

Response to ECC Position Statement of 15 June 2026

FINAL RESPONSE ON BEHALF OF DEVON AND CORNWALL POLICE

1 INTRODUCTION

1.1 This is the response from DCP to the Position Statement of ECC [PS] sent on 15 June 2026¹. It is clearly reasonable to respond because this contains new material.

- i) The PS for the first time suggests that the plan can be sound without a main modification of SBA 2 but merely with a supporting text change.²
- ii) It contains a new response by ECC to the Section 17 Crime and Disorder Act 1998 points despite these being made by the DCP in their original reps and hearing statement and at the hearing sessions.

1.2 Fairness clearly demands that DCP should respond to these new points so that the Inspectors have DCP's position on these issues.

1.3 In order to assist the Inspectors we thought it would be helpful to have a response from the Police that was comprehensive and set out the agreed and not agreed matters in one document for their convenience. This document

- i) Sets out the agreed Main Modifications.
- ii) Rulings sought from Inspectors on SBA2.

¹ It has been expressly read and approved factually by Iain Masters and Fiona Jury.

² See §2.12 and a wholly new paragraph to be inserted at 16.20

iii) The rulings sought from the Inspectors on IF3.

2 AGREED MAIN MODIFICATIONS

IF3 MAIN MODIFICATIONS AGREED PRIOR TO HEARING.

- 2.1 Before dealing with the disagreed points, it is worth setting out those that are now happily agreed.
- 2.2 In the Statement of Common Ground³ the following main modifications were agreed with the City Council. [below is column 1 and end column of statement of common ground] Insertions in red please print in colour.

Element of plan	Final position
Paragraph 15.18	The City Council and Devon and Cornwall Police agree to suggest a modification to text in paragraph 15.18 as follows: 15.18. Exeter has a wealth of services and facilities that are essential for the health, welfare, <u>safety, security</u>³, social, educational, spiritual, recreational, leisure and cultural needs of the community. These facilities include schools, healthcare, <u>policing infrastructure</u>, community halls, places of worship, pubs, libraries, space for children's services/community use and youth clubs. The protection of these facilities is of critical importance to our residents'.

Policy IF3 Community facilities	The City Council and Devon and Cornwall Police agree to suggest a modification to text Policy IF3 as follows: 'Existing facilities, including buildings and land, that meet community, social, health, welfare, <u>policing</u>, education, spiritual, cultural, leisure and recreational needs (including Assets Of Community value) will be protected, unless it can be demonstrated that...'
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- 2.3 Exeter confirmed these matters were agreed in their hearing statement on Matter 14 at §4.21 -4.25. This was set out in EXM-27 but duplicated for ease here.

³ At EXM-02ag and also appendix 1 to policy Hearing Statement

SBA2 MAIN MODIFICATION AGREED BEFORE HEARING

- 2.4 Page 9 of the SOCG⁴ agreed that 16.16 of the plan should be modified in the following way.

*‘East Gate is located on the edge of the city centre, stretching from Sidwell Street, to Cheeke Street, Paris Street and the end of Heavitree Road. It currently contains a variety of uses including office, business and retail, **policing provision**, residential, public car parking, the former bus station and former Pyramids Leisure Centre’.*

IDP AGREED MODIFICATIONS THAT HAVE BEEN AGREED.

- 2.5 The IDP agreed changes are now gone through in the PS.

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 ⁵	2027 ³ 2-2042
City Centre Police Base including office and public enquiry space (replacement of existing base) ⁶	Emergency services	D. Strategic B. Important	TBC	ECC, Devon and Cornwall Police and Developers ⁷	Devon & Cornwall Police, CIL & s106 ⁸	2027 - 2032 ⁹ 2035

⁴ ibid

⁵ §4.5 PS agreed

⁶ The PS version contained the following words after base “following end of existing Civic Centre lease” However these are thought to be unnecessary by DCP for reasons that will be apparent below.

