

Further SOCG on suggested main Modification

RESPONSE TO ECC PROPOSED WORDING FOLLOWING THE HEARING BY DCP.

1 POSSIBLE WORDING FROM THE COUNCIL AND DCP

1.1 After the session on SBA2 was heard the Council still acknowledged there would have to be a main modification to SBA2 to accommodate the Policy objection but suggested a different form of words.

1.2 Their suggestion is as follows.

The suggested revised text would add the following as a new point J at the bottom of policy SBA2:

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

1.3 This is totally unacceptable to the DCP [Devon and Cornwall Police] and the DCP invite the Inspectors to recommend the main modification they suggested to the Inspector in their 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.¹

2 REASON WHY DCP VERSION MAKES PLAN SOUND AND COUNCIL VERSION DOES NOT.

2.1 First the DCP version accords with what Mr Marshall said was his “suggested text” on 4 February 2026². The Council have given absolutely no legitimate planning reason to renege on that or anything

¹ See 4.18 of DCP hearing statement

² See Appendix 1 of DCP hearing statement M9

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

- 2.2 Second the new council version would not accord with the ECC plan in particular at 15.18 and IF3 of protecting “essential” infrastructure of “critical importance”. It would require essential infrastructure only to be re-provided if they showed robust evidence of need. The DCP version would accord with 15.18 and IF3.
- 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.
- 2.4 Fourth the Council new version would not comply with the NPPF policies to have a safe and sustainable City Centre.
- 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 Inspector³ 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

³ Inspector David Turner

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.

- 2.6 The Council version that requires a demonstration of need later would mean the developers would not be clear what was going forward on this site. Land transactions would not happen on a realistic basis and the plan would not be planning for necessary infrastructure.
- 2.7 Sixthly the Council's proposed policy would respond very badly to the Inspector question 6 on SBA2 in that it would not be at all clear about what was expected to be provided on police infrastructure. It would not be a requirement and something that has to be provided even if need is shown. It literally makes no sense because even as is the case there is an enormous need and someone did show it there is no duty to provide it.
- 2.8 Seventhly planning policies normally put requirements and criteria that the applicant has to comply with. The applicant would find it difficult to show a need because it is the Police who have knowledge of the need. It is peculiar to expect a third party to show need before doing something that they may not want to be forced to do. What would be the forum for the police prior to the application to show need with the Council late Main Mod suggested policy. Normally the police would only be consulted after the application is submitted when the applicant would have already decided what to pursue. The suggested Council policy is strange to use the word supported which does not indicate a mandatory criterion even if it was shown there is a need which does not make sense with the word requirement at the beginning of the list in SBA2.

2.9 It is necessary to make the plan sound to recommend the DCP main modification which is startlingly similar to what the Council's Mr Marshall put forward on the 4 February 2026 and for which the Council have offered no explanation for why they are no longer promoting or who it is that has persuaded them not to continue with that. The DCP version means the Local Plan would be justified and an appropriate strategy with necessary infrastructure of a police station and would be consistent with national policy which wants safe communities.⁴ The new version of the Council would mean the plan would not be sound nor comply with the Duty in the 1998 Act.

Richard Ground KC

14 May 2026

Cornerstone Barristers
2-3 Gray's Inn Square
London WC1R 5JH.

⁴ Para 35 of NPPF Dec 2023