



EXAMINATION OF THE EXETER LOCAL PLAN

MATTER 14: INFRASTRUCTURE, FACILITIES & VIABILITY

ISSUE 3 - POLICY IF3 - COMMUNITY FACILITIES

HEARING STATEMENT

PREPARED BY:

**DEVON & CORNWALL POLICE & THE OFFICE OF THE
POLICE & CRIME COMMISSIONER FOR DEVON &
CORNWALL, AND THE ISLES OF SCILLY (OPCC)**

APRIL 2026

CONTENTS	PAGE
Declaration and Personal Statements	
1. Introduction	6
2. Legal Duty and Relevant Planning Policy	7
3. Further Evidence to Support Amendments to Policy IF3 and the IDP	10
4. Response to the Inspectors' Questions 1 - 4	12
5 Conclusion	16

APPENDICES (separate files)

M14-DCP1	Statement of Common Ground agreed between ECC and DCP, April 2026
M14-DCP2	NPEG Summary of High Court cases supporting the Police Service
M14-DCP3	NPEG Summary of Appeals supporting the Police Service
M14-DCP4	Appeal Decision (Ref: APP/T2405/W/25/3365777) dated 3 rd November 2025, supporting Contributions to Police Infrastructure

Declaration and Personal Statements

The evidence which Devon & Cornwall Police together with the OPCC have prepared and submitted to the Exeter Local Plan Examination within this Hearing Statement is true. It has been prepared and is given in accordance with the guidance of the Royal Institute of Chartered Surveyors and the Royal Town Planning Institute. We can confirm that the opinions expressed are our true and professional opinions.

This Statement has been produced by the following Devon and Cornwall Police staff and contractors:

Iain Masters MRICS, Development Manager

My name is Iain Masters. I am Chartered Surveyor with over 40 years property development and estate surveying experience. I have worked extensively on property matters in both the private and public sectors. I hold a BSc in Estate Management from Birmingham City University (then Birmingham Polytechnic). I qualified as a Chartered Surveyor in 1993.

Since April 2019, I have held the position of Estate & Development Manager for Devon & Cornwall Police and the Isles of Scilly, having initially worked as a consultant advisor to the Police from November 2017. The sub-team that I lead within the Property Department is responsible for general estate management duties and the promotion and feasibility assessments associated with estate change. I also manage a small team of internal and external consultants/reports who secure developer contributions to fund police infrastructure, and who make planning representations to local authorities to ensure that council planning policies in the two counties properly support operational policing. In this capacity, I am responsible for matters in relation to possible 'estate change' in Exeter City Centre which concerns the Exeter Local Plan.

The information and evidence in this Statement which has been prepared by me - together with Fiona Jury MRTPI of Devon & Cornwall Police - are given in accordance with the guidance of the RICS, and I can confirm that the views expressed are my genuine professional opinions.

Fiona Jury MRTPI, Planning Advisor

My name is Fiona Jury. I am an in-house Planning Advisor to Devon & Cornwall Police and the Isles of Scilly. I am retained by the Police to provide specialist advice on Town Planning matters in relation to the Exeter Local Plan, and more widely across Devon and Cornwall on possible estate change.

I hold a BA (Hons) in Town and Country Planning and Bachelor of Town Planning from the University of the West of England, together with a Masters in Business Administration from Henley Management School (now University of Reading). I have been a Chartered Member of the Royal Town Planning Institute since 1997, and have 30 years' experience as a town planner, holding roles in both planning consultancy and with National housebuilders.

This information and evidence within this Statement on matters in relation to town planning is given in accordance with the guidance of the RTPI. I can confirm that the views expressed are my genuine professional opinions.

Inspector Nathan Johnson, Neighbourhood Team (City and West) Inspector

My name is Inspector Nathan Johnson, and I am responsible for the neighbourhood policing of Exeter city centre, and the west of the city.

I joined Devon and Cornwall Police in 2004, initially as a response officer before specialising in Public Order in 2009 at a time of significant national change where I was deployed to the London

Riots, EDL marches, and conducted a capability and capacity study of the Royal Falkland Island Police's ability to respond to protest.

I was seconded to the College of Policing Public Order Unit in 2012 where I conducted compliance visits of forces and was integral to the selection, training and deployment of GB police to PSNI for G8 / marching season.

