

Part B (see Note 1 and Note 8 para 4.2)

Please use a separate Part B form for each representation you wish to make

Name or Organisation (see Note 8 para 4.1)

West Mercia Police and Hereford & Worcester Fire and Rescue Service

1. To which part of the BDP does this representation relate?

Page: 13	Paragraph: 4.11	Policy: Vision – Community Issues
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input type="checkbox"/>

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Our previous representations to the Draft Core Strategy 2 recommended that the Vision be amended to acknowledge the need to create a safe, secure and low crime environment in Bromsgrove District through design and infrastructure measures. Whilst we are pleased that paragraph 4.11 does envisage a District where crime and the fear of crime levels have fallen, we are very concerned that it implies that this objective can be delivered via design measures alone.

It is also surprising given that the Council has made positive changes to the BDP, in response to representations made during previous consultations, regarding the above issue, such as: -

- Key Challenge 13
- Strategic Objective 7

The above are welcome, as they demonstrate that the Council recognises the importance of combining infrastructure and design measures to ensure sustainable development. However, unless this is reflected in the Vision also, it risks inconsistency with the above elements and the National Planning Policy Framework (NPPF).

This is because paragraph 156 of the NPPF states that local planning authorities should plan for the delivery of the security infrastructure needed for their areas. The NPPF would not have done so if this was not needed to achieve the objective set out in paragraph 69 of the NPPF, namely the creation of safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Further, the Bromsgrove Infrastructure Delivery Plan (September 2013) (BIDP) does recognise the need for additional emergency services infrastructure to be provided as part of sustainable development. However, unless the Vision explicitly recognises the need for such infrastructure to help reduce crime and the fear of crime, it risks undermining the BIDP as well being inconsistent with the aforementioned paragraphs of the NPPF. This is why we consider paragraph 4.11 to be ineffective, inconsistent with national planning policy and consequently unsound as currently drafted.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP 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. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

West Mercia Police and Hereford & Worcester Fire and Rescue Service propose that in view of the above and our previous representations, paragraph 4.11 should incorporate the following amendment as shown in bold: -

*"...Good design **and supporting infrastructure**, improved leisure opportunities, increased community pride and social inclusiveness will have ensured that crime rates and fear of crime have been reduced."*

Overall, the support elsewhere in the BDP and BIDP for design measures and infrastructure to ensure safety and security is welcome, but without a clear Vision on this issue the BDP does not present an effective and sound message. The in turn undermines the promotion of safety, crime prevention and the provision of appropriate resources for the emergency services. We therefore encourage the inclusion of the proposed amendment to make the BDP sound.

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Whilst we consider that these representations present our case fully, we would be prepared to participate at the examination should the Council and/or the Inspector consider this beneficial to proceedings.

Signature: 	Date: 31 October 2013
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Part B (see Note 1 and Note 8 para 4.2)

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Name or Organisation (see Note 8 para 4.1)

West Mercia Police and Hereford & Worcester Fire and Rescue Service

1. To which part of the BDP does this representation relate?

Page: 14	Paragraph: 5.1	Policy: Strategic Objective 7
Policies Map:	Other document:	

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5. Do you consider the BDP is sound? (see Note 3)

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We welcome and support the inclusion of Strategic Objective 7 within the BDP. We are particularly grateful to the Council for including the wording suggested in our previous representations to the Draft Core Strategy 2 public consultation.

Including Strategic Objective 3 in turn provides support for the other positive references in the BDP, such as Key Challenge 13. Its inclusion is also supported by and consistent with the following:

- National Planning Policy Framework – paragraph 69
- A Single Sustainable Community Strategy for Worcestershire – Bromsgrove Partnership Priorities
- Bromsgrove Community Safety Partnership – Community Safety Plan 2008 – 2011 (2010 Refresh)
- Bromsgrove Infrastructure Delivery Plan (September 2013)

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West Mercia Police and Hereford & Worcester Fire and Rescue Service

1. To which part of the BDP does this representation relate?

Page: 149	Paragraph:	Policy: Appendix V – Monitoring Indicators – BDP19 High Quality Design
Policies Map:	Other document:	

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We welcome and support the inclusion of the following targets/indicators in Appendix V for BDP19:

- Proportion of relevant schemes incorporating "secured by design" principles.
- % of people to which fear of crime is an issue.
- Number of recorded crimes.
- Number of ASBO's.

We are grateful to the Council for taking into account our representations to previous consultations regarding the above. The inclusion of the above targets/indicators in Appendix V will help ensure that new developments comply with a nationally recognised consistent standard, which in turn will mean they contribute to the achievement of the Government's objectives set out in paragraphs 58 and 69 of the National Planning Policy Framework.

We would also like to emphasise that the benefits of implementing Secured by Design are real and can be measured. In one year alone for example, some 700,000 burglaries nationwide could have been thwarted if appropriate Secured by Design measures has been installed, according to Professor Ken Pease OBE and Professor Martin Gill of Perpetuity Research – an independent organisation which specialises in looking at areas of crime reduction, community safety and security. We consequently commend the Council for committing to monitoring the above targets and indicators.

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West Mercia Police and Hereford & Worcester Fire and Rescue Service welcome and support BDP1.4 (c). In our view, its inclusion will help ensure that the BDP complies with paragraphs 58, 69, 156 and 157 of the National Planning Policy Framework. This will in turn help to reduce the number of crime and anti-social behaviour incidents within the District. It will contribute to the improvement of community safety in the area. We also consider that its inclusion will help enable the delivery of the requirements identified in the Bromsgrove Infrastructure Delivery Plan (September 2013) for the emergency services and other infrastructure providers.

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West Mercia Police and Hereford & Worcester Fire and Rescue Service

1. To which part of the BDP does this representation relate?

Page: 47	Paragraph:	Policy: BDP6
Policies Map:	Other document:	

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We welcome and support the inclusion BDP6, which provides a robust overview of the approach of the Council to this area of planning and how funding will be provided for infrastructure.

Paragraphs 156 and 162 of the National Planning Policy Framework (NPPF) are very clear that a range of infrastructure types will need to be provided to ensure that new development is sustainable. Accordingly, both aforementioned NPPF paragraphs instruct local planning authorities to work with providers to ensure that the basis for the delivery of a range of infrastructure is incorporated into Local Plans. Further, paragraph 177 of the NPPF states that infrastructure and development policies should be planned at the same time, to ensure infrastructure is delivered in a timely fashion. The proposed policy delivers on these requirements.

