be provided at Castlegate. This will replace Brierley Hill, Dudley St James' Road and Halesowen facilities. The shared facility (with West Midlands Fire & Rescue Service) at Sedgley will be retained. The Neighbourhood Teams serving Lye and Stourbridge, and a Response Team, has already been relocated to new facilities in Stourbridge.

Chapter 1: Brierley Hill Strategic Centre

Vision and Objectives

The PCCWM **objects** and suggests the following addition:

*“a) having strong, resilient, **safe and secure** and thriving communities with enhanced health and well-being, including access to more cultural, leisure and community facilities.” (Suggested changes in bold and underlined).*

The above objection reiterates a similar representation made at the Regulation 18 stage.

Paragraph 1.4c)

The PCCWM **objects** and suggests an additional bullet point, **‘Ensure that the principles of Secured by Design are integral to new development and improvements to the public realm’** (Suggested changes in bold and underlined).

The Consultation Statement response to this suggestion that, “this wording is not relevant here to addressing design challenges” **is not accepted by the PCCWM** as crime, safety and security matters should be integral to design and the built environment.

Policy DLPBH2 Brierley Hill Design - Landmarks, Views, Vistas and Gateways.

The PCCWM **comments** that subject to the strengthening of the supporting text to Policy DLP39 and the vision for Brierley Hill as referred to above, there is no additional need for further mention of security or safety matters in this policy. It should be noted in relation to points 5 and 8 that Brierley Hill Police Station is due to close.

Policy DLPBH3 Public Realm in Brierley Hill

The PCCWM welcomes and **supports** the emphasis towards public safety within the public realm as set out in this policy.

Table 1.1: Summary of Brierley Hill Allocations

The PCCWM **supports** the addition of the site of Brierley Hill Police Station into the Brierley Hill Civic Core Zone (BH OS1). The boundary of allocation DLPBHOS1 on the Brierley Hill Inset Plan has been amended accordingly.

Notwithstanding this change the PCCWM **objects** to the lack of reference to residential capacity or potential for the site of Brierley Hill Police Station (either through change of use and/or conversion or through redevelopment) the following change to Table 1.1 is proposed by the PCCWM: Summary of Brierley Hill Allocations is proposed:

SITE	MIXED USE	RESIDENTIAL CAPACITY <i>(Undiscounted figures - indicative and not a cap)</i>
<i>Opportunity Sites Brierley Hill</i>		
<i>Civic Core Zone (BH OS1)</i>	Yes	<u>N/A To be determined either through change of use and conversion or through redevelopment of Brierley Hill Police Station</u>

(Suggested changes in bold and underlined).

Policy DLPBH8 Residential Growth in Brierley Hill

The PCCWM **objects**. Given the inclusion of the site of Brierley Hill Police Station within the Brierley Hill Civic Core Zone (BH OS1), the PCCWM would suggest that Policy DLPBH8 Residential Growth in Brierley Hill should be revised as follows, '1. *Sufficient land will be provided to deliver up to **at least** 1,550 new dwellings within the Brierley Hill Strategic Centre Inset Plan area during the plan period up to 2041.*' (Suggested changes in bold and underlined with strikethrough).

Policy DLPBHOS1 Brierley Hill Strategic Centre Opportunity Site: Brierley Hill Civic Core

The PCCWM **objects**. Policy DLPBHOS1 should acknowledge at a new sub-paragraph '**2d. change of use, redevelopment or partial redevelopment of the Police Station Site could include housing.**' (Suggested changes in bold and underlined).

The PCCWM notes, but would not agree with, the Council’s response to this suggestion in the Consultation Statement, “*The site has been assessed and not considered acceptable for residential use.*” This does not correspond to the assessment carried out by Tyler Parkes on behalf of the PCCWM. It also is not consistent with Government policy that normally permits change of use from offices to residential use. To be clear on this point, most of Brierley Hill Police Station is used as offices.