I returned to Devon and Cornwall in 2014 on temporary promotion as a sergeant in the contingency planning unit before being substantively promoted to lead a response section in Exeter. During this time, I have continued to teach public order command in post conflict environments with the College of Policing in both Zanzibar and Sierra Leone, and completed the CEPOL European Future Leaders' Program in Budapest during 2016.

I moved to Force Support Group, qualified at a Police Search Advisor and conducted a number of high-profile operations within force and on mutual aid.

In 2020, on promotion to Inspector, I led the planning in relation to the protest of the G7 summit in Cornwall. On completion of the operation, I moved across to firearms where I qualified as a Tactical Firearms Commander and led the Tactical Firearms Team.

I moved to community policing in 2024, taking up my current role based in Exeter city centre.

The information and evidence within this Statement which concerns the operational policing of Exeter city centre is based on my own professional experience, knowledge of the city centre, together with the local community.

Inspector David Turner, Sector Inspector Exeter East and North

My name is Inspector David Turner and I am responsible for the neighbourhood policing of Exeter East and North.

I joined Devon and Cornwall Police in 2003, and was posted to Exeter as a response officer. I remained in this post, working in Exeter until 2008 when I was promoted to the rank of Sergeant.

My first posting as Sergeant was to response, based in Exmouth, where I worked for 2 years.

I then moved back to Exeter, where I worked as a custody sergeant for 7 years.

From custody, I then moved to the Exeter Neighbourhood Team, where I worked as the Neighbourhood Team Leader for Exeter City Centre and St Davids. I covered this role for 2 years.

In 2019, I obtained the rank of Inspector. My first role was as Geographic Support Inspector. I was based in Exeter. The role entailed providing strategic support to the Superintendent/Chief Inspector in charge of the Exeter, East and Mid Devon local policing area.

In 2024, I took up my current role as Sector Inspector for Exeter East and North which is based in Exeter city centre. I am responsible for managing teams of officers and planning daily operational policing; I also lead on responses to critical incidents to ensure that resources are deployed effectively and efficiently.

In the period covering the last 12 months, violence and sexual offences have been the most reported crime in Exeter city centre, followed by anti-social behaviour and then shoplifting. This is confirmed by the up-to-date data provided from the Police Crime Map. As such, I understand the nature of these threats and the implications for day-to day life which underpin the essential need for a city centre Police base.

The information and evidence within this Statement which concerns the operational policing of Exeter city centre has been informed by my own professional experience, knowledge of the city centre and the local community.

1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Devon & Cornwall Police (DCP) and the Office of the Police & Crime Commissioner for Devon & Cornwall (OPCC) and the Isles of Scilly (together the Police) in respect of **Matter 14, Issue 3, Policy IF3** of the Exeter Local Plan Examination. A separate Statement has been submitted in respect of Matter 9, Issue 2, Policy SBA2 (East Gate) which concerns the reprovion of the city centre Police base.
- 1.2 The Police's objection relates to the representation submitted to the Local Plan (Regulation 19) on 6 February 2025 to Policy IF3, including paragraph 15.18 which as drafted remains silent in recognising policing infrastructure as a community facility that should be protected in policy.
- 1.3 The Police continue to object to the draft Local Plan on the basis that adequate police infrastructure and facilities are critical for the provision of the safety and security of the public and to accord with the overall objectives of the NPPF in creating safe places. This is also required for consistency with the objectives for maintaining safety and security throughout the relevant policies within the Exeter Local Plan.
- 1.4 Exeter City Council (ECC) and the Police engaged in discussions prior to the Local Plan Examination and have worked positively together. The result of this is that two critical points have been agreed in the Statement of Common Ground (SoCG) at **Appendix M14-DCP1** which are effectively as follows:
 - i. Within paragraph 15.18, "*policing infrastructure*" is now included as a facility that should be protected, and which is of critical importance to the residents of Exeter. The Police also support the reference to "*safety*" which is included as a Suggested Main Modification to the Plan (SAMM95), and "*security*" that has been agreed in the SoCG within the explanatory text in paragraph 15.18.
 - ii. In relation to Policy IF3, the inclusion of "*policing*" as an existing community facility which will be protected, is necessary.
- 1.5 There is one further point where the Police have suggested the Modification of Policy IF3 requesting "*contributions towards additional or improved education provision and other community facilities including police infrastructure*" (our underlining) which they are seeking for soundness. ECC have not agreed to this amendment as reflected in the SoCG. Therefore, further consideration is given to the proposed Modification within this Statement.
- 1.6 Matters in relation to the Infrastructure Delivery Plan (IDP) have also been considered within this Statement. As such, the City Council has agreed to update their IDP (EVB-IF02a 2025) to include 'Improvements to Strategic Police Infrastructure', where this relates to development on a city-wide basis. CIL has been identified as a potentially appropriate funding source for strategic police infrastructure, where evidenced. The Police support this revision, but consider that s106 should also be identified as a funding mechanism that is capable of being used for this purpose. This is reflected in the SoCG.
- 1.7 In addition, ECC have added the 'Replacement City Centre Police Base' to the IDP which is confirmed in the SoCG. However, it is ECC's view that neither CIL nor s106 should fund such provision given that the existing lease on the Police base at the Civic Centre expires in 2028 irrespective of the progress on the Exeter Plan. The Police's position on the principle of developer contributions is considered within this Hearing Statement.