⁷ Agreed at §4.7 PS

⁸ Agreed at 4.8 of PS

⁹ Agreed at 4.9 PS

3 RULINGS SOUGHT FROM INSPECTORS ON SOUNDNESS ON SBA2

- 3.1 The finding that DCP are inviting the Inspectors to make in relation to SBA 2 is to recommend the following main modification is required to make the Local Plan sound. This is the main modification that DCP suggested to the Inspector in the hearing statement and at the hearing.

*“C. Social, community and cultural infrastructure including:
vi. Accommodation appropriate for a city centre police base including office and public enquiry space to provide appropriate continuity of provision.”¹⁰*

- 3.2 In order to make it easier for the Council to agree and to make it clear that it is not onerous on the developer of the site the following words were suggested to the Council and then set out in the Matter 9 update EXM-26.

SBA2: East Gate:

The following will be required...

C. Social, community and cultural infrastructure including:

v. Contributions to GP provision

vi. Accommodation appropriate for a city centre police base including office and public enquiry space providing appropriate continuity of provision all to be funded by a combination of DCP, the developer, s106 contributions and CIL.

- 3.3 The reasons for why the main modification is necessary were set out in the DCP hearing statement and at the hearing and in the note prepared on 14 May 2026 prepared after the Council suggested a different change. [EXM-18] The key points were as follows.

Accords with Mr Marshall’s suggested text 4 February 2026

- 3.4 First the DCP version accords with what Mr Marshall said was his “suggested text” on 4 February 2026¹¹. The Council have given absolutely no legitimate planning reason to renege on that or anything

¹⁰ See 4.18 of DCP hearing statement

¹¹ See Appendix 1 of DCP hearing statement M9

that has changed. The Police have provided further evidence of need since then.

- 3.5 The PS does not give any legitimate planning justification for resiling from their own suggestions. All that has been said is that the change resulted from “internal discussions”¹² but there is no information to indicate who internally within the Council discussed the issue or how the decision was made to deviate away from Mr Marshall’s willingness to agree DCP’s suggested SBA2 text. This is a partly owned Council site in which the Council has commercial interests and by having a Police Station within the scheme it will have an impact on the overall land receipt.

Consistent with IF3 as agreed.

- 3.6 The MM sought by DCP would mean that the Local Plan is internally consistent. IF3 as agreed to be modified recognises that “policing infrastructure”¹³ is “essential” and “of critical importance”.¹⁴ IF3 which is agreed to include existing facilities for policing will be protected.
- 3.7 All DCP are seeking by the Main Modification which they propose is to ensure that the SBA2 policy which allows for redevelopment of the current police facility will have to re-provide it. If that is not done the plan simultaneously has a policy to protect existing police facilities and another that allows the destruction of the existing police station without ensuring it’s reprovision. The DCP modification would get rid of that illogical contradiction.

¹² See PS para 2.6

¹³ Inserted int 15.18

¹⁴ See 15.18 Local Plan

To promote planning policy to allow redevelopment of Police station without reprovision would be contrary to section 17 of Crime and Disorder Act 1998.

3.8 This point was explained in the hearing statement of DCP and at the hearing. It was summarised in the Response of May 2026 in the following way.

2.3 *Third to put forward the plan without clear requirements as to where the “essential” “policing infrastructure” of “critical importance” is going to go would not accord with section 17 of the Crime and Disorder Act 1998. To demolish the current police station for the regeneration under SBA2 without re-providing it would not be doing all that can reasonably be done to prevent crime and serious violence. With the Council new version unlike the DCP/Feb Council version they would not be planning for a new police station.*

3.9 The Council despite being put on notice of this point before the hearings chose to give no answer to it until over 1 month after the hearings were finished.

3.10 Not only is it late which has put DCP to the expense of dealing with this well after the event, it most unconvincing. ECC’s answer is at section 5 of the position statement.

3.11 It is recognised by the Council that the duty means that ECC

“(1)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 its area.]*
 (1A) *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.]*

3.12 The Council have a straight choice either they support the MM promoted by the DCP which would mean the protection of a police station in

Exeter and was suggested by Mr Marshall or they support a policy without any requirement and without any meaningful protection for the police station. How can it possibly be doing all they reasonably can to prevent crime and disorder not to follow Mr Marshall's suggested wording? They have offered no explanation for why that wording is not possible, only the undocumented "internal discussions". It is difficult to see how that can be presented as remotely reasonable.