Further, Bromsgrove District faces a significant infrastructure funding gap and a major consideration in investment decisions by infrastructure providers is the level of support that can be expected for its delivery from planning authorities. If doubt is raised over whether support can be expected, through the inclusion of imprecise or uncertain messages in the Local Plan, that investment may be put at risk. BDP6 avoids all of these problems through providing clear support for the Bromsgrove Infrastructure Delivery Plan (BIDP) and for the mechanisms which will be used to fund the infrastructure requirements identified in the BIDP.

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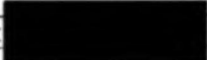
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Paragraph 158 of the National Planning Policy Framework (NPPF) states that each local planning authority should ensure that the Local Plan is based on up-to-date and relevant evidence about the social characteristics of the area. Consequently, it is appropriate for the 'Social Characteristics' sub-section of the BDP to describe the levels of crime and anti-social behaviour experienced in the District.

In so doing it also provides a valuable linkage between the District Profile and the Vision for the Plan. In turn this provides the underlying support for those policies in the Plan which aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, as required by paragraphs 58 and 69 of the NPPF.

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Name or Organisation (see Note 8 para 4.1)

West Mercia Police and Hereford & Worcester Fire and Rescue Service

1. To which part of the BDP does this representation relate?

Page: 11	Paragraph: 3.1	Policy: Key Challenge 13
Policies Map:	Other document:	

88/7

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We welcome and support Key Challenge 13 and in particular the inclusion of the wording suggested in our representation to the Draft Core Strategy 2.

In our view the incorporation of Key Challenge 13 will help ensure that new development in the District is safer and more secure. This in turn will support the achievement of the objectives set out in the following: -

- National Planning Policy Framework – paragraph 69
- A Single Sustainable Community Strategy for Worcestershire – Bromsgrove Partnership Priorities
- Bromsgrove Community Safety Partnership – Community Safety Plan 2008 – 2011 (2010 Refresh)
- Bromsgrove Infrastructure Delivery Plan (September 2013)

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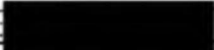
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Page: 29-30	Paragraph:	Policy: BDP5A
Policies Map:	Other document:	

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BDP5A Policy – ‘*Bromsgrove Town Expansion Sites Policy*’ proposes to extend Bromsgrove through the provision of 2,106 dwellings, 5ha employment land, local centres, retail and community facilities. The delivery of growth and development on this scale will place significant additional pressure on the infrastructure of West Mercia Police (WMP) and Hereford & Worcester Fire and Rescue Service (HWFRS). This infrastructure is critical to ensuring safe and secure communities and places. The term ‘infrastructure’ in this context refers to:

- Personal equipment for staff – comprising workstations, radios, protective equipment, uniforms and bespoke training in the use of these.
- Communications equipment – Airwaves radio network and Automatic Number Plate Recognition cameras (ANPR)
- Emergency services vehicles – These will be of varying types and functions covering existing patterns of development and community demand. Vehicles are used by staff on patrol, to deal with emergency incidents and for follow-up of recorded crimes or incidents.
- Buildings or facilities used by the emergency services.

Further details regarding the above are provided in the accompanying response prepared by consultants WYG (**Appendix 1**). The primary concern for the emergency services is to ensure that development of the scale proposed by BDP5A makes adequate provision for the future emergency services needs that it will generate. Like some other public services our primary funding is insufficient to be able to add infrastructures to support major new development when and wherever this occurs. Further, there are no bespoke capital funding regimes e.g. like Priority School Building Programme (PSBP) or the NHS Local Improvement Finance Trust (LIFT), to provide capital for investment in our facilities. We fund capital infrastructure through borrowing. However, given that circa 80% of emergency services budgets are staffing related, our resources can only be used to overcome pressing issues such as re-provision of vehicles when these can no longer be used.

It is our view that BDP5A should make provision for consideration of the emergency service infrastructure needs that it will directly cause. This view is supported by the National Planning Policy Framework (NPPF). Paragraph 7 of the NPPF states that the economic role of sustainable development emphasises the importance of coordinating the delivery of growth and infrastructure, whilst the social role seeks to achieve accessible local services that support a community’s health, social and cultural wellbeing.

The above is further confirmed at paragraphs 17 and 70 of the NPPF, which state that securing sufficient community facilities and services that communities need is a core planning principle.

With regard to promoting healthy communities, paragraph 69 of the NPPF advises that planning policies and decisions should aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 156 of the NPPF confirms that plan policies should deliver the provision of security and other local facilities. Plan policy and decision making should be seamless according to paragraph 186. Further, infrastructure planning should accompany development planning by local planning authorities, as required by paragraph 177, who should in turn work with infrastructure providers (paragraph 162).

In respect of working with infrastructure providers, we are pleased that the Bromsgrove Infrastructure Delivery Plan (BIDP) does cover emergency service infrastructure needs in detail and takes account of our previous representations in this respect. We are therefore surprised and concerned that BDP5A makes no reference to this at all. The absence of the reference therefore makes the policy

ineffective in considering emergency services infrastructure needs in relation to the proposed development. In turn, this makes it inconsistent with the aforementioned national planning policy, which requires local planning authorities to plan positively for infrastructure delivery in the case of new developments, particularly where the proposals are as significant as that envisaged by BDP5A.

Should there be any remaining doubts regarding whether developer contributions should be made to support the delivery of emergency services infrastructure in this instance, please be aware that Ian Dove QC was instructed by the Association of Chief Police Officers (ACPO) to provide written advice in respect of developer contributions towards policing services. A copy of his advice is enclosed in **Appendix 2** to these representations. His advice concluded that there is no difficulty in the proposition of Section 106 agreements and CIL contributions towards police infrastructure in the context of the Planning Act 2008. Ian Dove QC further confirmed that this is reinforced by the reference to security infrastructure in paragraph 156 of the NPPF. It should be noted that Ian Dove QC also confirmed that infrastructure is not limited to buildings and could include for example vehicles and communications technology. He also asserted that as long as the infrastructure is required for the development of an area, it can be included within the relevant CIL schedule as well.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP 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. (Continue on a separate sheet /expand box if necessary) (**see Note 8 para 4.3**)

We contend that to resolve the problems highlighted above the following amendments are required to BDP5A: -

'n) Financial contributions for infrastructure provision relating to transportation, education, emergency services, sporting and recreational facilities will be required as detailed in BDP6 Infrastructure Contributions.'

The proposed wording will ensure that developer funding of required emergency services infrastructure is properly considered, alongside the funding of all other infrastructure necessary to support the urban extension to Bromsgrove.

We therefore respectfully urge the Council and the Inspector to recognise the merits of the proposed amendments and include them to make BDP5A sound.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s), as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.