- 1.8 The purpose of this Statement is to assist the Inspectors' in understanding the implications of the draft Local Plan on operational policing across the city. It provides the justification for the Suggested Main Modifications which have been agreed in the SoCG, and have also been proposed by the Police to Policy IF3 and the IDP, all of which are necessary to make the Plan sound. It gives an overview of the Section 17 duty (1998 Act) placed on local authorities to consider crime and disorder implications, together with the planning policy support and justification for requesting contributions. It also addresses the questions raised by the Planning Inspectors' in relation to Matter 14, Issue 3, Policy IF3.
- 1.9 The Police's evidence has been prepared and submitted in accordance with the statutory duty of the PCC to secure an efficient, and effective police force for Devon & Cornwall Police (Part 1 of the Police Reform and Social Responsibility Act 2011, and Policing Protocol Order 2023).

2.0 LEGAL DUTY & RELEVANT PLANNING POLICY

2.1 SECTION 17 DUTY

- 2.2 Section 17(1) of the Crime and Disorder Act 1998 imposes a statutory duty on all local authorities to consider crime and disorder implications. It states that *"it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,*
- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and*
 - (b) the misuse of drugs, alcohol and other substances in its area; and*
 - (c) re-offending in its area; and*
 - (d) serious violence in their area."*
- 2.3 It is difficult to see how a local authority whom are promoting a Local Plan which proposes to remove a city centre Police Station through Policy SBA2 are doing all that they can to prevent *"crime and disorder"* as required by the statutory duty imposed on them under Section 17 (1) of the Act.
- 2.4 Section 17(1)(A) of the 1998 Act provides that *"The duty imposed on an authority by subsection (1) to do all it reasonably can to prevent serious violence in its area is a duty on the authority to do all it reasonably can to-*
- (a) prevent people from becoming involved in serious violence in its area, and*
 - (b) reduce instances of serious violence in its area."*
- 2.5 It follows that local planning authorities must exercise their functions with due regard to the likely effects of those functions on, and the need to do all that it reasonably can to prevent serious violence in its area to comply with the statutory duty imposed on them by Section 17 (1) of the Crime and Disorder Act 1998.
- 2.6 As a result, when formulating policy and when determining planning applications for any new development within its administrative area, ECC must comply with the above Section 17 duties, otherwise there is a risk of challenge to such policy and planning decisions. The Police have made it clear within their representation to Policy IF3 that there is a compelling need for an appropriate city centre Police base to ensure the safety and security of people.

As such, it is necessary to do all that they reasonably can in partnership with ECC to prevent the types of behaviour set out in Section 17 of the 1998 Act.

