

Exeter Plan:

Police base: East Gate allocation (Policy SBA2) and infrastructure provision (Policy IF3)

Exeter City Council: Position Statement

Introduction

- 1.1. Part of the discussions at the Matter 9 and Matter 14 hearings of the Exeter Plan Examination related to the police base at the Civic Centre, within the proposed East Gate allocation (SBA2).
- 1.2. In advance of the hearings, a statement of common ground between the City Council and Devon and Cornwall Police (DCP) was prepared ([EXM-02ag](#)). The City Council and DCP also provided hearing statements for both matters 9 and 14. Modifications were suggested to policies SBA2 and IF3 in the Statement of Common Ground although not all were agreed.
- 1.3. Following the initial discussion during the matter 9 hearing covering East Gate, discussions continued between the City Council and DCP. The City Council provided revised text for policy SBA2 to DCP to provide greater clarity regarding the position over a police base within East Gate. In response to this, DCP provided a further note to the Examination. This has been added to the Examination library as document [EXM-18](#).
- 1.4. It is noted that on 1 June, further documentation was provided to the examination by DCP. One document covered DCP's latest position regarding East Gate ([EXM-26](#)), the other addressed Policy IF3 ([EXM-27](#)).
- 1.5. This position statement provides a further update on the City Council's view on these matters.

2. Policy SBA2: East Gate

2.1. The Statement of Common Ground between the City Council and DCP set out that there was agreement regarding the need to amend the opening paragraph of supporting text for the East Gate allocation ([EXM-02ag](#), page 9). This agreed the need to make reference to the current police base at the Civic Centre (part of East Gate). The City Council still retains this position.

2.2. The agreed text is within paragraph 16.16 as follows:

'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'.

2.3. The Statement of Common Ground also explained the lack of agreement regarding the reference to the police base at East Gate ([EXM-02ag](#), page 9 and 10) in policy SBA2 itself. The final text suggested by the City Council to DCP followed a series of iterative discussions; it has been clear throughout the discussions that the City Council position is that following the end of the DCP lease at the Civic Centre in 2028, alternative provision would need to be found by the DCP; this would have been the case even without the proposed allocation of East Gate.

2.4. It should be noted that there is a mutual rolling break within the lease at any time on 12 months' prior written notice. It can therefore be ended before 2028 if appropriate and DCP are not entitled to a new lease at the end of the current arrangement.

2.5. During the negotiations of the Statement of Common Ground, various versions of modifications were suggested. This includes a version suggested by the City Council on 4 February 2026:

'The following will be required...

C. Social, community and cultural infrastructure including:...

vi. Accommodation appropriate for a city centre police base including office and public enquiry space.'

2.6. However, following further internal discussion, it was not considered appropriate to include that version of the text in the Statement of Common Ground – it was never included in the Statement of Common Ground because the City Council does not consider the provision of a police base as a requirement at East Gate (the wider locations which could be suitable are discussed later in this note). This kind of iterative discussion when seeking to arrive at an agreed position is considered reasonable as part of negotiation and therefore previous policy iterations should be disregarded.

2.7. The text which was suggested as part of the Statement of Common Ground is as follows:

'The following will be required...

C. Social, community and cultural infrastructure including:...

iv. Accommodation appropriate for a city centre police base (including office and public enquiry space) as may be required for continuity of provision, and/or retail/commercial space'.

This aimed to provide flexibility over the provision of the police base, allowing it to come forward if supported but also providing the flexibility for the space to be taken up by other commercial uses.

- 2.8. During the matter 9 discussion on 12 May, it was clear that this version of the suggested modification was not considered appropriate by DCP nor the Inspectors. On this basis, following the session the City Council suggested an alternative to provide clarity.

‘Proposals for a city centre police base (including office and public enquiry space) will be supported when justified by robust evidence of need’.

- 2.9. This text was suggested to DCP who considered it unacceptable as per their note [EXM-18](#). DCP have recommended that the policy text is modified as they previously suggested:

‘C. Social, community and cultural infrastructure including:…
vi. Accommodation appropriate for a city centre police base including office and public enquiry space.’

- 2.10. This is not acceptable to the City Council because we do not consider the provision of a police base to be a requirement of development at East Gate.
- 2.11. Further internal City Council discussion regarding this issue has concluded that a version of this text should actually be included in the supporting text to policy SBA2 (as opposed to the policy itself) because it refers to support for a police base *in the city centre* as a whole, as opposed to East Gate specially.
- 2.12. On this basis, the City Council’s proposal is to add the following to the supporting text in advance of policy SBA2 as new paragraph 16.20:

‘The Civic Centre currently hosts a police base via a lease which ends in 2028. The City Council understands the benefits of locating a police base in the wider city centre. The requirements for such a facility have been set out in a Devon and Cornwall Police brief which includes an area of search across the city centre. Given its location in the city centre, East Gate could potentially accommodate this in future. Alternative locations would also be appropriate. Provision in the city centre could take the form of a new build facility or via the conversion and / or extension of an existing building. Proposals for a city centre police base (including office and public enquiry space) will be supported when justified by robust evidence of need’.