3.13 The detailed points in the PS at paragraph 5.6 make it more obvious that resiling from their own suggested main modification to SBA2¹⁵ is not reasonable.

- i) The fact that DCP reasonably showed that the theoretical area of search for a police station was the city centre does not mean the local plan should not require re-provision of the police station if it is redeveloped. It ignores the evidence of Mr Masters at the hearing that he has been looking in vain for a suitable other site and it is going to be unlikely to find one in a city with as many constraints as Exeter.
- ii) The fact that a police station could in theory be in an existing building does not make it likely that another operationally suitable site will be found. The Council's policy duty to protect essential community infrastructure and to provide for continuity of operation of essential infrastructure should not be based on a hope-based presumption that something suitable might be found. There are genuine real world constraints on police buildings that distinguish them from ordinary office buildings. Issues such as the Police requirements to store equipment such as tasers, firearms, and seized drugs as well, which restricts buildings they can go to. In addition, they have essential requirements for secure blue light

¹⁵ See App 1 to hearing statement of DCP for Matter 9 the Feb 4 2026 email from Mr Marshall

vehicle parking, access to the road network and numerous other constraints that make finding a site very difficult.

- iii) DCP have been looking in vain for a site for a police station as Mr Masters said at the examination. The Council do not make reference to the existence of any suitable sites in the PS. Neither of the two sites the Council have suggested to DCP meet the brief.
- iv) Mr Masters gave evidence of being unsuccessful at finding a suitable site and the Council suggested no suitable site at the hearing or in the PS.
- v) The PS at 5.6 E suggests that when DCP took the lease they knew the site was going to be redeveloped. In fact, the lease was taken in 2018, and the PS says the earliest date in which ECC claim to have made the redevelopment clear was the Liveable Exeter prospectus in 2019.¹⁶
- vi) 5.6F provides another factually erroneous point. It is suggested that DCP was motivated by a desire to profit from a capital receipt when deciding to close Heavitree Road and sell the site. It is wholly misleading to suggest DCP would have sufficient funding available from the redevelopment of Heavitree Road Police Station . This is factually incorrect and it was explained to be so at the examination. In fact, the police revenues from Heavitree Road will only be enough for about 1/6 of what they have already paid for the construction of the new Main Exeter Police station and custody facility at Middlemoor which cost in the order of £30m. There is not the remotest prospect a receipt from the sale of the former Heavitree Road Police Station could fund a replacement office in the City Centre in addition to the development at Middlemoor.

¹⁶ See page 4 of PS at letter C

Heavitree Road had become functionally obsolete and it was closed because it was physically incapable of being made suitable to serve as a police station serving Exeter for reasons Inspector David Turner explained at the examination. The Heavitree Road site could not be made compliant and fit for purpose without rebuilding. Rebuilding was not possible without another site, because Exeter could not have been left without a police station for the 3-year duration of the rebuild.

- 3.14 The totality of the so called contextual points which contain a mixture of factual errors and points that go nowhere, fail to explain how it could be reasonable for the Council as planning authority to refuse to support the wording proposed by Mr Marshall to require a redevelopment of East Gate SBA2 to provide a replacement city centre police base. How can the council be doing “all it reasonably can to prevent crime and disorder” if it promotes a policy to demolish the police station without requiring it to be re-provided.

Would only comply with the NPPF policy if have DCP MM

- 3.15 For all the reasons explained in evidence at the examination it would only comply with the NPPF if there is the necessary police station operating. Fiona Jury explained that paragraphs 8, 20c, 96 97 101, and 135 of the December 2023 NPPF required the creation of safe environments.¹⁷ Without such a requirement for a police station the Policies would not be sound under paragraph 35 NPPF because they would not be justified or consistent with national policy.

¹⁷ See section 2.9 ff of hearing statement although paras need to be adapted for the December 2013 NPPF

DCP MM is required because a Police station is required in the City of Exeter

3.16 This was explained at section 3 of the Police hearing statement PSb 01 and its appendices. It was also explained orally by Inspector Turner with his first-hand experience of Policing in Exeter on the ground. It was summarised in the EXM-18 at para 2.5 set out here for ease.

