

Exeter Plan

Policing provision and East Gate

Final City Council position

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1. Introduction

- 1.1 This note responds to some of the assertions in the final response statement made by Devon and Cornwall Police (DCP) in document EXM-48 relating to matters regarding:
- The Infrastructure Delivery Plan (EXM-02ab);
 - The East Gate allocation (SBA2);
 - Policy IF3: Community facilities; and
 - The City Council's duties under Section 17 of the Crime and Disorder Act 1998.
- 1.2 This document is structured in the same order as document EXM-48 for ease of reference.
- 1.3 This statement does not amend the City Council's final position on these matters as already set out document EXM-37. On this basis, the content of that document is not replicated in its entirety here.
- 1.4 It is of note that the City Council prepared a further statement of Common Ground following Inspectors' advice after the hearings. Following receipt of the draft, DCP declined to progress with that statement of common ground.

2. Infrastructure Delivery Plan

- 2.1 The City Council position on this matter remains as set out in document EXM-37 (paragraph 4.1 onwards).
- 2.2 Document EXM-48, paragraph 2.5, suggests there is agreement regarding amendments to the Examination version of the IDP (EXM-02ab). This is partially the case as identified in the City Council statement EXM-37. However, this is not the case for all of the suggested amendments suggested by DCP. These cases are set out below.

Improvements to strategic police infrastructure

Classification – Inclusion of ‘B – important’. This is not agreed. Classification to remain as ‘D strategic’.

- 2.3 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).

IDP project: City centre police base

Classification – Reclassification from ‘D-strategic’ to ‘B-important’. This is not agreed. Classification to remain as strategic.

- 2.4 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.

3. The East Gate allocation (SBA2)

3.1 The City Council position on this matter remains as set out in document EXM-37 (paragraph 2.12).

3.2 The City Council proposal is to add further explanatory text to explicitly set out support for a city centre policy base without this being a policy requirement for the East Gate allocation. This text is as follows:

'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'.

3.3 The justification for this approach is explained in document EXM-37, paragraph 2.13 onwards.

4. Policy IF3: Community facilities

4.1 The City Council position on this matter remains as set out in document EXM-37 (paragraph 3.1 onwards).

4.2 Document EXM-48, paragraph 4.3, suggests there is agreement regarding amendments to the text in policy IF3 to specifically include reference to contributions to police infrastructure. This is not agreed by the City Council.

4.3 The City Council does not consider this amended 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.

4.4 Instead, and as set out in document EXM-37, paragraph 3.11, the City Council is of the view that the following text should be added to Policy IF3:

‘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.’

5. The City Council's duties under Section 17 of the Crime and Disorder Act 1998

- 5.1 The City Council position on this matter remains as set out in document EXM-37 (paragraph 5.1 onwards). This document responds to the assertions made by DCP in document EXM-48, from paragraph 3.8 onwards.
- 5.2 Paragraphs 3.11 to 3.14 appear to argue that as a matter of law the City Council is under a duty to accede to the demand made by DCP that policy SBA2 (East Gate) must be drafted to provide them with a site on the land for a new police station. As set out in the City Council's previous statement (EXM-37) that is wrong, would misconstrue and misapply Section 17 of the 1998 Act, and would unlawfully fetter the discretion of the Authority.
- 5.3 The City Council has previously set out its interpretation of Section 17. The DCP statement (EXM-48) does not argue that interpretation is incorrect. It follows that the parties agree that the City Council retains a discretion (acting reasonably) to determine how to secure the proper planning and optimal use of East Gate, and to conclude it is unnecessary to express the policy in terms that would require any part of the site to be reserved for the development of a police station. In arriving reasonably at this conclusion, the City Council has properly taken into account:
- i. That Policy SBA2 is formulated so that it does not preclude the development of a police station on the land if a satisfactory proposal is made for the development of this facility on the land;
 - ii. The desirability of maintaining flexibility to accommodate a wider range of more appropriate city centre uses, which could make a better use of this sensitive and important site close to the heart of Exeter;
 - iii. That DCP closed an existing police station on Heavitree Road on an extensive, existing site close to the city centre, and obtained a Committee resolution to grant planning permission for its redevelopment for alternative uses;
 - iv. That DCP chose not to allocate funds which will be secured from the redevelopment of the Heavitree Road site for the development of a new city centre police station;
 - v. As a major public body funded by the taxpayer DCP have (or should have made provision for) the resources to develop another police station within an area of search that it has defined, which is far wider than SBA2;

- vi. That DCP have acknowledged they are able to make beneficial use of an existing building as a police station (as demonstrated by the base at the Civic Centre); and
- vii. DCP first made the demand that a police station must be accommodated on SBA2 at the Regulation 19 publication consultation on the Exeter Plan, after two Regulation 18 responses made no reference to this matter.

5.4 Further, because SBA2 is drafted so that it does not prevent the development of a police station on the land it affects, it is also wrong to contend that it is unsound. On the contrary, the policy accords with those paragraphs of the NPPF that are concerned with crime and disorder or public safety more generally.

6. Conclusion

- 6.1 This statement provides the final position of the City Council on matters in the Exeter Plan regarding policing provision and East Gate. It responds to the latest DCP statement, EXM-48, focusing on the elements which DCP have suggested are agreed but actually are not resolved.