- 2.7 Therefore, to assist with complying with its Section 17 duty, the Exeter Local Plan must acknowledge the Police's needs to protect the provision of existing and new policing facilities through all of the Suggested Main Modifications and those proposed by the Police to Policy IF3 confirmed in the SoCG.
- 2.8 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)
- 2.9 The creation of safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion is a key part of planning for sustainable development and communities as outlined in paragraph 8b), 96b), 98c), 101, 102 & 135f) of the NPPF.
- 2.10 Paragraph 8 explains that *"Achieving sustainable development means that the planning system has three overarching objectives."* Paragraph 8b) sets out the second of those objectives, which is a social objective *"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and **safe places**, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."* It is clear in its objectives for sustainable development, that the NPPF recognises *"safe places, with accessible services"* as key.
- 2.11 Paragraph 96 confirms that *"planning policies and decisions should aim to achieve healthy, inclusive and **safe places** which:b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...."*
- 2.12 Paragraph 98 of the Framework states that *"to provide the social, recreational and cultural **facilities and services the community needs, policies and decisions should:c) guard against the unnecessary loss of valued facilities and services that serve community needs, particularly where this would reduce the community's ability to meet its day-to-day needs.**"* The existing Exeter Police base within the Civic Centre supports the role of the city centre and serves the day-to day needs of local communities by seeking to create a safe place to live, work and visit.
- 2.13 Paragraph 101 requires decision-makers to give *"significant weight"* to the importance of delivering *"new, expanded or upgraded public service infrastructure when considering proposals for development"* with *"public service infrastructure"* being recognised *"as health, **blue light**, library, adult education, university and criminal justice facilities"* (our underlining). The express reference to the importance of *"blue light"* services together with the *"significant weight"* to be attributed to the faster delivery of these facilities which specifically includes police infrastructure should positively influence the planning balance when considering new development proposals.
- 2.14 Paragraph 102 of the NPPF requires that planning policies and decisions should promote public safety and take into account wider security and defence requirements. It specifically states that *a).....**"Policies for relevant areas (such as town centre and regeneration frameworks)...should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications."*** The Police advising ECC of its policing requirements as a result of the

developments within the city is evidence of the engagement which the NPPF encourages, including the preparation of the emerging Exeter Local Plan 2021 - 2041.

- 2.15 Paragraph 135 of the NPPF states that “*Planning policies and decisions should ensure that developments.....f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*” For the Exeter Local Plan to promote the redevelopment of the East Gate site without providing a Police Station would risk crime and disorder, and the fear of crime increasing, and this could potentially undermine the quality of life for residents, visitors and for those who work in the city as well.
- 2.16 EXETER PLAN: PUBLICATION PLAN: REGULATION 19, DECEMBER 2024
- 2.17 Policy H16 of the Local Plan considers residential amenity and healthy homes. It requires that “*new homes must provide safe and healthy living conditions and good standards of amenity for future occupiers.*” It confirms that one such factor that will be considered in providing safe and healthy living conditions is: “*g. security.*”
- 2.18 Policy D2 sets out the Council’s approach to designing-out crime by emphasising the integration of crime prevention measures into the design process to reduce crime, fear of crime and anti-social behaviour. It states that “*development proposals will be supported where they demonstrate that crime prevention and creating a safe environment have been effectively integrated into the design of the scheme.*” More specifically, it confirms that “*Development proposals should:*
- a. Be designed with management and maintenance in mind to discourage crime, fear of crime and antisocial behaviour;*
 - g. Include appropriate, well-designed security features to support passive, safe design.”*
- 2.19 In order to comply with ECC’s own proposed policy, there is a clear need for policing infrastructure to be in place to provide for safe and healthy communities for the existing and future residents of Exeter.
- 2.20 Policy IF3 under the heading of ‘Infrastructure’ sets out the approach for the protection of existing, and the delivery of new, community facilities in the city. The agreed Suggested Modification to include “*policing*” within Policy IF3 as a community facility to be protected, together with the reference to “*policing infrastructure*” within paragraph 15.18 is confirmation of the uncontentious need to protect policing infrastructure. As such, it is consistent with paragraphs 96b) and 98c) of the NPPF.
- 2.21 It is, however, essential that sufficient regard is given to the requirement of securing sufficient contributions towards the funding of police infrastructure within Policy IF3. The Police have proposed that contributions towards policing infrastructure are requested from residential development where necessary. The Police’s response to Policy IF3 on the issue of requesting developer contributions is set out below.