Chapter 2: Dudley

Vision and Objectives

The PCCWM **comments** that the relocation of the Police HQ serving Dudley Borough to Castlegate Business Park will considerably reinforce Police presence on a 'Primary Gateway' site just beyond the town centre boundary. The new facility will benefit from good quality accessibility by both road (located directly on the key route network) and public transport (Metro) optimising operational requirements.

Policy DLPD3 Dudley Town Design - Landmarks, Views, Vistas and Gateways

The PCCWM **comments** that subject to the strengthening of the supporting text to Policy DLP39 as referred to above, there is no additional need for further mention of security or safety matters in this policy. It should be noted that the existing Police Station at Dudley St James' Road will close with the Neighbourhood Team relocating to the HQ Police Station.

Policy DLPD4 Public Realm in Dudley Town

The PCCWM welcomes and **supports** the emphasis towards public safety within the public realm in this policy.

Chapter 3: Stourbridge

Policy DLPS4 Stourbridge Town Design - Landmarks, Views, Vistas and Gateways

The PCCWM **comments** that subject to the strengthening of the supporting text to Policy DLP39 as referred to above, there is no additional need for further mention of security or safety matters in this policy.

Policy DLPS5 Public Realm in Stourbridge

The PCCWM welcomes and **supports** the emphasis towards public safety within the public realm in this policy.

Chapter 4: Halesowen

Policy DLPH4 Halesowen Town Design - Landmarks, Views, Vistas and Gateways

The PCCWM **comments** that subject to the strengthening of the supporting text to Policy DLP39 as referred to above, there is no additional need for further mention of security or safety matters in this policy.

Policy DLPH5 Public Realm in Halesowen

The PCCWM welcomes and **supports** the emphasis towards public safety within the public realm in this policy.

Table 4.1: Summary of Halesowen Allocations

The PCCWM welcomes and **supports** the allocation of the Halesowen Police Station site (DLP HH2) as a housing allocation with a capacity for 30 dwellings.

The PCCWM also **supports** the inclusion of site DLP HH2 as a housing allocation on the Halesowen Inset Plan.

GLOSSARY

The PCCWM **objects**. The PCCWM has mentioned the need for a definition of infrastructure at various points within this response. The current glossary fails to mention the emergency services and this omission should be rectified, as highlighted above, as follows:

*“**Infrastructure**: Generic term to describe structures or buildings, **services and facilities** which support residents, animals and nature residing in certain areas. This could be in terms of transport, for example walking, cycling paths and public transport infrastructure, in social infrastructure in the form of community or health facilities, **measures to improve the emergency services** or measures to improve and encourage nature and climate change adaptation and mitigation in the form of green and blue infrastructure.” (Suggested changes in bold and underlined)*

Additionally, the PCCWM makes further **objections** to omissions within the Glossary and requests two new additions as follows:

Secured by Design

Secured by Design (SBD) is the official police security initiative that is owned by the UK Police Service with the specific aim to reduce crime and help people live more safely.

The Police seeks to improve the physical security of buildings using products, such as doors, windows, locks and walling systems that meet SBD security requirements. In addition, the Police include proven crime prevention techniques and measures into the layout and landscaping of new developments, such as maximising natural surveillance and limiting excessive through movement. (Suggested changes in bold and underlined)

Through SBD, the Police work closely with builders, developers, local authorities and registered housing associations to incorporate police crime prevention standards from initial concept and design through to construction and completion. West Midlands Police have specially trained Designing Out Crime Officers (DOCOs) who offer police designing out crime and Secured by Design advice free of charge. (See [About SBD](#))

Park Mark

The Safer Parking Scheme is a national standard for UK car parks that have low crime and measures in place to ensure the safety of people and vehicles. Each car park undergoes a rigorous assessment by specially trained police assessors and a Park Mark is awarded to each car park that achieves the challenging standards. A Park Mark is awarded to parking facilities that have met the requirements of a risk assessment conducted by the Police, meaning the operator has put in place measures that deter criminal activity and anti-social behaviour (See [About The Scheme](#)).(Suggested changes in bold and underlined)