After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? **Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.**

No, I do not wish to participate at the oral examination	<input checked="" type="checkbox"/>
Yes, I wish to participate at the oral examination	<input type="checkbox"/>

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

Whilst we consider that these representations present our case fully, we would be prepared to participate at the examination should the Council and/or the Inspector consider this beneficial to proceedings.

Signature: 

Date: 31 October 2013

Part B (see Note 1 and Note 8 para 4.2)

Please use a separate Part B form for each representation you wish to make

Name or Organisation (see Note 8 para 4.1)

West Mercia Police and Hereford & Worcester Fire and Rescue Service

1. To which part of the BDP does this representation relate?

Page: 59	Paragraph:	Policy: BDP12
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. 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. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input type="checkbox"/>
(4) Positively prepared (see Note 7)	<input type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

As currently drafted, BDP12 is inappropriate when applied to the emergency services. The reasons for this are as follows, with reference to each criterion of BDP12 concerning the loss of community facilities: -

i. There is no realistic prospect of the use continuing for operational and/or viable purposes.

Before deciding whether to close an existing building or facility, each of the emergency services must carry out its own assessment to demonstrate robustly that services to the public would not be affected detrimentally by its loss. This involves, for example, scrutiny of the footfall experienced by the station/facility in question and analysis of response times amongst other tests. Therefore, at best, the criterion duplicates work that is already being done. We would however point out that assessments of this kind are generally highly specialist in the case of the emergency services. This would make it difficult for professional officers of the councils to consider, who in most cases would not be equipped with the technical knowledge to assess the reports that they would be presented with.

ii. The service or facility can be provided effectively in an alternative manner or on a different site.

Again, without having the necessary specialist knowledge of the operations of the emergency services, how would a professional officer be able to judge this? This has the potential to be an extremely onerous and unsuitable criterion where the judgement of the professional planning officers differs from that of the officers of the emergency services.

Notwithstanding the above, all three emergency services are being required by Government and the exigencies imposed by Comprehensive Spending Reviews to progress the rationalisation of their respective estates, introduce new working practices and enable new associated technologies. This will inevitably involve disposing of some existing buildings and the opening of new more centralised facilities elsewhere in certain areas.

Consequently, including the criterion as worded could significantly hinder the emergency services in complying with Government requirements, hamper the adoption of new statutory working practices and impede the implementation of new technologies to facilitate the delivery of services in the future.

iii. The site has been actively marketed for a period of not less than 12 months or made available for a similar or alternative type of service or facility that would benefit the local community.

This criterion is not applicable to the emergency services. The services they provide are founded on the basis of primary legislation enacted by Government. No other organisation of any kind is permitted by law to undertake the responsibilities and services that the police, fire and rescue and ambulance services deliver to, and on behalf of, the public.

Further, the emergency services do not deliver services on the basis of whether or not they are 'economically viable'. They are required by law to deliver those services in the public good to every area nationwide. The marketing test is therefore not applicable for this reason also.

Finally, it should be noted that buildings occupied by the emergency services have often been designed and built to meet their specific requirements e.g. the inclusion of vehicle bays for fire appliances. Consequently whilst re-use of such buildings is possible, it is difficult, with associated high costs in doing so.

iv. *There are overriding environmental benefits in ceasing the use of the site.*

As stated above, rationalisation decisions are made only in response to operational requirements. This criterion is consequently unlikely to feature highly in decisions made by the emergency services on this particular matter.

Overall, for all of the above reasons, we consider BDP12 to be ineffective and unsound when applied to the emergency services.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP 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. (Continue on a separate sheet /expand box if necessary) **(see Note 8 para 4.3)**

To resolve all of the problems highlighted in these representations, we suggest that the following additional criterion is inserted beneath the tests concerning the change of use / loss of community facilities in BDP12: -

v. ***When applying these tests to specific proposals the Council will have full regard to the specific characteristics, needs, service priorities and objectives of the service and/or organisation concerned.***

Please note that there is precedent in Worcestershire for the insertion of such a clause into BDP12. Wyre Forest District Council had prepared a draft policy (Policy SAL.DPL11) for inclusion in their Site Allocations and Policies Development Plan Document (SAPDPD) very similar to BDP12 and we objected accordingly. Following discussions and agreement with Wyre Forest District Council via a Statement of Common Ground and subsequent acceptance by a Planning Inspector, it is now adopted policy (see **Appendix 1**).

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s), as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.


After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? ***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.***

No, I do not wish to participate at the oral examination	<input checked="" type="checkbox"/>
Yes, I wish to participate at the oral examination	<input type="checkbox"/>

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

Whilst we consider that these representations present our case fully, we would be prepared to participate at the examination should the Council and/or the Inspector consider this beneficial to proceedings.

Signature:  Date: 31 October 2013

Part B (see Note 1 and Note 8 para 4.2)

Please use a separate Part B form for each representation you wish to make

Name or Organisation (see Note 8 para 4.1)

West Mercia Police and Hereford & Worcester Fire and Rescue Service

1. To which part of the BDP does this representation relate?

Page: 76 and 81	Paragraph: 8.212 – 8.214	Policy: BDP17
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. 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. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input type="checkbox"/>
(4) Positively prepared (see Note 7)	<input type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

As the Council is aware, West Mercia Police (WMP) and Hereford & Worcester Fire and Rescue Service (HWFRS) submitted representations to the public consultations on the Draft Core Strategy 2 and the Bromsgrove Town Centre Draft Area Action Plan in April 2011 highlighting the absence of policy provision concerning the evening/night-time economy. Despite this, there is little in the way of clear policy guidance in the BDP in terms of: -

1. Setting out in a clear and concise way where and when evening/night-time economy related development will be located and delivered within Bromsgrove District. Whilst this information can be predicted from reviewing the BDP as a whole, it would be much better if a clear list of sites was provided in a similar manner to proposed housing and employment sites. This would in turn help stakeholders like the emergency services to undertake their own planning work in relation to this type of development.
2. Providing sufficient policy and supporting guidance in terms of explaining how the well documented negative side effect of evening/night-time economy related development will be actively managed. This is essential in order to ensure that the public are safe and feel safe and thereby secure the maintenance of The Queen's Peace in Bromsgrove District.
3. Establishing the basis by which public sector agencies, private companies and other stakeholders will work together to coordinate the active management of the evening/night-time economy in Bromsgrove District. The relationship between the partnership work concerning the planning system and that taking place in respect of implementing the revised licensing arrangements, as required by the Police Reform and Social Responsibility Act 2011, also requires explanation in the BDP.
4. Providing sufficient encouragement for development proposals relating to the evening/night-time economy to: -
 - Locate in preferred locations for this type of development;
 - Positively integrate with surrounding uses; and
 - Provide a high quality, safe and secure public realm.