3.0 FURTHER EVIDENCE TO SUPPORT AMENDMENTS TO POLICY IF3 AND IDP

- 3.1 A primary issue for Devon & Cornwall Police is to ensure that new development makes adequate provision for the future policing needs that it will generate. Like other public services, Devon & Cornwall Police's primary funding is insufficient to be able to add capital infrastructure to support new development when and wherever it occurs.
- 3.2 It therefore remains necessary for Police Forces to secure section 106 contributions or direct CIL funding for police infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond DCP's control i.e. housing growth and the subsequent and permanent impact it has upon policing. This enables the relevant infrastructure to be requested and put in place, as is the case for any other public service such as education, so that effective policing can be delivered for the area that serves the locality. DCP are participants in the statutory planning process with local planning authorities across Devon & Cornwall and are evidencing the impact of growth through work with local councils in plan making.
- 3.3 The principle of seeking developer contributions towards policing infrastructure is well established and has been supported by High Court authority in the case of *Jelson Ltd v Secretary of State for Communities and Local Government* [2016] EWHC 2979 (Admin); upheld [2018] EWCA Civ.24 and *R (Police and Crime Commissioner for Leicestershire) vs Blaby District Council* [2014] EWHC 1719 (Admin). As such, the judgement confirmed that the methodology used to calculate the contributions was CIL Regulation 122 compliant. These cases are summarised further in **Appendix M14-DCP2**.
- 3.4 There have also been 12 Secretary of State decisions, and a further 33 Planning Inspectorate decisions endorsing developer obligations for police infrastructure. Summaries of these decisions are in **Appendix M14-DCP3**. The most recent Appeal decision (Ref: APP/T2405/W/25/3365777) allowed on 3rd November 2025 (**Appendix M14-DCP4**) confirms at paragraph 41 that the contribution sums requested by Leicestershire Police "demonstrated compliance with the regulations in this instance."
- 3.5 ECC's agreed Modification to the IDP includes CIL as an appropriate funding mechanism to deliver 'Improvements to Strategic Police Infrastructure' on a city-wide basis, where evidenced. However, they do not consider either CIL or s106 contributions to be an appropriate funding mechanism to deliver the 'Replacement City Centre Police Base' which is identified as a requirement of Policy SBA2C.vi in the SoCG and classified in the IDP as 'Strategic.'
- 3.6 It is the Police's position, that potential funding sources within the IDP should include s106 developer contributions and CIL, together with Devon & Cornwall Police for the reason that Local Plan Policy SBA2 proposes to remove an existing valuable Police Station which is a community facility protected by planning policy under Policy IF3. As such, the Police should not be responsible for bearing the full cost of the replacement city centre Police base, where they can justify amendments to CIL or s106 in the IDP. This issue of the replacement Police Station is discussed more fully in the Hearing Statement which considers Matter 9, Issue 2, Policy SBA2.
- 3.7 Notwithstanding this, the Police do not consider that it would be appropriate to rely on CIL contributions as the only source of funding. Whilst DCP have been successful in securing the inclusion of police infrastructure projects in IDPs elsewhere, including in East Devon

District, until such time that there are sufficient funds to hold a CIL bidding round, then it is not possible to rely on CIL funding that currently does not exist. There is also the added uncertainty as to the allocation of funds, particularly when the bidding round is heavily oversubscribed with competition for other types of community projects. This means that not all bids are guaranteed support despite their inclusion within the IDP.

- 3.8 The Police are therefore concerned about whether they would secure monies to mitigate the effects of new development on policing. The reliance on CIL monies is not considered a valid solution to address the site-specific impacts caused by residential developments. Neither is it considered a suitable funding mechanism to guarantee the funds to deliver a replacement city centre Police base within the estimated delivery period between 2027 - 2032 identified by ECC in the SoCG. Having considered the anticipated sequencing of East Gate set out in the Council's Delivery Study (September 2025) prepared by Avison Young, the Police propose that the estimated delivery period in the IDP is extended to 2035, on the basis that many of the sites within East Gate are unlikely to be built out until the middle of the Plan period. The Classification should also be amended to *"B. Important"*.
- 3.9 Therefore, it is for this reason that contributions are expressly referred to for additional or improved policing infrastructure from residential development under Policy IF3, secured by planning obligation and/or CIL. The Police propose that the IDP is updated to reflect these potential sources of funding, together with the need for the replacement city centre Police base which should be funded by both s106 and CIL, with Devon & Cornwall Police bearing some of the responsibility for the cost. These suggested amendments are set out below in **Table M14-DCP1**. Where the amendments are shown in **red**, this reflects those agreed in the SoCG, whilst those shown in **bold** are proposed by the Police.