Justification for a police base not being a development ‘requirement’ at East Gate

- 2.13. Although the City Council understands the benefits of a police base in the wider city centre, the City Council is of the view that the re-provision of a police base at East Gate cannot be justifiably regarded as a requirement of the redevelopment of the allocation, to be funded by that redevelopment. This is because:
- A. DCP decided to move from their edge of city centre police station on Heavitree Road in the knowledge that a purpose-built facility was not readily available in the city centre. This has enabled the Heavitree Road site to be promoted for housing development. A refurbished part of the Civic Centre building (part of East Gate)

currently houses the police base. The City Council proactively worked with DCP to support their move to the city centre. It should be noted that there is no public-facing policing reception here.

- B. The DCP lease at the Civic Centre only runs until 2028. On this basis, irrespective of the allocation of East Gate or its redevelopment, DCP would have to find alternative premises from 2028 onwards.
 - C. The redevelopment prospects of the Civic Centre have been made clear for many years; the East Gate site was included in the Liveable Exeter prospectus in 2019, before the police moved to the Civic Centre. This prospectus was endorsed by the then Liveable Exeter Place Board, of which DCP are a member. The site was then proposed through two Regulation 18 consultations on the Exeter Plan before the Regulation 19 consultation. DCP responded to both Regulation 18 consultations on the Exeter Plan and did not make reference to the need for a replacement police base.
 - D. DCP have identified the need for a long-term police base in the city centre. This is understood and supported by the City Council notwithstanding the view that this does not mean the base has to be at East Gate. In this context, DCP have produced a brief which sets out the requirements for a city centre police base. This has been submitted as evidence to the examination as document reference [EXM-14](#). The brief has a large area of search for a city centre police base which covers the vast majority of the whole centre. This DCP document clearly shows that a new base does not have to be at East Gate. This flexibility for existing buildings to be converted in order to accommodate a police base is demonstrated by the conversion of the Civic Centre itself.
 - E. Looking more widely at development impact and policing, there is no clear methodology which DCP have provided to the City Council which demonstrates that development has a direct impact on provision in such a way which would satisfy the requirements of Regulation 122 of the CIL Regulations 2010. Critically, a lack of DCP funding for a police base in the city centre is not a reasonable justification for making the provision of a replacement base at East Gate a requirement of development there. The relevant context here is that DCP are disposing of an existing edge of city centre police station on Heavitree Road for residential development.
- 2.14. Notwithstanding the City Council's position that a replacement police base cannot be a specific requirement of development, we are keen to work with DCP from a planning and estates perspective to enable the force to continue operating from a base in the city centre after the end of the Civic Centre lease in 2028. City Council officers have already had discussions with DCP to consider the potential for other City Council premises to be made available, while officers have also leveraged discussions with other public sector and private organisations as a demonstration of the proactive support provided.
- 2.15. To be clear, the City Council does wish to protect community infrastructure as set out in Policy IF3 and its potential modifications. However, it is a lease arrangement, not a planning decision, which would mean that DCP will be required to move from the Civic Centre. It should be noted that there is no planning permission specifically for a police base at the Civic Centre.

3. Policy IF3: Community facilities

3.1. The Statement of Common Ground between the City Council and DCP ([EXM-02ag](#)) set out that agreement had been reached regarding the potential for further modifications to both the supporting text for community facilities, together with Policy IF3 itself.

3.2. These modifications would see the Exeter Plan acknowledging that police infrastructure are community facilities and therefore they should be protected where possible through the planning process. It should be noted that this would not provide protection from their loss through mechanisms outside the planning system; these would include lease arrangements or commercial decisions.

3.3. As set out in the Statement of Common Ground (page 4) there is agreement between the City Council and DCP to amend paragraph of the Exeter Plan as follows to demonstrate that community facilities include policing infrastructure:

‘15.18. Exeter has a wealth of services and facilities that are essential for the health, welfare, **safety, security**, social, educational, spiritual, recreational, leisure and cultural needs of the community. These facilities include schools, healthcare, **policing infrastructure**, 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’.

3.4. This agreed position is reiterated in the additional DCP statement regarding matter 14 ([EXM-27](#)).

3.5. This position is also taken forward in revised text of Policy IF3. The Statement of Common Ground (page 5) sets out agreement to amend the policy as follows:

‘Existing facilities, including buildings and land, that meet community, social, health, welfare, **policing**, education, spiritual, cultural, leisure and recreational needs (including Assets Of Community value) will be protected, unless it can be demonstrated that...’

