

Exeter Plan 2021-2041

Publication Stage (Regulation 19)

Representation Form

Ref:**(For official
use only)**

Name of the Local Plan to which this representation relates: Exeter Plan 2021-2041

Please return to Exeter City Council, Local Plans Team, Paris Street, Exeter, EX1 1JN, upload onto our consultation portal at <https://exeterplanpublication.commonplace.is/> or email to planning.policy@exeter.gov.uk by **11:59 pm on 6 February 2025**.

This form has two parts:

Part A – Personal Details: Needs to be completed only once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A: Personal details

1. Personal details*

*If an agent is appointed, please complete only the Title, Name and Organisation (if application) boxes below but complete the full contact details of the agent in section 2.

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

Address Line 1

Line 2

Line 3

Line 4	
Post Code	
Telephone number	
E-mail address	

2. Agent's details if applicable

Title	
First Name	
Last Name	
Job Title (where relevant)	
Organisation (where relevant)	
Address Line 1	
Line 2	
Line 3	
Line 4	
Post Code	
Telephone number	
E-mail address	

Part B – Representation

Please use a separate sheet for each representation

3. To which part of the Exeter Plan does this representation relate?

Paragraph	16.16	Policy	SBA2 – East Gate	Policies Map	
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4. Do you consider that this part of the Exeter Plan is legally compliant?

Yes

No

4 (a). If yes, and you wish to support the legal compliance of this part of the Exeter Plan, please use this box to set out your comments.
(Continue on a separate sheet if necessary)

4 (b). If no, please give details of why you consider this part of the Exeter Plan is not legally compliant. Please be as precise as possible.
(Continue on a separate sheet if necessary)

4 (c). Please set out the modification(s) you consider necessary to make this part of the Exeter Plan legally compliant, in respect of any legal compliance matters you have identified at 4(b) above. You will need to say why each modification will make this part of the Exeter Plan legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.
(Continue on a separate sheet if necessary)

5. Do you consider that this part of the Exeter Plan is Sound?

Yes

No

5 (a). If yes, and you wish to support the soundness of this part of the Exeter Plan, please use this box to set out your comments.
(Continue on a separate sheet if necessary)

5 (b). If no, please give details of why you consider this part of the Exeter Plan is unsound. Please be as precise as possible.
(Continue on a separate sheet if necessary)

The text accompanying Policy SBA2 provides a description of the current uses of East Gate. It does not mention the police station/office within the Civic Centre. Policy SBA2 is silent on the requirement of any police infrastructure. Adequate police infrastructure and facilities is critical for the provision of safety and security of the public and to accord with the overall objectives of the NPPF. The lack of reference to the existing police station/office is of considerable concern to DCP. There should be consistency with the objectives for maintaining safety and security throughout the relevant policies within the Exeter Plan.

Policy support for police infrastructure funding via CIL and Section 106 obligations/contributions

There are statutory tests in Regulation 122 of the CIL Regulations which are repeated as policy tests in the NPPF. These tests apply whether or not there is a levy charging schedule for the area.

The tests are that planning obligations may only be required and constitute a justification for granting planning permission if they are:

- 1) *necessary to make the development acceptable in planning terms;*
- 2) *directly related to the development;*
- 3) *fairly and reasonably related in scale and kind to the development.*

It is considered that police infrastructure is required to provide a safe community, where crime and disorder and the fear of crime do not undermine quality of life or community cohesion, and measures are taken to deter crime, is social infrastructure that is essential to achieving sustainable development. Section 106 contributions sought in order to fund the necessary infrastructure for office reprovision and or equipment for additional police personnel at the Police station/office at the Civic Centre or an alternative suitable location are necessary to make development acceptable in planning terms.

There is a correlation between an increase in population and an increase in crime and disorder. Development at the proposed allocated site at East Gate and any development elsewhere in the City and throughout Exeter's retail and

administrative catchment area will necessitate additional police personnel and Section 106 contributions sought would be directly linked to the development.

DCP currently estimate the cost of employing a police officer in respect of equipment cost for personnel, (this does not include building costs) would be £11,424 as adjusted for inflation. The Police would work with ECC and the Inspector to quantify a current accurate cost. Police would seek through Section 106 contributions for each additional officer in addition to the cost of the reprovision of the police office at the Civic Centre.

There are at present 45 police offices and police staff based in the Police office at the Civic Centre which will increase to between 48 – 50 once the public enquiry office (PEO) opens. The Police have 6 marked police cars and 2 public order vans operating from this base. Accommodation for this unit size would be the minimum reprovision the Police would seek based on the existing population level in Exeter City.

The existing police office at the Civic Centre is 292 sqms of which is considered too small. By way of comparison the police station at Ivybridge has a comparable officer cadre and is at 360 sqms accommodating 44 officers/staff raising to 48 when the PEO opens. Any replacement office for the Exeter City Centre should be a minimum of 425 sqm for 10% expansion allowing for electric bike storage and a meeting room/meals room and to provide parking for 12 vehicles (6 cars, 2 vans, expansion of 2 cars, PEO visitor and 1 for disabled parking). If the building at the Civic Centre is demolished due to the allocation of the East Gate site in the Exeter Plan. It is vital that for the proper planning of the City and Devon as a whole that ECC work with DCP to identify and make available for occupation prior to loss of the Civic Centre, a City Centre police office that should be delivered at no additional cost to DCP either as a scheme cost through CIL or Section 106 obligations/contributions.