In our experience, a lack of good quality planning and subsequent follow-up active management after delivery simply equates to a rise in crime and anti-social behaviour levels in direct proportion to the increase in licensed premises. This in turn places excessive and sometimes unsustainable demands on the emergency services and local medical facilities. If this were to come to pass, it would be in contravention of Section 110 of the Localism Act and Section 17 of the Crime and Disorder Act 1998 (as amended by Schedule 9 of the Police and Justice Act 2006).

Notwithstanding all of these issues, it is also worth noting that the introduction of the National Planning Policy Framework (NPPF) has meant that previous national guidance on the evening/night-time economy set out in Planning Policy Statement 4 – 'Planning for Sustainable Economic Growth' (2009) (PPS4) is no longer in place. For the avoidance of doubt at this juncture, the following policies of PPS4 were relevant: -

- EC3.1 (h)
- EC4.1 (f)
- EC4.2; and
- A9 and A12

There is consequently a need for robust guidance to address the specific problems highlighted above, but also to address the lack of policy in the NPPF covering the evening/night-time economy.

Alongside considering the points made above, we ask that the following facts be borne in mind as these representations are being considered: -

- WMP carried out an analysis of the impact of the evening/night-time economy, in terms of crime and anti-social behaviour incidents, in Worcester. This involved examining the crimes and incidents experienced by a representative sample of 7 licensed clubs over a 7 year period. The analysis demonstrated that those areas which have licensed bars and clubs will suffer disproportionately from crime and anti-social behaviour relative to those areas that do not.
- The available data also showed that when crime and anti-social behaviour incidents did take place at licensed bars and clubs in Worcester, intervention by the establishments themselves to resolve them accounted for only between 7% and 21% of incidents. Police intervention accounted for the remainder; between 93% and 79% of incidents respectively. As there is a current trend of a growing number of crime and anti-social behaviour incidents in Worcester related to the evening/night-time economy, there will be a corresponding requirement for increased police and emergency service resource to serve the evening/night-time economy.
- Whilst there was insufficient time available to undertake a similar detailed analysis of bars and clubs in Bromsgrove District, we believe it reasonable to assume that the above patterns of crime and anti-social behaviour incidents will be replicated, if the evening/night-time economy develops as envisaged by paragraph 8.212 – 8.214 without sufficient robust planning policy being put in place.
- One of the main objectives of the North Worcestershire Community Safety Partnership, of which the Council is a principle member, is to tackle the harm resulting from excessive alcohol consumption.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP 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. (Continue on a separate sheet /expand box if necessary) **(see Note 8 para 4.3)**

WMP and HWFRS recommend that the evening/night-time economy should be the subject of a specific planning policy and reasoned justification within the BDP. As detailed above, the realisation of a successful evening/night-time economy requires careful regulation at the outset and active on-going management once operational.

Whilst it is not within the remit of the emergency services to write large amounts of planning guidance, we have enclosed (**Appendix 1**) with these representations the text of a policy and reasoned justification we agreed with Wyre Forest DC in January 2013 for inclusion in their Kidderminster Central Area Action Plan (adopted July 2013). This provides an example of the type of policy we would like to see in the BDP covering evening/night-time economy related development.

In addition, as stated in our representations to previous consultations, a further example of the type of planning policies we would like to see in the BDP covering the evening/night-time economy are those set out on pages 80-83 of the Central Telford Area Action Plan (adopted March 2011) (see **Appendix 2**), prepared by Telford & Wrekin Council in consultation with us.

Notwithstanding the above, we would be very willing to work with the Council in the preparation of the new planning guidance to cover this area. We can be contacted in this regard via the contact details given in these representations.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s), as there will

not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.


After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? **Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

No, I do not wish to participate at the oral examination	<input type="checkbox"/>
Yes, I wish to participate at the oral examination	<input checked="" type="checkbox"/>

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

Given the issues highlighted in these representations and the need for the preparation of additional planning guidance in the BDP, a representative of WMP and HWFRS is considered desirable at the examination to discuss the issues further.
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Signature: 	Date: 31 October 2013
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No5

CHAMBERS

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**PLANNING OBLIGATIONS AND
POLICE CONTRIBUTIONS**

ADVICE



PLANNING OBLIGATIONS AND POLICE CONTRIBUTIONS

ADVICE

1. In this matter I am instructed on behalf of the Association of Chief Police Officers ("ACPO") in relation to issues arising in respect of securing contributions towards Police services as part of the development control and Community Infrastructure Levy regime. I previously provided advice on the 20th October 2009. In many respects that advice has now been overtaken by events and a principal purpose of the present advice is to bring matters up to date.
2. Since my previous Advice there have been some important developments. In terms of the law the Community Infrastructure Levy Regulations 2010 have now come into force. Of particular importance in relation to the issues to be addressed are Regulations 122 and 123. These Regulations provide as follows:

"122(2): A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- (a) Necessary to make the development acceptable in planning terms;*
- (b) Directly related to the development; and*
- (c) Fairly and reasonably related in scale and kind to the development.*

...

123(2) A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure.

(3) A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that –

- (a) Obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) Five or more separate planning obligations that –*

- i. relate to planning permissions granted for development within the area of the charging authority; and*
- ii. which provide for the funding or provision of that project, or type of infrastructure,*

have been entered into before the date that Obligation was entered into.

(4) In this Regulation... "Relevant determination" means –

- a. In relation to paragraph (2), a determination made on or after the date when the charging authority's first charging schedule takes effect; and*
- b. In relation to paragraph (3), a determination made on or after the 6th April 2014 or the date when the charging authority's first charging schedule takes effect, whichever is the earlier; and*

"relevant infrastructure" means

- (a) Where a charging authority has published on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL, those infrastructure projects or types of infrastructure, or*

(b) When no such list has been published, any infrastructure.”

