

## SUPPLEMENTARY PLANNING DOCUMENT - PLANNING FOR CROWDED PLACES

<b>Cabinet Members</b>	Councillor Douglas Mills Councillor Keith Burrows
<b>Cabinet Portfolios</b>	Improvement, Partnerships and Community Safety Planning, Transportation and Recycling
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<b>Papers with report</b>	Appendix 1 - Supplementary Planning Document <b>(circulated separately due to size)</b>

### HEADLINE INFORMATION

<b>Summary</b>	The report introduces a new Supplementary Planning Document (SPD) relevant for the construction or refurbishment of premises which are liable to attract large numbers of people. This document explains proportionate and realistic design measures to reduce the risk of terrorist attack. It is recommended that cabinet agree to targeted consultation on the draft SPD as outlined in the cabinet report.
<b>Contribution to our plans and strategies</b>	Community Safety Strategy
<b>Financial Cost</b>	The costs of the public notices for the consultation will be approximately £2,000 and will be shared with the parallel consultation on Development Management Development Plan. These costs will be met from current Planning budgets
<b>Relevant Policy Overview Committee</b>	External Services Scrutiny Committee
<b>Ward(s) affected</b>	All

## **RECOMMENDATIONS**

**Cabinet agrees that:**

- 1) The draft SPD be approved for public consultation;**
- 2) An immediate 8 week period of targeted consultation begins with the relevant groups that might have an interest in the SPD;**
- 3) The Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services, in consultation with the Cabinet Member for Planning, Transportation and Recycling, is given delegated authority to incorporate any amendments that result from the targeted consultation in accordance with statutory public participation requirements and linking the public consultation to the LDF Development Management Development Plan consultation planned for later this year.**
- 4) The SPD will be reported back to Cabinet for final adoption.**

## **INFORMATION**

### **Reasons for recommendation**

Minimum design standards for new construction or refurbishment of premises which are “crowded places” will contribute to keeping Hillingdon a safe place to live, work and visit. Adopting the Supplementary Planning Guidance for implementation on new key developments would be a proportionate and realistic response to the Government’s three adopted guidance documents on the matter “*Crowded Places: The Planning System and Counter Terrorism*”, “*Working Together to Protect Crowded Places*”, and “*Protecting Crowded Places: Design and Technical Issues*”. The Council in conjunction with the Counter Terrorism Security Advisors could also offer advice if sought to existing building owners to make them more safe from attack.

### **Alternative options considered / risk management**

The Cabinet could decide not to proceed with the new Supplementary Planning Document. This would make it more likely that new construction or refurbishment of buildings in the borough would take inadequate heed of advice about minimum standards, leading to increased risk of injury in the event that these buildings suffer attack. Given the level of threat from international terrorism faced by the UK currently, and for the foreseeable future, this is not recommended.

### **Comments of Policy Overview Committee(s)**

Not applicable.

### **Supporting Information**

1. In recent years planning have worked closely with the local police. This partnership work took its lead from the government led “Designing out Crime” principles and led to

the commissioning and the adoption in 2004 of “Community Safety by Design Supplementary Planning Guidance”. This was co-written by an officer of the Council and Hillingdon’s Metropolitan Police Crime Prevention Design Officer.