2.5 *Fifth DCP have already shown need for the City Centre Police station to be replaced. The Council put in no evidence that there was not need nor had any witness that spoke to lack of need. The DCP evidence was from the Inspector¹⁸ who leads on critical incidents in Exeter who explained why it was “essential” to have a City Centre Police Station for the safety of Exeter. Section 3 of the hearing statement set this out. Iain Masters a surveyor of 40 years explained that the police position was adopted at a very high level by the Resources Board which includes Police and Crime Commissioner and the Chief Constable. If there was no City Centre police station it would be one of the only cities in the UK of this size not to have one. He explained that the development brief that the Council did not rely on in their written statement had a theoretical line blue line where a police station may be put but he had looked and was not aware of any realistic site within that. The Council did not suggest any actual alternative site to the Inspectors. This was not evidence of lack of need or why the usual position of if you demolish essential facility, you re-provide them should not be followed.*

The latest Council suggestion would not deliver a police station.

3.17 The latest Council suggestion in PS for the first time now alleges that it is not necessary for soundness to modify SBA2 itself. This is in stark contrast to

i) The email of 4 February from Mr Marshall where a requirement was suggested to be imposed to require

“vi Accommodation appropriate for a city centre police base including office and public enquiry space”

ii) The post hearing position of a different MM to the policy.

¹⁸ Inspector David Turner

- 3.18 The suggestion that is now made following “further internal City Council discussion” is to have a main modification of the supporting text which is set out at 2.12 of the PS. This would not impose a requirement on anyone to provide the Police Station. It would require need for it to be proven when this has already been done through the Local Plan. It does not find a site for the Police station. It would not comply with Government Policy to have “safe places” and nor would it do what paragraph 96 NPPF requires of having “inclusive and safe places ..which ... are safe and accessible”. It would respond very badly to the Inspectors question 6 on SBA2 about being clear as to what was expected to be provided on police infrastructure. The Council suggestion would not comply with IF3 which seeks to protect essential facilities by having SBA2 redeveloping the police station with only this supporting text.

Council reference to lease length does not mean should not be reprovision if redeveloping existing police station

- 3.19 Up and down the country are planning policies such as IF3 which protect “essential facilities” of “critical importance”. That applies to this “policing infrastructure” of the city centre police station. That protection must be effective to protect facilities even if they are on a short lease. If that were not the case every pub that was protected by a similar policy could be defeated by the grant of a short lease. Thus, the short lease point does not undermine the protection that planning policy gives to the police station.
- 3.20 Secondly in practice a short lease of the police station is perfectly normal in public sector tenancies as Mr Masters said at the hearing and it absolutely does not mean that it will not be renewed at the end of the lease. He said he had at the moment 32 such short tenancies but in his experience, they were renewed. Section 17 is applicable and the expectation would be that the tenancy would be renewed normally.

However, what makes that not the case here is the redevelopment of SBA2. Thus, it is the redevelopment that the Council are seeking a policy to enable that is causing the loss of the police station and not the short lease. Mr Masters in evidence stated that in his professional opinion in the ‘no scheme world’ the Council would ordinarily renew the Civic Centre lease; that presumption of the ability to renew would likely have been assumed when the City and the Police jointly decided to (a) locate the main Exeter Police Station at Middlemoor and (b) agree to accommodate the City Centre presence in the Civic Centre. In entering into the lease, DCP would not have known it would be obligated to vacate on the first expiry of the lease term.

- 3.21 Since the plan is seeking a policy to support redevelopment of the SBA 2 site which means the loss of the Police station it should comply with IF3 and re-provide the essential facility of critical importance the police station.

Conclusion necessary for soundness to have MM suggested by DCP

- 3.22 For all the reasons set out above, it is necessary to make the plan sound to have a requirement in policy SBA 2 to provide accommodation suitable for a city centre police base and to have the main modification suggested by DCP. This would:

- i) Accord with Mr Marshall’s suggested text of 4 February
- ii) Would be consistent with IF3
- iii) Would accord with Section 17 Crime and Disorder Act 1998.
- iv) Would comply with the NPPF
- v) Would bring about the necessary Police Station in the town centre which is essential for crime prevention.