Project name and brief description	Infrastructure theme	Classification (related to development)	Estimated project cost	Delivery partners	Potential funding sources (detail TBC), Funding could also include scheme development	Estimated delivery period
Improvements to strategic police infrastructure	Emergency services	B. Important D. Strategic	TBC	ECC, DCP	Devon and Cornwall Police, CIL & s106	2027 2-2042
City Centre Police Base including office and public enquiry space (replacement of existing base following end of existing Civic Centre lease)	Emergency services	D. Strategic B. Important	TBC	ECC, Devon and Cornwall Police and Developers	Devon & Cornwall Police, CIL & s106	2027 - 2032 2035

Table M14-DCP1: Amendments to Infrastructure Delivery Plan, Version 3, 2025, agreed in SoCG, and also Proposed by the Police

4.0 RESPONSE TO INSPECTORS' QUESTIONS IN RELATION TO POLICY IF3

- 4.1 **Question 1 - Is Policy IF3 consistent with paragraph 97 of the Framework which, amongst other things, requires planning policies to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs?**
- 4.2 If the agreed Suggested Modifications confirmed in the SoCG are made to Policy IF3 which make explicit reference to "*policing*," together with "*safety* (SAMM95)," "*security*" and "*policing infrastructure*" in paragraph 15.18 of the Plan, then the policy will be consistent with paragraph 98c) of the Framework which seeks to guard against the unnecessary loss of valued facilities and services such as Police stations.
- 4.3 Policy IF3 seeks to ensure that new development is served by the necessary infrastructure. Such services must be planned and community facilities to include "*policing infrastructure*" should be protected, like any other public service. Hence, it is entirely reasonable and appropriate for the Exeter Local Plan to contain reference to "*policing*" within planning policy.
- 4.4 It is clear, that in its objectives for sustainable development, the NPPF at paragraph 8 recognises "*safe places, with accessible services*" as key. As such, development plans, including the Exeter Local Plan, must be consistent with this.
- 4.5 Paragraph 98c) of the Framework guards against the unnecessary loss of valued facilities and services that serve community needs, particularly where this could reduce the community's ability to meet its day-to-day needs. The agreed Modification to paragraph 15.18 of the Plan now gives recognition to "*policing infrastructure*" as a facility which "*is of critical importance to our residents*."
- 4.6 It is therefore critical, that police infrastructure is supported within planning policy, and which has been upheld by both the decisions of Planning Inspectors and the High Court. This is essential to providing safe places where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion, as required by paragraphs 96b) and 135f) of the NPPF. Without the Suggested Modifications agreed with ECC and the amendments proposed by the Police in respect of contributions, draft Policy IF3 poses a real risk of loss of essential policing infrastructure which will have a detrimental impact on the ability to keep communities safe and secure.
- 4.7 Therefore, for the reasons set out above, the Police consider that their objection citing the need to reference "*policing*" within Policy IF3 and the inclusion of "*safety*," "*security*" and "*policing infrastructure*" in paragraph 15.18 respectively can be resolved 'in part' through the Suggested Main Modifications to the Plan.
- 4.8 **Question 2 - Is it clear to decision-makers, developers and local communities what types of use constitute 'community facilities', particularly in relation to commercial operations?**
- 4.9 The agreed Suggested Modifications to include "*safety*," "*security*" and "*policing infrastructure*" in paragraph 15.18, and "*policing*" within Policy IF3 set out in the SoCG address the concerns raised by the Police and now adds clarity as to what types of use constitute "*community facilities*."

4.10 Question 3 - Is it clear to decision-makers, developers and local communities how the policy will be implemented effectively?

4.11 The Police hold significant concerns with the Suggested Main Modification (SMM85) to Policy IF3 which proposes to replace the criteria listed as a-e in the Regulation 19 Plan content, with the amended criteria listed as a-c in the Schedule. As such, it is unclear to decision-makers, developers and local communities how the policy will be implemented effectively.

4.12 The Police do not consider that it is necessary for any Modifications to be made to the criteria within Policy IF3 listed as a-e. They maintain that the existing criteria should be retained, as they afford better protection of existing valuable community facilities such as “policing” amongst other important services identified (and agreed in the SoCG), than the Suggested Main Modification that ECC are proposing in Policy IF3 a-c.

4.13 The re-provision of a city centre Police base under Policy SBA2 is an essential community facility that serves the day-to-day needs of the community, and “*is of critical importance to our residents*” as confirmed in Policy IF3. It is duty of the local authority to which Section 17 of the Crime and Disorder Act 1998 applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. As such, crime and disorder should not be seen as secondary consideration when informing policy and making decisions.