3. In relation to policy since my previous Advice Circular 05/2005, which contained in particular provisions in relation to pooled contributions for infrastructure, has been superseded by the National Planning Policy Framework. The Framework provides the following simplified advice in relation to planning obligations:

“203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

204. Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;*
- Directly related to the development; and*
- Fairly and reasonably related in scale and kind to the development.*

205. *Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.*"

4. Whilst the previous advice in relation to pooling contributions has not been repeated it is a clear inference from the provisions of the Regulations that pooled contributions towards infrastructure can continue to occur. The drafting of Regulation 123 is complex, but its effect is that under Regulation 123(2) obligations cannot be taken into account after the date of the introduction of an authority's first CIL schedule if they relate to contributions to infrastructure which are included on a list published by the authority of infrastructure to be funded by CIL (or if there is no such list all infrastructure). Under Regulation 123(3) obligations cannot be taken into account after the date of the introduction of an authority's first CIL schedule takes effect or 6th April 2014 (whichever is the earlier) if there are already five s106 obligations in place funding the infrastructure which is the subject of the obligation in question. Against this background it is clear that there will remain circumstances (albeit far more limited than at present) where pooled contributions may occur.

5. Having noted these changes to the regime in which contributions can be sought it is necessary to engage with a number of issues which arise in the context of the alternative sources of contribution.

6. Dealing firstly with CIL. The first point to note is that "*infrastructure*" is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of "*infrastructure*" but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word "*includes*" prior to the list being set out. In my view there is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 156 of the National Planning Policy Framework.

7. Furthermore infrastructure is of course not limited to buildings. In the context of the police's infrastructure the kind of items which could be included have been provided in my instructions and includes equipment such as vehicles and bicycles, communications technology and surveillance infrastructure such as CCTV equipment.

8. In settling the level of the CIL schedule, Regulation 14 of the 2010 Regulations requires the planning authority to strike a

balance between viability of development and the desirability of funding the "*total cost of infrastructure required to support the development of its area*" taking account of other sources of funding. Cross-boundary issues will be included through the discharge of the duty to co-operate.

9. It follows from this and what has been set out above that the test which is posed in relation to the inclusion of items within the CIL schedule posed by Regulation 14 is very different to the test under Regulation 122. Regulation 122 relates to planning obligations and requires the three tests to be passed in relation to site specific planning obligations. In setting the CIL schedule the test is different. What is required in setting the level of the levy is an understanding of the costs of infrastructure "*required to support the development of its area*".
10. Thus there will be a relationship between the infrastructure on the schedule and the development which is anticipated across the local authority's area but because it is an overarching calculation questions of necessity and direct relationships do not arise. Provided that the infrastructure is required for the development in the area, it qualifies for inclusion on the Schedule. The two factors which will then potentially reduce the level of the levy are other sources of funding for the same infrastructure and issues related to development viability.

11. The other important feature of the 2010 Regulations is that in setting the Schedule the local planning authority need to produce "*relevant evidence*" as the basis on which they have prepared the Schedule. Beyond being relevant to demonstrating that the infrastructure is required to support the development of its area no further strictures are required by the Regulations.

12. Clearly, given the long timescales of Development Plan Documents (usually looking at 15-20 years ahead) it is necessary for the relevant evidence to address the infrastructure that will be required to support development during that period. To this extent therefore the evidence will need to reflect the timescales of the forward planning process. Relevant evidence will undoubtedly include forward plans and strategies and the planned provision of infrastructure over that lengthy time period. It will be necessary to show firstly the relationship between the development anticipated and the infrastructure requirements to which it gives rise. Secondly it will be necessary to demonstrate that there are real plans for investment which have been settled into which the requirement fits. This requires therefore a fully formed future infrastructure plan with a commitment to delivery in relation to infrastructure generally and (perhaps coincidentally) the delivery of infrastructure associated with growth occurring. The plans must be realistic and costed. This is the relevant evidence

which will be necessary in order to establish that they should be included within the CIL schedule.

13. In this connection it is material to note that the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 2 (1), provides that "relevant authority" includes a local policing body for the purpose of consultation as to the contents of Local Plans. Clearly the Government expects that police concerns and interests should be accounted for within the planning system. Police are a legitimate stakeholder in this system.

14. Once collected Regulation 59 of the 2010 Regulations requires that the authority must spend the funds on infrastructure within its own area and further provides for a discretion for it to be spent on infrastructure outside its area. I see no reason for concluding that any different approach should be taken to the charging authority holding funds which have been levied against the costs of infrastructure to be provided by others that applies in relation presently to planning obligations. It will be therefore necessary for the charging authority to pass on to a relevant infrastructure provider the cost of infrastructure which has been levied by the CIL in order to enable that

infrastructure provider to deliver the infrastructure required to support the development which has been granted permission.

15. Regulation 61 enlarges the powers of the charging authority to include for the reimbursement of expenditure which has already been incurred. Obviously the detailed administration of funds raised through CIL may vary from authority to authority but plainly it would be perverse for a charging authority having levied monies against a CIL schedule in which Police contributions featured to then fail to pass that element of the levy on which was intended to support the provision of further Police infrastructure.

16. I turn now to consider the situation in relation to individual site contributions. It is important to appreciate that many of the adopted CIL schedules proceed on the basis of a Regulation 123 List of projects which are to be funded from CIL leaving other elements of infrastructure to be delivered on a site by site basis. This can happen in particular in respect of development plans which contain large allocations of development which can be expected to provide a comprehensive package of infrastructure solutions based on their own individual development.

17. Whilst these contributions are raised on the basis of the specific impact of an individual site two further points should

be observed. Firstly, whilst the impact is related to the site, it is not limited to on-site impacts. It may, for instance, relate to the need to address off-site junctions improvements caused by increased traffic from the development. Secondly, as set out above pooled contributions may be sought but subject to the limitations already rehearsed.

18. The extent to which individual site contributions can be sought depends upon the scope of the definition of "*necessary*". This question was considered recently by the Court of Appeal in the case of Derwent Holdings v. Trafford Borough Council & others [2011] EWCA Civ 832. The case concerned the validity of a planning permission granted in respect of a proposed development in two parts, firstly a large superstore and secondly the redevelopment of the Old Trafford Cricket Ground. If permission was granted then the proceeds of sale of the Council's land on which the superstore was to be sited were to be passed on to Lancashire County Cricket Club to subsidise the redevelopment of their cricket ground. The challenge was brought on the basis of a failure to take account of relevant guidance in relation to the planning agreement. In concluding in relation to the submissions made by the Claimant Carnwath LJ (as he then was) stated as follows:

"15. Like the Judge, I am unable to accept this argument. We are entitled to start from the presumption that those members

who voted for the proposal were guided by the officer's advice. If so, they would have understood that they should consider the merits of the two parts of the proposal separately. They would have found in the officer's report sufficient reasons to conclude that, so viewed, they were acceptable in planning terms. At the same time they would have been aware that the proposal that was being put forward is not merely acceptable, but is carrying with it significant regeneration benefits, including the improvement to the cricket ground. The offer of a legal agreement to secure those benefits would no doubt have added to the attractions of the proposal. That does not mean that it was regarded as necessary to offset some perceived planning objections. Nor is there anything in the officer's report to suggest that it was. There is nothing objectionable in principle in a Council and a developer entering into an agreement to secure objectives which are regarded as desirable for the area, whether or not they are necessary to strengthen the planning case for a particular development."