The replacement police office should be an adequate size to meet the growth needs of the City Centre having regard to population growth and commercial development in all parts of Devon that are served by Exeter City Centre.

The Police concerns continue with the draft infrastructure delivery plan (IDP) that accompanies the Exeter Plan. Reprovision of the Police infrastructure should not place any additional burden on the Police. The potential funding sources to strategic police infrastructure would need to be through CIL/ Section 106 obligations/contributions and the IDP should include reference to these types of funding sources.

Residential or commercial development in Exeter City Centre will increase pressure on police resources and infrastructure and there should be sufficient regard in the Exeter Plan to the provision of police infrastructure and facilities and funding resources through Section 106 /CIL.

Appeal decisions concerning the principle of seeking CIL and Section 106 obligations/contributions towards police infrastructure

The principle of seeking contributions towards policing infrastructure is well established. As stated within a decision by the Secretary of State at Melton Road, Leicestershire (14th May 2013, ref APP/X2410/A/12/2173673), paragraphs 288 to 294:

“It seems to me that the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services, for example. Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”, can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable.....Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services.”

In addition to the above the following appeal decisions all accept the inclusion of planning obligations relating to the provision of police infrastructure and services:

- *Appeal Ref: APP/K2420/A/13/2210904 Land off (to the south of) Spinney Drive and land off (to the east of) Brookside, Barlestone, Leicestershire.*
- *Appeal Ref: APP/X2410/A/12/2187470 Land at (the former) Rearsby Roses Ltd, Melton Road, East Goscote LE7 4YP.*
- *Appeal Ref: APP/R3705/W/19/3234056 Land East of Islington Farm, Tamworth Road, Wood End, Warwickshire.*
- *Appeal Ref: APP/R3705/W/18/3196890 Land to the south of Tamworth Road and to the west of the M42, Tamworth, B78 1HU*
- *Appeal Ref: APP/C3810/W/17/3187601 Land west of Church Lane and south of Horsemere Green Lane, Climping, West Sussex, BN17 5RY*
- *Appeal Ref: APP/R3650/V/17/3171287 Dunsfold Park, Stovolds Hill, Cranleigh, Surrey, GU6 8TB*
- *Appeal Ref: APP/R1845/W/17/3173741 Land off The Lakes Road, Bewdley, Worcestershire, DY12 2BP*
- *Appeal Ref: APP/C3105/W/17/3172731 White Post Road, Banbury (Grid Ref. Easting: 445726 and Grid Ref. Northing: 238365) Appeal Ref: APP/Y2430/A/14/2224790 Land to the east of Nottingham Road, Melton Mowbray, Leicestershire.*

There are more examples but the above should provide an indication of the level of support for such contributions and the geographical spread across the country where such contributions have been secured. There appears to also be a common misconception that the police can raise funds through the council tax precept and so essentially those paying council tax are paying twice for blue light services if Section 106 developer contributions have also been collected for police infrastructure. This is not the case; the council tax precept pays for revenue costs (such as police wages) and not capital costs (such as police equipment). Without developer-funded contributions for infrastructure the police will have to dilute the spread of resources for existing residents and also new residents brought into the relevant area by virtue of any new development.

5 (c). Please set out the modification(s) you consider necessary to make this part of the Exeter Plan sound, in respect of any soundness matters you have identified at 5(b) above.

You will need to say why each modification will make this part of the Exeter Plan sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.

(Continue on a separate sheet if necessary)

The Police ask for a modification to the explanatory text at paragraph 16.16 to include the following wording in bold:

*16.16 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 **the policing provisions, police office, public enquiry office**, office, business and retail, residential, public car parking, the former bus station and former Pyramids Leisure Centre*

To ensure police infrastructure, police provision and funding sources are sufficient and deliverable the Police ask for a modification to Policy SBA2 at paragraph C to include the following wording in bold and the deletion as struck out:

C. *Social, community, ~~and~~ cultural, **safety and security** infrastructure:*

- i. *Public realm that provides space for community and cultural activities;*
- ii. *Retail or commercial units;*
- iii. ***Policing space for the provision on-site or reprovision of policing facilities for the community at an suitable alternative site within the City centre;***
- iv. *Potential space for education/training provision/an innovation hub;*
- v. *Contributions to early years, primary, secondary and special educational needs and provision;*
- vi. ***Contributions to policing infrastructure and policing provision; and***
- vii. *Contributions to GP provision.*

6. Do you consider that this part of the Exeter Plan complies with the Duty to Co-operate?

Yes

No

6 (a). If yes, and you wish to support this part of the Exeter Plan's compliance with the duty to co-operate, please use this box to set out your comments.

(Continue on a separate sheet if necessary)

6 (b). If no, please give details of why you consider this part of the Exeter Plan fails to comply with the duty to co-operate. Please be as precise as possible.

(Continue on a separate sheet if necessary)

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

7. If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.

(Continue on a separate sheet if necessary)

8. If you would like to make representations on the Habitats Regulation Assessment (HRA) please provide your comments here, stating to which part of the HRA your comments relate.
(Continue on a separate sheet if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

9. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Yes

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

10. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:
(Continue on a separate sheet if necessary)

The Police wish to have the opportunity to participate in the hearing to be able to provide comments on the amendments proposed and address any issues directly.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

For more information on how we use your data – please read our privacy notice at the following website: <https://exeter.gov.uk/media/5750/planning-policy-privacy-notice.pdf>