4.14 The Council’s Schedule of Suggested Modification to Policy IF3 (SMM85) states that:

“Existing facilities, including buildings and land, that meet community, social, health, welfare, education, spiritual, cultural, leisure and recreational needs (including Assets of Community value) will be protected, unless it can be robustly demonstrated that:

- a. There is no reasonable prospect of the existing use continuing, nor of securing an appropriate alternative community use of the site; or*
- b. An assessment has been undertaken which has clearly shown that there is a proven excess of the existing facility in the area it serves, and there is no reasonable prospect of securing an appropriate alternative community use of the site; or*
- c. Sufficient alternative or improved provision will be made in a suitable location to serve the local community, which clearly outweighs the loss, and will be provided to a timescale that avoids any significant break in use.”*

4.15 Whilst the Suggested Main Modification (SMM85) now includes reference to having to “robustly” demonstrate before setting out the criteria (a-c) to be met to allow the loss of a community facility, criteria a. is unacceptable to the Police, for the reason that the expiry of a lease could have the effect of “*no reasonable prospect of the existing use continuing.*” This would affect the Police’s existing city centre base in the Civic Centre where the lease expires in 2028. The Suggested Main Modification affords no protection of a critical facility that is required for “safety” which has been recognised in the agreed Modification of Policy IF3 in the SoCG. As such, this does not mean that Police facilities are no longer needed in an area, but rather an unrealistic price/rent, or the offer of a short lease are likely to reduce the chances of finding a new user, with there being no reasonable prospect of “*securing an appropriate alternative community use of the site.*” The Suggested Main Modification to IF3a

fails to provide for the proper protection of essential community facilities such as “*policing*” which is protected in policy.

- 4.16 The Suggested Main Modification to IF3b. requires that it is “*robustly demonstrated that... an assessment has been undertaken which has clearly shown that there is a proven excess of the existing facility in the area it serves, and there is no reasonable prospect of securing an appropriate alternative community use of the site.*” The decision about whether there is a proven excess of the existing facility in the area it serves such as a Police Station is made by the PCC and the Chief Constable. It does not mean that Policing services are no longer needed, for example in Exeter city centre where it is an essential operational requirement for “*safety*” which is included within paragraph 15.18 under SAMM95. As such, if IF3 criteria b. was the case, it is difficult to see that sufficient alternative or improved provision should therefore be made as required by Policy IF3c.
- 4.17 Whilst the Police maintain that the criteria listed as a-e within Policy IF3 should remain unmodified, they have proposed a Modification within their response to the Inspectors’ Question 4 below in the event that the Inspectors’ recommend the Suggested Main Modification put forward by ECC. This would provide greater protection of publicly run community buildings and services than the Main Modification being proposed, and moreover would make it clearer to decision-makers, developers and local communities how the policy will be implemented effectively.
- 4.18 The Police are also seeking the further strengthening of Policy IF3, by the inclusion of “*contributions*” towards “*policing infrastructure*” from residential development within Policy IF3. The justification for this amendment is set out in Sections 2 and 3 of this Statement.
- 4.19 Question 4 - In terms of this issue, are any of the suggested modifications in the Schedule of Suggested Modifications necessary for soundness?**
- 4.20 Yes, all of the Suggested Modifications to Policy IF3 at Appendix **M14-DCP1** that have been agreed in the SoCG are necessary for soundness. These include the following:

SoCG Agreed Suggested Modifications to Policy IF3 & IDP

- i. To make explicit reference to “*policing*” with Policy IF3.
- ii. To add “*policing infrastructure*” and “*security*” to paragraph 15.18 of the Plan, and also “*safety*” which is proposed by ECC under SAMM95 in the Schedule of Suggested Modifications for Submission.
- iii. To include “*Improvements to Strategic Police Infrastructure*” together with “*CIL*” as a potential funding source within the IDP; and
- iv. To include the “*City Centre Police Base including office and PEO space (replacement of existing base following end of existing Civic Centre lease)*” within the IDP as an “*emergency services project.*”

All of the above Suggested Modifications that have been agreed in the SoCG are necessary for soundness, and to be consistent with the NPPF as required by paragraph 36d) of the Framework and to comply with the Section 17 duty of the Crime and Disorder Act.