19. Thus in that case it can be seen that the Court of Appeal did not take a strict approach to the requirement of the Regulations in respect of the necessity of the obligation to make the development acceptable in planning terms. It may be that further clarification is required by the Courts of the test of necessity. There is no reason, however, in principle to suggest that contributions towards Police infrastructure cannot

be sought from a Section 106 obligation from an individual site. It will however be necessary to demonstrate that either on-site or off-site infrastructure is necessary and directly related to the impact of the development which is being granted consent. Furthermore it will obviously be necessary to demonstrate that any contribution will in fact be used in order to pay for infrastructure which will actually be delivered.

26th December 2012



PLANNING OBLIGATIONS AND
POLICE CONTRIBUTIONS

ADVICE



Community Facilities

4.74 The provision of community facilities is essential to the quality of life of local residents. Good quality facilities should be available in accessible locations so that their use is maximised. But it is also essential that facilities in the rural areas are safeguarded wherever possible. These policies need to be considered alongside Adopted Core Strategy Policies CP07: Delivering Community Wellbeing and CP13: Providing a Green Infrastructure.

Links to the Sustainable Community Strategy

4.75 The Sustainable Community Strategy and the Community Safety Partnership Plan support the provision of community facilities in order to promote community cohesion and reduce crime and disorder and enhance well-being.

Policy SAL.DPL11

Community Facilities

The Council will resist the loss of community services and facilities within the District, as safeguarded on the Policies Map, unless clear evidence is provided to demonstrate the following:

- i. that it would not be economically viable to retain the site/buildings for a community use and that it has been effectively marketed for a minimum 12 month period; and
- ii. that the community facility could not be provided by an alternative occupier or the local community;

OR

That suitable alternative provision can be provided in an appropriate location.

When applying these tests to specific proposals the Council will have full regard to the specific characteristics, needs, service priorities and objectives of the service and/or organisation concerned.

Reasoned Justification

4.76 Policy CP07 of the Adopted Core Strategy provides strong support for the retention of existing community facilities including post offices and public houses, as well as support for improvements or enhancements. The conversion of any safeguarded community facilities to other use classes will need to be fully justified in terms of their viability and value to the local community. As such, the District Council will require any application involving the loss of a community facility to be supported by strong evidence that the facility is no longer viable or required to meet local needs.

4.77 A number of sites which currently contain community uses have been put forward as potential development sites (see Part B). The use of such sites for residential development is covered in policy SAL.DPL1: Sites for Residential Development. Development proposals involving community facilities should demonstrate that they have consulted with the relevant local community about options for the continued delivery of the community use and its incorporation

4 Policy Areas

POLICY

CT6a - Leisure, Culture and Tourism

Development proposals for new cultural, tourism and leisure activities and improvements to existing uses in the Central Telford area will be supported where they meet all of the following criteria:

- (a) they are located in Central or East Southwater, or the existing shopping area;
- (b) they take appropriate account of the need to contribute to improved links between Southwater, the existing shopping area and Telford Town Park;
- (c) they include a high quality public realm in line with Policy CT17;
- (d) and they are well integrated with a range of other uses such as employment, retail and housing.

New hotel and conferencing development will be particularly encouraged in the Events Quarter (TC3).

Elsewhere in Central Telford, leisure, cultural and tourism facilities will be permitted provided that it can be demonstrated that they cannot be accommodated in Central Southwater, East Southwater or the shopping area. They must also be a subsidiary part of a wider mixed use development, and that they must be directly accessible to the Town Centre Core by pedestrians, cyclists or public transport.

The Evening and Night-Time Economy

Establishing and Evening and Night-Time Economy in Telford Town Centre

4.5.7 The evening and night-time economy (ENTE) is defined as bars and pubs, restaurants, cafés, take-aways, night clubs, theatres, cinemas, concert halls, live music venues, and other arts cultural and leisure venues that are open in the evening and in some cases, into the night.

4.5.8 Telford Town Centre's evening and night-time economy is currently very limited and it does not meet the expectations of a 21st century centre. While the town centre does provide some excellent shopping facilities, it has failed to provide an equivalent level of entertainment facilities and what provision there is has been developed in an uncoordinated way.

4.5.9 Many other towns and cities have shown that an ENTE has positive benefits for broader economic expansion and urban renaissance. This Action Plan proposes to create, virtually from scratch, a concentration of entertainment venues appropriate to Telford's size, of varying types including restaurants and bars, which will provide a choice of activities stretching from the late afternoon into the evening and night-time. These will be integrated with other uses such as offices and new residential developments in such a way that ensures that they complement each other and avoid conflict.

4 Policy Areas

4.5.10 To be successful it will be necessary to provide a seamless flow of activities, from daytime into the evening and night-time, with activities changing with time but always maintaining interest, inclusiveness and vibrancy.

4.5.11 It is not appropriate to specify the numbers of venues because this Area Action Plan runs until 2016 and the establishment of an ENTE can only begin in this plan period with completion later. As elsewhere, ideas and fashions change in the entertainment sector. The ENTE will need to evolve with these changes over time. This Area Action Plan avoids being too prescriptive so that its policies are not quickly outdated. What must remain as an unmovable principle is that the leisure needs of people of all ages are met in a safe and enjoyable environment without causing nuisance to other users of the town centre.

4.5.12 In order to gain maximum benefit from the clustering of activities, a revamped Southwater Square and surroundings will be where these uses will be located, along with continued development of the emerging cluster of bars, clubs and restaurants at Central Square. The Events Quarter should incorporate a small element of bar and restaurant development on a limited scale related to the area's primary function as a conference venue.

POLICY

CT6b - Establishing the Evening and Night-Time Economy

A safe, balanced and socially responsible evening and night-time economy will be developed to enrich the vitality of Telford Town Centre. This will create an exciting leisure and cultural experience which will continue throughout the day-time, evening and into the night.

These different periods of activity will complement each other, yet provide a different experience for people at different times of the day.

Evening and night-time economy uses will be located in Central and East Southwater and Central Square (see Map 2). A balanced mix of late-night shopping, cafés, restaurants (A3), bars (A4), take-aways (A5), clubs and cultural activities will be created. Developments will conform to the principles set out in the Design for Community Safety SPD and will meet the criteria set out in other CTAAP policies, particularly Policy CT6 Leisure, Culture and Tourism, CT15 Design and Policy CT17 Public Realm.