2. Strong planning guidance is provided to applicants and prospective applicants at pre-application stage on the adoption of security and urban design measures that avoid any prospective new development inviting criminal or anti-social behaviour. Planning officers work very closely and hold weekly joint meetings with the Metropolitan Police Crime Prevention Design Officer on major planning applications. This is to consider amongst other matters potential urban design security issues, and these meetings often lead to suggestions of design improvements that result in revisions to a scheme prior to determination to mitigate against future criminal behaviour.
3. Hillingdon’s Metropolitan Police Crime Prevention Design Officer regularly attends and actively contributes to meetings with agents and developers to discuss design issues relating to schemes being determined by the Council. The local Crime Prevention Design Officer already gains input from the locally assigned Counter Terrorism Security Advisor when it is considered a planning application merits such input on security grounds. However the Crime Prevention Design Officer nor planning officers have any local guidance which can then be used to further negotiations on matters related to crowded places/risks from terrorism if the developer does not wish to alter their developments.
4. Following a major government review of the terrorist threat by Lord West in wake of the July 7 bombings in London, the government placed greater emphasises on the need to protect crowded places from terrorism. Following the national review the government produced a national draft Counter Terrorism supplement to Planning Guidance on Safer Places “Protecting Crowded Places”, in effect an extension of designing against crime to now include design against terrorism. The draft document was subsequently revised and rewritten into three separate finalised government guidance documents titled ‘*Crowded Places: The Planning System and Counter Terrorism*’, ‘*Working Together to Protect Crowded Places*’, and ‘*Protecting Crowded Places: Design and Technical Issues*’, all published in March 2010.
5. Crowded places are identified by the government as attractive targets to terrorists. The definition of ‘crowded places’ is widely drawn: crowded places sites are regarded as locations or environments to which members of the public have access and may be considered potentially liable to terrorist attack by virtue of their crowd density. These include the following sectors, Bars, Pubs and Night Clubs, Restaurants and Hotels, Shopping Centres, Sports and Entertainment Stadia, Cinemas and Theatres, Visitor Attractions, Major Events, Commercial Centres, Health sector, Education sector, Religious sites/places of worship, and Town Centres. A ‘crowded place’ may not be crowded at all times and may be temporary in the case of sporting events or visitor attractions.

6. The following are the principles for design against the terrorist threat in crowded places:
- a) Risk based approach – priorities to be driven by the likely impact an attack would have and the latest assessments of threat level
  - b) Proportionality – directing resources at locations at greatest risk, whilst allowing normal social, economic and democratic activity to continue
  - c) Partnerships – building on existing local partnerships where possible
  - d) Local ownership – to turn security advice into local action
  - e) Appropriate and flexible use of regulatory powers – voluntary co-operation is preferable where it can deliver the desired outcomes
  - f) User pays – funding will fall to the body which has responsibility, eg business
  - g) Ownership of risk – lies with Government Departments and the lead local partnership.
7. Planning considerations are contained within the government's 'Crowded Places: The Planning System and Counter Terrorism' and 'Protecting Crowded Places: Design and Technical Issues'. The Government's aim in promoting counter terrorism design principles is to help create safer places and buildings so that people are better protected from terrorist attack. As with any design consideration it is most effective if suitable measures are considered as early as possible in the planning and indeed design brief process in order for them to be appropriate, cost effective and inconspicuous.
8. All developments should be attractive, accessible and respond to the needs of those who will visit and use them. Recommended counter terrorism measures should not impose upon the style and intention of a place. To this end the supplementary planning document places considerable emphasis and importance on the need for applicants and their designs to adopt well established urban design principles when addressing these security issues. It should be noted that good design and layout of development need not add to development costs. All measures will be appropriate, balanced and commensurate to the development proposed, based on the risks. Possible measures for higher risk sites can include consideration of:
- a) Blast resistance – using materials which reduce the risk of injury from fragmentation, e.g. glass
  - b) Building management – entry control; storage of hazardous materials; secure delivery areas; positioning access points such as ventilation shafts away from ground level
  - c) Hostile vehicle mitigation measures – traffic management including vehicle barriers
  - d) Surveillance – not just CCTV, but also sight lines and visibility.
9. These measures are all much more difficult and costly to do in retrospect – but there are some measures that could be put in place reasonably cheaply – bollards, grilling ventilation shafts etc. It is worth stressing as a general principle good counter

terrorism design measures are likely to support wider efforts to reduce broader types of crime.