- 4.21 The following Proposed Modifications to Policy IF3 and the IDP shown in **bold** are also necessary for soundness:

Proposed Modifications to Policy IF3 and IDP (not agreed in SoCG)

- i. To resolve the Police's concerns in respect of the need to secure developer contributions towards policing infrastructure, Policy IF3 should be amended to "*Contributions towards additional or improved education provision and other community facilities **including police infrastructure** will be sought from residential development proposals where necessary.*"
- ii. In relation to the IDP, where "*Improvements to Strategic Police Infrastructure*" is identified, the potential funding sources should include "**s106.**" The classification should also be amended to include "**B. Important**" together with "*D. Strategic.*" This would make it clearer that contributions towards police infrastructure will also be sought to mitigate the impact of development either individually or cumulatively and will not be limited to projects that are required to support the strategic needs of the city.
- iii. Where the "*City Centre Police Base*" is included within the IDP, the delivery partners should be amended to include "*ECC, Devon & Cornwall Police **and Developers.***" Furthermore, the potential funding sources should be revised to include "*Devon & Cornwall Police, **CIL and s106***" The classification should also be amended to "**Important.**"

All of the above Modifications that are proposed by the Police are necessary for soundness, and to be consistent with the NPPF as required by paragraph 36d) of the Framework, and to comply with the Section 17 duty of the Crime and Disorder Act 1998.

- 4.22 The NPPF at paragraph 101 anticipates engagement between the Police and local planning authorities in the preparation of Local Plans. By the Police advising Exeter City Council of the need to protect existing police facilities and re-provide police infrastructure to serve the City, this should inform the approach to local policy, including the preparation of the IDP.
- 4.23 The agreed Suggested Modifications and proposed Modifications will also provide the Plan with an appropriate strategy that can be justified as required by paragraph 36 b) of the NPPF. Without them, it will fail to deliver the objectives of creating safe and accessible places, where crime and disorder, and the fear of crime, do not undermine the quality of life, as required by paragraph 96 b) of the Framework, as otherwise it will not be an appropriate strategy.
- 4.24 The Police would therefore request that the Inspectors' recommend these modifications to Policy IF3, including paragraph 15.18 (set out in paragraphs 4.20 and 4.21 above), and the IDP to support the funding of police infrastructure. These are necessary to make the plan sound, and to be consistent with the NPPF as required by paragraph 36d), but also to comply with the Section 17 duty of the Crime and Disorder Act 1998 which requires local authorities to do all that they reasonably can to prevent crime and disorder in their area.

Policy IF3 - Response by Police to Schedule of Suggested Modifications (CSD-03)

- 4.25 The Police do not consider that it is necessary for any Modifications to be made to the criteria within Policy IF3 listed as a-e of the Publication Regulation 19 version of the Plan. They maintain that the existing criteria should be retained, as they afford better protection of existing valuable community facilities such as “policing” amongst other important services identified (agreed in the SoCG), than the Suggested Main Modification (SMM85) that ECC are proposing to Policy IF3 a-c in the Schedule.
- 4.26 However, if the Inspectors’ recommend the changes put forward under SMM85, then the following additional text is proposed as a Main Modification after paragraph 15.20 of the Plan to follow the Modification to SAMM98 (Schedule of Suggested Modifications reads SMM98) to protect public buildings, like the city centre Police Station:

Modification to insert new paragraph after paragraph 15.20:

“Where relevant, applications which would result in the loss of a publicly run or charitably run community facility will be expected to demonstrate that the existing facility is not needed by that user and could not be continued for that purpose. It would not be an appropriate justification under Policy IF3a to suggest that there is no reasonable prospect of a use continuing, nor of securing an appropriate alternative community use because of an unrealistic price or significant increase in rent, the offer of a short lease, restrictive covenants or the offer of a limited curtilage which are likely to reduce the chances of finding a new user.”

5.0 CONCLUSION

- 5.1 The Police continue to consider that without modification the current form of the draft Local Plan fails to provide for the necessary police infrastructure to meet national planning policy and the objectives of the Plan itself.
- 5.2 The Police recommend to the Inspectors’ that Policy IF3 is modified to reflect the modifications set out in paragraphs 4.20 and 4.21 of this Statement, many of which have already been agreed by ECC in the SoCG (**Appendix M14-DCP1**), but also proposed by the Police. Without these modifications, the Plan will not be sound.
- 5.3 They further request that the Inspectors’ recommend without modification the criteria listed as a-e within Policy IF3 of the Publication Regulation 19 version of the Local Plan. However, in the event that they are minded to recommend the Suggested Modification (SMM85) proposed by ECC, then the Police would request that the additional text/modification set out in **paragraph 4.26** above is inserted following paragraph 15.20 (SAMM98) in the Plan. Without this Main Modification, then the Plan will not be sound.