No leisure use will, either on its own or cumulatively with other uses, create an unacceptable impact on neighbouring uses by reason of noise and light pollution, disturbance or traffic.

Managing the Evening and Night-Time Economy

4.5.13 The management of the ENTE is vitally important to ensure that the public are safe and feel safe so that they may fully enjoy their visit to everything that the Town Centre has to offer.

4.5.14 Telford is aiming to set up an almost entirely new ENTE and is therefore seeking agreement with relevant organisations and responsible bodies to guide the development of a properly planned and effectively managed ENTE over the coming years.

4 Policy Areas

4.5.15 Effective management also ensures that all operators and organisations that have an interest in the ENTE are fully involved and signed up to an agreed set of principles.

4.5.16 Paramount in ensuring an enjoyable experience is to ensure that people feel safe within the new town centre environment and when taking part in or leaving evening and night-time activities.

4.5.17 Addressing safety issues will involve the police and emergency services. A team of "evening stewards" will provide help and advice to the public and will support the police and emergency services, as well as the entertainment operators. Help points will be established with essential phone numbers which will be prominently displayed. A Safe Child Scheme will be set up to operate throughout the daytime and into the evening. Articles in the press and in community newsletters will be used to publicise the arrangements for public safety. A website will be established to provide essential information and help lines. The Design for Community Safety SPD provides practical advice which will be taken into account in the design and establishment of the ENTE.

4.5.18 Licensing has a vital role to play. The 2003 Licensing Act already requires operators of entertainment premises to submit a business plan which demonstrates how they will meet their responsibilities and plan for mitigating against potential adverse impacts. A "Best Bar None" scheme will be established and operators will be encouraged to participate in Pubwatch.

4.5.19 Good lighting provides a sense of well-being and enhances the ambiance of the area. Lighting should be energy efficient and white light increases the feeling of safety and provides enhanced CCTV quality. CCTV provision itself will be placed where it is needed yet discrete.

4.5.20 Access to the new facilities will be designed to provide ease of movement with safety and natural surveillance and linking them with other existing facilities such as the cinema (currently the Odeon). The nearby housing areas will have improved pedestrian access to the Town Centre in accordance with policy CT13.

4.5.21 Noise is often a problem associated with an ENTE and steps will be taken to ensure that this is kept to a minimum in order that the enjoyment and well-being of residents is not compromised. This will take the form of such measures as adequate sound insulation of buildings, preventing the emission of sound into the public realm (e.g. through open doors and windows), and guiding people along routes that avoid residential areas as they leave the town centre.

4.5.22 Keeping the area clean helps people feel safe and provides a pleasant environment which influences appropriate behaviour and so street cleansing regimes will be revised to ensure that streets are cleaned at regular intervals during the operation of the ENTE. Effective street cleaning will also include the provision and regular emptying of litter bins placed at convenient intervals and locations. The provision of adequate toilet facilities will help prevent public health problems and nuisance to residents and businesses.

POLICY

CT6c - Managing the Evening and Night-Time Economy

The Council will establish a partnership to collaborate and co-ordinate management of the evening and night-time economy in Telford Town Centre.

The Partnership will include representatives of Telford & Wrekin Council, emergency services, retailers, landowners, operators of leisure facilities, public transport operators, hoteliers, the Primary Care Trust and other interested parties.

Working with its partners the Council will undertake a range of management measures, which will include, but will not be limited to:

- Establishing "Help Points" in the Town Centre and a team of evening stewards to provide support and advice for the public and to support the police and emergency services;
- Establishing a "Best Bar None" scheme and "Pubwatch";
- Ensuring adequate street and building lighting;
- Providing effective CCTV coverage;
- Ensuring that there is adequate public transport at all hours until all activities close;
- Ensuring adequate provision of toilet facilities;
- Protecting other town centre uses and residents from disturbance and nuisance;

Planning decisions will include conditions and legal agreements to ensure that relevant premises are open in the daytime to avoid "dead" frontages and to secure closing times where appropriate.

Leisure and Cultural Economy

Leisure Objectives

The overall leisure objectives for the KCAAP area are to :

- Develop the entertainment and cultural offer.
- Improve the evening economy.
- Encourage the number and variety of events and performances.
- Attract a major leisure development (i.e. cinema, bowling alley).

There is a desire to develop the cafe and restaurant opportunities in the town.



5.59 A key aim for the KCAAP is to continue to develop the leisure and cultural offer of the town. This is also essential if the aspiration for Kidderminster to become the tourism hub of the District is to be realised. The District Council will promote and encourage the provision, enhancement, and diversification of Kidderminster's leisure and cultural facilities. Particular encouragement will be given to expanding the town's evening offer.

5.60 The diversification of the entertainment attractions that enhance

the vitality of Kidderminster Town Centre will be improved by:

- Promoting a street café culture in the town centre's pedestrianised areas, public realm spaces, and along the river and canalsides.
- Encouraging the provision of new restaurants, bars, music venues, and other licensed premises.
- Promoting the creation and use of multi-purpose public spaces for public entertainment.
- Encouraging the holding of events within the town centre, particularly in the evening.

Policy KCA.GPB7

Leisure Development

Major new D2 leisure and multiple-unit A3 and A4 food and drink developments will be concentrated towards the waterside environments of the Western Gateway area.

Other leisure developments will be supported throughout the Primary Shopping Area subject to these being in line with the site specific policies in Part B and the relevant policies in the Site Allocations and Policies Local Plan. Elsewhere in the KCCAP area, smaller scale proposals will be considered favourably subject to them meeting the broad objectives of the KCAAP.

The enhancement of the Town Hall and its use as a multi-functional venue for the arts will be encouraged.

Evening Economy

The District Council will encourage developments that enhance the evening and night-time leisure offer of the town centre. A balanced mix of uses will be specifically encouraged, including late-night shopping, cafes, restaurants, bars, take-aways, clubs and cultural activities.

No development should on its own, or cumulatively with other uses, create an unacceptable impact on neighbouring uses or the surrounding area by reasons of noise pollution, light pollution, anti-social behaviour, crime, disturbance or traffic.

Developments should seek to ensure activity during the daytime to avoid the clustering of 'dead' frontages.

Developments linked to the evening economy will be required to contribute towards public realm and infrastructure improvements in order to improve the sense of well being, safety and security within the town. Contributions to improving the public transport for the benefit of the evening economy will be particularly encouraged.