- vi) Is necessary to make the plan Sound.

4 IF3 POINTS

- 4.1 At the hearing session on 14 May 2026 a further main modification was agreed between DCP and ECC and both set out by Tim Leader and Craig Davies.
- 4.2 This was the main modification set out at 4.21 of the Hearing Statement of the DCP to IF3.
- “Contributions towards additional or improved education provision and other community facilities including police infrastructure¹⁹ will be sought from residential development proposals where necessary.”*
- 4.3 This inserted wording was agreed at the hearing by the Council. DCP are surprised by the contents of the PS not recollecting this clear agreement.
- 4.4 It is necessary for soundness to have this MM for the following reasons.

The Courts have accepted that Police contributions meet CIL tests

- 4.5 The Court have accepted in *Jelson Ltd v Secretary of State* [2016] EWHC 2979 and in *R(PCC Leicestershire) v Blaby* [2014] EWHC 1719²⁰ that the Court have said that police contributions pass the CIL 122 tests.
- 4.6 Of particular relevance is Blaby
- Para 11 “It is obvious that a development of the nature described would place additional and increased burdens on local health education and other services including the police force”*

“The focus of this case is upon the effect upon the local police force. If it [ie the local police force] sought to shoulder those additional and

¹⁹ I have made this red and underlined so is easier to spot.

²⁰ Both of these were provided but they have not been uploaded so far as we can see

increased burdens without the necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises it would plainly not be in the public interest and would not be consistent with a policy that encourages “sustainable development” see for example paragraph 17 of 79 of the National Planning Policy Frameworks.”

- 4.7 The courts have on at least 2 occasions upheld the need for section 106 contributions for the police and stated that development will not be sustainable without contributions to police.

Secretary of State and Inspectors repeatedly found complies with CIL tests to have police contributions.

- 4.8 DCP in their hearing statement set out in Appendix 3 a summary of cases. Essentially there were 12 Secretary of State decisions and a further 33 planning inspectorate decision endorsing obligations being required for police infrastructure as being in keeping with Regulation 122 of the CIL Regulations.

Section 17 Crime and Disorder Act 1998

- 4.9 The duty requires the LPA exercising their plan making functions to do all it reasonably can to prevent crime and disorder as set out more fully above. It is clearly consistent with that to make it explicit that necessary funding will be sought for the Police so that they can do that.

NPPF requires safe communities

- 4.10 The NPPF policy requires safe communities and places to be provided. This involves having the police able to have necessary contributions made arising from development. This was set out in the DCP hearing statement and at the hearing by Fiona Jury by reference to para 8, 96, 97, 101 102 and 135 of the NPPF.
- 4.11 The Council now accept from their IDP agreed modifications that it is appropriate to have contributions for the police by s106 as well as CIL. The only point that they take is at 3.10 of the PS.

4.12 It is suggested that it unnecessarily elevates police infrastructure beyond other types of infrastructure. This was not an issue for education. However, this cannot be a problem because it is only where “they meet the relevant regulatory and national policy tests” that it will be sought.²¹ There is every good reason that the Police need to be expressly mentioned.

- i) To comply with the section 17 duty.
- ii) Because the plan is causing the redevelopment of the essential police station which is of critical importance. In those circumstances express recognition of funding for the police is an important counterbalance. There is no other critically important infrastructure provided that is due to lose one of their main facilities because of the plan.

4.13 The Council say there is not an agreed methodology. However, DCP needed first to satisfy the Council that in principle it could be collected before agreeing a methodology. DCP have suggested that they work up a methodology in conjunction with the ECC in a working group very like the Healthcare Infrastructure Working Group.

Conclusion on IF3

4.14 For all these reasons it is necessary to have a sound plan for there to be a main modification to IF3 as suggested by DCP to include the words “including police infrastructure” in the policy.

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24 June 2026

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²¹ See 3.11 of PS agreed by DCP police