10. As part of Section 17 of the Crime and Disorder Act councils are required to do all they can to reduce crime and disorder, treating terrorism as a type of crime; for Borough Commanders and for Crime and Disorder Reduction Partnerships to treat terrorism mitigation and prevention as part of their responsibility.
11. Hillingdon has identified the Safer Hillingdon Partnership as the partnership body responsible for the implementation of "Protecting for Crowded Places".
12. The UK faces a significant threat from international terrorism. Crowded places in the UK have been targeted by terrorists who have demonstrated that they are likely to target locations which are easily accessible and offer an impact through loss of life and serious injury to large numbers of people. The current threat level assessed by MI5 is published – it is currently "severe", one below the highest threat level of "critical". Since the assessed threat level measure was introduced in 2006, it has been at Critical twice (for a matter of only a few days on each occasion.
13. With Hillingdon being home to the Heathrow Airport, the busiest airport in the world and the sphere of influence of the Airport stretching far beyond its operational boundaries the need to give appropriate weight to counter terrorism design measures in new development schemes is clear. Whilst airport and national authorities devote special attention to the particular threat posed by terrorists at the airport itself, this Planning for Crowded Places Supplementary Design Guidance is intended to assist owners other forms of large scale new development that attract large numbers of people.
14. The Supplementary Planning Document will be part of the overall Local Development Framework (LDF) for the Borough and will provide the details of development management of crowded places with respect to design measures that will reduce the risk and impact of a terrorist attack.
15. The guidance within the Supplementary Planning Document accords and supports with Strategic Objective 4 (SO4) and Policy Built Environment 1 (BE1) within the Council's well advanced but un-adopted LDF Core Strategy.
16. Policy SO4 - *"Ensure that development contributes to a reduction in crime and disorder and is resilient to terrorism, and delivers safe and secure buildings, spaces and inclusive communities"*.
17. Policy BE1 requires *"The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long terms need needs of all residents..... All new development should create safe and secure environment that reduce the risk from fire and arson having regards to*

*Secure by Design standards and address resilience to terrorism in major development proposals.”*

18. The emerging Development Management Development Plan Document (DPDM) will enlarge upon Policy SO4 and Policy BE1 of the Borough’s LDF Core Strategy document. The DPDM will sit alongside the supplementary planning document in respect of providing necessary policy tools to require developers to utilize good urban design principles and appropriate design measures to secure new development that is resilient to terrorism in the context of crowded places otherwise vulnerable to attack .
19. The SPD is part of the Local Development Framework and as such will require a set process and period of public consultation that accords with the principles and practice as laid out in the adopted Council’s LDF Statement of Community Involvement (SCI) and in accordance with current guidance from the Department of Communities and Local Government on LDF consultation.
20. A 6 week period of targeted consultation is proposed with the relevant stakeholders in accord with the agreed Stage 1 process for production of supplementary planning documents laid out in the Council’s adopted Statement of Community Involvement. The Safer London Partnership, whose Chairman is the Council’s Chief Executive, is charged with implementation of ‘Protecting Crowded Places’ locally and as such it is considered the Safer London Partnership will provide the chief forum for key stakeholders to discuss this supplementary planning document and provide the necessary feedback. There are clearly sensitivities regarding consultation on this document and as such the consultation will be different to other LDF documents. The document could be updated following the targeted consultation.
21. Officers recommend that targeted consultation of relevant groups that might have an interest in the SPD occur following the cabinet decision, prior to public consultation at the same time as Development Management Development Plan document referenced above.
22. In terms of general public consultation on the Supplementary Planning Document this will proceed in accordance with *Stage 2 – Public Participation on Draft SPD* as detailed in the Council’s Statement of Community Involvement.
23. An option that would be cost effective is to dovetail public consultation on the SPD in with the process of planned public consultation on the Development Management Development Plan which is planned for September/October. There is a clear synergy in the content of both documents as they both would form part of the LDF and hence a shared period of consultation would be not inappropriate and should provide an opportunity reduce net costs in respect of the process of public consultation (re: press notices).
24. The SPD will be reported back to Cabinet in the autumn for final adoption at the end of the period of public consultation.

## Financial Implications

The costs of the public notices for the consultation will be approximately £2,000 and will be shared with the parallel consultation on Development Management Development Plan. These costs will be met from current Planning budgets.

## EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

### What will be the effect of the recommendation?

24. None directly, however the local planning guidance document will give greater leverage to officers in negotiations with applicants over development sites in the Borough and conforms *with* one of the Council's key *corporate* priorities namely 'Making Hillingdon Safer', and the Council's Vision of putting residents first by making 'Hillingdon a safe, attractive and sustainable place to live, work and learn'.