Working in partnership with the Council and other stakeholders, owners and operators of evening economy related development will be expected to take part in active management measures to help the public and support the emergency services.

Developments linked to the evening economy should also have specific regard to Policy KCA.UP1 and ensure that development incorporates 'Secured by Design Principles'.

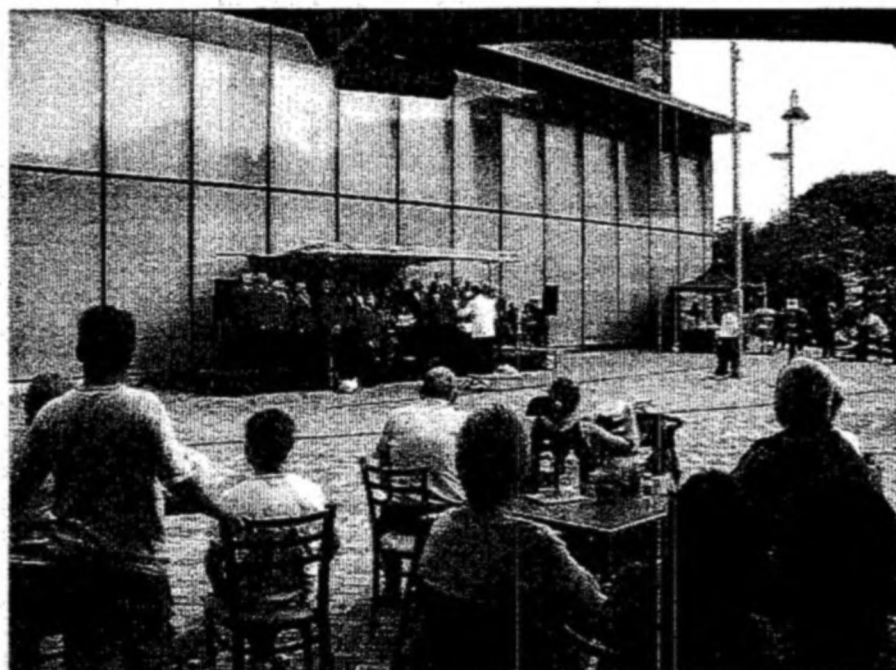
Reasoned Justification

Cultural Economy

5.61 The idea of a cultural economy is closely associated with the KCAAP aim to improve Kidderminster's status as a tourism destination. The existing Severn Valley Railway and Railway Museum, as well as the newly established Carpet Museum, already play a big part in the town's cultural economy by virtue that they celebrate its heritage. Similarly, the conservation of the town's historic buildings and the enhancement of its waterways also have an important contribution to make.

5.62 The Town Hall is at the heart of the town centre and has an important role in the improvement of Kidderminster's cultural offer. The Town Hall already plays host to numerous events and shows and is a real asset to the town. The enhancement of the Town Hall and its use as a multi-functional venue for the arts will be encouraged. This will help to promote its reputation as a quality performance venue and seek to increase the diversity of shows that will contribute to the town's cultural and visitor economy.

Multifunctional event space is important to develop the leisure and cultural economy.



5.63 A number of town centre areas have been identified as future important public spaces. These spaces will also be expected to be multi-functional and be able to host outdoor events and performances. Free public events make an important contribution to the quality of life in the town and the District Council will continue to promote and encourage them.

Commercial Leisure

5.64 Kidderminster has a lack of leisure facilities, particularly those that would appeal to the more family-orientated market. As an example, there is demand in the town for a multiplex cinema, and residents currently need to travel to either Merry Hill, Telford or Worcester.

5.65 The District Council will encourage the provision of leisure facilities to help to improve and diversify Kidderminster's leisure offer and add to the vitality of the town centre. The focus for these uses will be towards the canalside areas of town and the site specific policies in Part B set out suitable locations in more detail.

Evening Economy

5.66 Despite being the strategic centre of the District, Kidderminster has traditionally had a less successful evening economy than Stourport-on-Severn and Bewdley. The town has a real deficiency in this respect and its evening offer is limited in terms of both quantity and variety. In particular, the town lacks facilities such as restaurants, bars, music venues and other licensed premises that would usually provide life to a town during the night. There is also a distinct lack of family-orientated evening uses and the town currently only appeals to a very narrow sector of society.

5.67 The result of this lack of activity is that the town centre is very quiet in the evening and becomes an unwelcoming place which provides opportunities for anti-social behaviour. This is especially true for the canalside area which is currently an underutilised cultural asset.

5.68 The ambition is to increase the diversity of the entertainment offer in order to increase the number of people in town during the evening and improving natural surveillance and vibrancy.

5.69 A safe, balanced and socially responsible evening and night-time economy is needed to create a leisure and cultural experience which will continue throughout the day-time, evening and into the night. These different periods of activity will complement each other, yet provide a different experience for people at different times of the day. Therefore a balanced mix of cafés, restaurants, bars, clubs, live music venues and other cultural activities will be sought. Proposals that will help to improve the offer of family orientated leisure will be a particular target.

5.70 The District Council will support proposals to make the most of the waterside leisure environment as a particular area in which to enhance the evening economy of the town centre. The site specific policies highlight the areas in which it is felt that this development should be targeted. The areas around the canal will be particularly suitable in order to stimulate activity here during the evening.

5.71 Although the District Council wishes to enhance the evening economy of the town centre, it is important to ensure that new developments do not cause an unacceptable nuisance to neighbouring uses and the surrounding environment. Increased activity in the evening provides important additional natural surveillance and vitality to streets and spaces in the town. However, consideration must also be given for the potential of these uses to generate issues of anti-social behaviour, particularly but not exclusively in respect to pubs and bars. The District Council will look to work with West Mercia Police and the Wyre Forest Community Safety Partnership (WFCSP), as well as other town centre stakeholders, to tackle any issues of crime and anti-social behaviour that may arise from an increase in evening activity through public realm improvements, active management measures or new security infrastructure.

5.72 The Kidderminster Town Team, established as a result of a recommendation from the Government commissioned Mary Portas's High Street Review, is a partnership of public and private sector stakeholders who work together and aim to produce innovative ideas about how to improve the town. Working with the Police and the Community Safety Partnership, the Town Team will have a role in bringing forward anti-social behaviour initiatives such as 'Pubwatch' and 'Best Bar None' schemes to help tackle anti-social behaviour.

5.73 The District Council will encourage the existing and new operators of evening orientated uses such as cafés, restaurants, bars, take-aways, clubs and other cultural activities to work with the Town Team, WFCSP and the Police in managing the evening economy.