3.6. This agreed position is reiterated in the additional DCP statement regarding matter 14 ([EXM-27](#)). The City Council agrees with this position.

3.7. The Statement of Common Ground had not resolved an agreed position regarding potential modifications to the text of Policy IF3 regarding contributions towards community facilities, including police infrastructure particularly (page 5). Although this was discussed at the hearings, agreement was not reached.

3.8. It is noted that in their latest position statement ([EXM-27](#)) DCP suggest that the following revised text was agreed:

‘Contributions towards additional or improved education provision and other community facilities **including police infrastructure** will be sought from residential development proposals where necessary’.

3.9. This is the same text as was suggested by DCP in the Statement of Common Ground ([EXM-02ag](#), page 5) but which was not agreed by the City Council. The City Council does not recollect this as being agreed at the hearings.

3.10. The Council does not consider this version of added text to be appropriate because:

- It would unnecessarily elevate police infrastructure beyond many other types of community facilities in terms of a perceived hierarchy;
- It would do this in the absence of an agreed methodology for calculating and justifying the need for contributions; and
- It is unnecessary to mention police infrastructure specifically given that an agreed suggested modification already introduces policing into the list of community facilities at the start of the policy which would allow contributions to be sought subject to the regulatory tests.

3.11. Additional text was explored at the hearings relating to the clause of Policy IF3 covering contributions. It was agreed that a form of words would be included to replace 'where necessary' at the end of that clause. The City Council position is that the following should be added.

'Contributions towards additional or improved education provision and other community facilities will be sought from residential development proposals where ~~necessary~~ they meet the relevant regulatory and national policy tests.'

3.12. It is noted that DCP identify in their recent statement that they would not object to this form of words. This is also consistent with what is being suggested for a modification for Policy HW1: Health and wellbeing, following discussions with the Royal Devon University Healthcare NHS Foundation Trust.

4. The Infrastructure Delivery Plan

- 4.1. The Infrastructure Delivery Plan (IDP) has evolved through a number of iterations throughout plan preparation. The most recent version was submitted during the examination ([EXM-02ab](#)).
- 4.2. Page 15 includes two police projects. The red text shows revisions made between submission of the Exeter Plan and the examination. This demonstrates the additional provision made for police infrastructure in recent months.

Project name and brief description	Infrastructure theme	Classification (related to development)	Estimated project cost	Delivery partners	Potential funding sources	Estimated delivery period
Improvements to strategic police infrastructure	Emergency services	D. Strategic	TBC	ECC, Devon and Cornwall Police	Devon and Cornwall Police, CIL	20 27 ³² -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	TBC	ECC, Devon and Cornwall Police	Devon and Cornwall Police	2027 - 2032

- 4.3. In their recent position statement ([EXM-27](#)), DCP set out suggested revisions to the IDP in relation to these projects, including in terms of funding. The City Council agrees with some of these suggestions and not others. DCP revisions are shown in blue. The City Council's position is explained in subsequent paragraphs.

Project name and brief description	Infrastructure theme	Classification (related to development)	Estimated project cost	Delivery partners	Potential funding sources	Estimated delivery period
Improvements to strategic police infrastructure	Emergency services	B. Important D. Strategic	TBC	ECC, Devon and Cornwall Police	Devon and Cornwall Police, CIL and s106 .	20 27 ³² -2042
City Centre police base including office and public enquiry space (replacement of existing base following end of existing Civic Centre lease)	Emergency services	B. Important D. Strategic	TBC	ECC, Devon and Cornwall Police and developers	Devon and Cornwall Police, CIL and S106	2027 – 2032 ²⁰³⁵

IDP project: Improvements to strategic police infrastructure

- 4.4. Classification – Inclusion of 'B – important'.

This is not agreed. Classification to remain as strategic.

The improvements have not been defined and they are named strategic in their definition. They are therefore clearly appropriately classified as strategic. Furthermore, the definition of strategic (IDP, page 3) specifically states that there may be some cross-over between strategic projects which are also related to development. The potential for strategic projects to also serve development is implicit and therefore a revision is not necessary, would add confusion and would not be consistent with the approach taken across the IDP (each project only has one classification).

4.5. Potential funding sources – inclusion of Section 106 as well as CIL.

This is agreed.

Given the potential cross-over between strategic and development-related infrastructure, and given that the specific projects have not been defined, it is conceivable that Section 106 contributions may be appropriate. These would need to be considered in accordance with relevant regulatory and national policy tests as consistent with the suggested additional text to be inserted into Policy IF3. This is not a commitment because all the funding sources are 'potential'.