EVIDENCE BASE

(i) Viability, S106 and Community Infrastructure Levy (CIL)

The Infrastructure Delivery Plan (IDP) dated October 2024 acknowledges, at paragraph 7.1.2, that the response of the WMPC, whilst not site specific, highlighted a need for more policing resources and supporting infrastructure. However, it goes on to comment that no specific physical infrastructure was identified.

The day-to-day operation of a modern police force such as WMP requires flexibility and mobility to be able to respond in an effective and efficient manner. Officers are increasingly mobile, and as such there is a reduced reliance on physical “bricks and mortar” and a greater emphasis upon infrastructure such as, but not restricted to, equipment and police vehicles.

As has previously been indicated within this submission, the planned growth within Dudley during the plan period will bring with it increased levels of crime, of all sorts, and in turn increased demands placed upon WMP. For new development to be considered truly sustainable, it must deliver necessary associated infrastructure, and within this must be provision for police infrastructure.

The basis, and support for such provision has been set out above, with the attached **Appendix 3** providing a detailed breakdown of household numbers; crime figures; and increased Police infrastructure requirements, all costed out to provide the current (2023) figures, which suggest that for new residential development a figure of approximately **£128.50 per new home**, on qualifying sites, would provide the necessary mitigation and ensure that appropriate levels of WMP infrastructure can be provided to assist with future policing of the development. This could be achieved either via CIL, or S106 obligations.

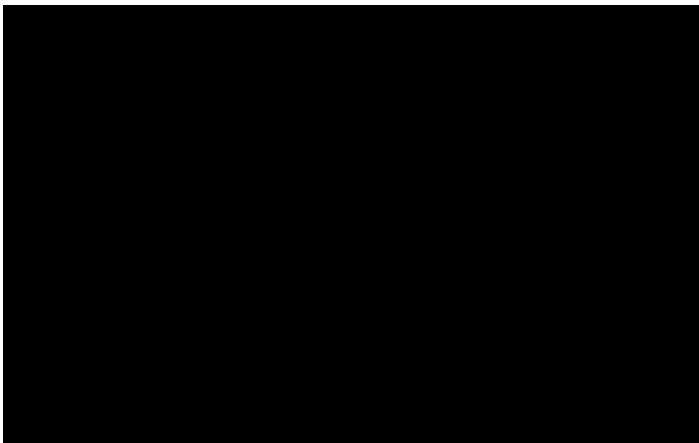
(ii) Sustainability Appraisal of the Dudley Local Plan

The PCCWM has suggested some improvements that could be made to the objectives of the plan. On examination of the SA, it is clear from Table 2.1 that the appraisal adopts a generic set of different strategic objectives. Is this entirely appropriate? Shouldn't the SA adopt the objectives as set out in the emerging plan? Otherwise, isn't there a risk of divergence when the objective should be the opposite?

Paragraph E1 of the Executive Summary refers to high level environmental protection whereas Paragraph E2 (correctly) identifies that the SA has to consider, and presumably balance, social, economic and environmental performance. This apparent discrepancy should be reviewed as it suggests that the environmental point of the triangle is given greater prominence in the assessment.

I trust this response will be helpful and would be grateful if you could acknowledge safe receipt. Please contact us if there are any aspects of the response you would like to discuss, or where further information might be provided.

It would be the intention of the PCCWM to participate in the Public Examination hearings in support of his representations and I would be grateful if you could keep me updated accordingly.



Appendices:

Appendix 1 – Blaby High Court Case.

Appendix 2 – Examples of Adopted Planning Policies where appeal decisions support Police Infrastructure Contributions.

Appendix 3 – Updated Statistics and WMP Infrastructure Costs 2023.