### Consultation Carried Out or Required

25. The report and the attached document have been circulated internally and to all Ward Councillors and Planning Committee Members. Safer Hillingdon Partnership as the partnership body *responsible* for the implementation of "Protecting Crowded Places" will be consulted should the recommendation be approved.
26. **Metropolitan Police and the local Counter Terrorism Security Advisor** - Support the content and welcome the adoption of the SPD
27. **Civil Protection Team** - have provided their professional input into this document and welcome it as another incentive to help make Hillingdon's built environment a safer and more resilient place. It believes that the Council, with its various planning responsibilities, is best placed to achieve this.
28. **Corporate Policy Team** - feedback was provided that given the technical *character* of the content and its emphasis on physical design measures that the SPD did not require an Equalities Impact Assessment.
29. **Corporate Communications** - contributed to the choice of photographs given the sensitivity of the subject of the SPD

## CORPORATE IMPLICATIONS

### Corporate Finance

Corporate Finance has reviewed this report and is satisfied that the cost of the public notices for the Supplementary Planning Document consultation, which will be shared with the consultation on Development Management Development Plan, will be contained within existing Planning budgets. At this stage there are no further direct financial implications arising from the recommendations of this report

## **Legal**

### The Local Authority's Powers and Duties:

The Council has numerous statutory powers and duties which allow it to be actively involved in the reduction of crime and disorder within its area.

In addition to these powers and duties, the Government has provided guidance to Local Planning Authorities in the form of Planning Policy Statement 1 which sets out the Government's objectives for the planning system. These objectives include the provision of new developments which create environments that are safe and accessible, where crime or the fear of crime does not undermine the quality of life and cohesion of the community.

In order to assist the Council in achieving such developments through the planning process, the Council is considering the adoption of a Supplementary Planning Document ("SPD").

### Legislative Requirements to Adopt an SPD:

The legislative requirements for the preparation and adoption of an SPD are set out in the Planning and Compulsory Purchase Act 2004 and the subsequent regulation, the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended), referred to below as the Act and the Regulations.

Section 18(1) of the Act also requires the Council to prepare a Statement of Community Involvement ("SCI") The Council adopted its SCI on 8 November 2006. By virtue of section 19(3) of the Act the Council is under a statutory duty to comply with the SCI it when preparing an SPD. If the process is not followed the validity of the SPD may be open to challenge through judicial review.

### The Process

An SPD goes through 4 stages before it is adopted. These stages are set out in the SCI

1. Pre-production. This is an information gathering stage where specialists and stakeholders the Council deem relevant will be consulted.
2. Public Participation. The community are given an opportunity to comment on the draft SPD. The regulations and SCI state who should be consulted, how those consultations should be carried out and what information should be provided.
3. Consideration. The officers consider the responses received and the draft SPD amended as thought appropriate.
4. Adoption. The final version is reported to Cabinet for consideration and adoption as appropriate.

At paragraph 20 and 22 the report states that the consultations for stages 1 & 2 will be carried out in accordance with the SCI. If the SCI is followed then the legal requirements will have been be fulfilled.

In considering the consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the draft document or officer recommendation. The decision maker must be satisfied that responses received were conscientiously taken into account. Further the Council is required by



regulation 17(1) prepare a consultation statement and send it to the statutory consultees. The consultation statement sets out

- the names of persons the authority consulted in connection with the preparation of the SPD,
- how those persons were consulted,
- a summary of the main issues raised in those consultations and
- how those issues have been addressed in the SPD

### **Corporate Landlord**

The Corporate Landlord supports the recommendations in this report.

## **BACKGROUND PAPERS**

***Safer Places: The Planning System and Crime Prevention***,  
OPDM, Home Office, 2004

***Crowded Places: The Planning System and Counter Terrorism***,  
HM Government, March 2010

***Protecting Crowded Places: Design and Technical Issues***, HM  
Government, March 2010

***Working Together to Protect Crowded Places***, HM Government  
March 2010

***Hillingdon's Community Safety by Design, Supplement Planning  
Guidance***, adopted July 2004

***RIBA Guidance on Designing for Counter-Terrorism***, April 2010

***Statement of Community Involvement***, London Borough of Hillingdon, adopted November  
2006