IDP project: City centre police base

4.6. Classification – Reclassification from 'D-strategic' to 'B-important'.

This is not agreed. Classification to remain as strategic.

The definition of strategic (IDP, page 3) specifically states that there may be some cross-over between strategic projects which are also related to development. The potential for strategic projects to also serve development is implicit and therefore a revision is not necessary. Furthermore, although the current police base is located at one of the strategic brownfield allocations at East Gate, the on-site lease for the accommodation at the Civic Centre ends in 2028, before the site is to be developed. This breaks the direct link between development impact and the need for a new police base.

4.7. Delivery partners – Addition of developers.

This is agreed.

Although it is currently uncertain where a new police base is to be provided in the city centre, it could be delivered as part of wider development at various locations, and therefore developers will be involved as partners even if the funding does not necessarily come from development itself.

4.8. Potential funding sources – inclusion of Section 106 and CIL alongside DCP.

This is agreed.

Although it is currently uncertain where a new police base is to be provided in the city centre, it would provide strategic provision for the city so could potentially be funded through CIL (subject to emerging CIL governance arrangements and local decision-making). It could also provide development related police provision in accordance with relevant regulatory and national policy tests as consistent with the suggested additional text to be inserted into Policy IF3. This is not a commitment because all the funding sources are 'potential'.

4.9. Estimated delivery period: Revision from 2037 – 2032 to 2027 – 2035

This is agreed. This suggests greater flexibility in terms of future facility site options, reflecting the range of location options which could be available in the wide city centre area of search for a police base included in the police base project brief ([EXM-14](#)).

5. Section 17 of the Crime and Disorder Act 1998

- 5.1. The DCP statement submitted during the hearing sessions ([EXM-18](#)) questioned whether the City Council is acting in accordance with Section 17 of the Crime and Disorder Act 1998. This is discussed and rebutted here – the City Council is acting in accordance with this Act. Section 17 of the Crime and Disorder Act 1998 is included in Appendix A.
- 5.2. The duty imposed under s.17(1) is to have ‘due regard’ to the ‘likely effect of the exercise of its functions and secondly to do all it ‘reasonably’ can to prevent various kinds of crime and disorder.
- 5.3. ‘Due regard’ means no more than taking ‘proper account of’; it does not dictate that the local authority act in a particular way. Similarly, the need for an authority only to do all that it ‘reasonably’ can to prevent crime and disorder confers a discretion on the authority to decide what it should do to prevent crime and disorder. It does not dictate a course of action.
- 5.4. The key point is that what is reasonable in the discharge of each limb of the s.17(1) duty is a matter of judgment for the City Council. In making that judgement, it is entitled to weigh a wide range of relevant considerations.
- 5.5. Against that background, it would be a proper exercise of the City Council’s discretion to decide that it is doing all it reasonably can to prevent crime and disorder by formulating and adopting a policy position that supports a new police station in the city centre. It does not have to make a positive allocation to accommodate a new development at East Gate (SBA2 site) or any other site. Nor does it have to secure another police base, whether by making a site available or otherwise.
- 5.6. In order to be acting reasonably, the City Council does not have to require or positively allocate a police base at East Gate. This is because of various contextual points and the range of options available to DCP:
 - A. DCP’s own Project Brief ([EXM-14](#)) indicates that a replacement office can be located anywhere within the city centre, as illustrated on the blue line marked on the plan attached to the brief (page 3).
 - B. There is evidence that a police station could be provided in an existing building - as shown by the current use of the Civic Centre.
 - C. DCP have the ability to search for and acquire another site or building, including in the city centre, before its lease expires in 2028. The City Council is already proactively supporting this.
 - D. There is a lack of any evidence that there are no other sites or buildings that could be used as police base on a temporary or permanent basis, including in the city centre, after the lease terminates through the effluxion of time;
 - E. DCP would have made the decision to take a temporary lease at the Civic Centre knowing the site was likely to be redeveloped. On this basis it must have contemplated looking for other premises in the city centre (if that is necessary); and

- F. DCP would have funding available for the future acquisition of premises, not least because of its sale and redevelopment of the former Heavitree Road Police Station site. It is noted that historically DCP operated from this site on the edge of the city centre for many years.
 - G. The City Council proactively supported the move from the Heavitree Road site to the Civic Centre when it was implemented.
 - H. The Council has actively engaged with DCP to support a potential move to other city centre premises.
- 5.7. In the context of the points above, it is clear that City Council has had 'due regard' to the likely effect of the exercise of its functions and has acted reasonably. It has therefore acted in accordance with Section 17 of the Crime and Disorder Act 1998.

Appendix A: Extract the Crime and Disorder Act 1998

17: Duty to consider crime and disorder implications

- 1 Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,
 - (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.