

6 February 2025

Exeter City Council
Civic Centre
Paris St
Exeter
EX1 1JN

By email only

Email: planning.policy@exeter.gov.uk

Womble Bond Dickinson (UK) LLP

Ballard House
West Hoe Road
Plymouth
PL1 3AE

Tel: [REDACTED]
Fax: [REDACTED]
DX: 8251 Plymouth 2
[REDACTED]

Our ref:
JCB1/LC20/345591.7
Your ref:

Dear Exeter City Council

DEVON & CORNWALL POLICE REPRESENTATIONS TO THE EXETER LOCAL PLAN

We write on behalf of Devon & Cornwall Police (DCP) and the Office of Police and Crime Commissioner for Devon and Cornwall (PCC), together the "Police".

We are instructed to submit representations in response to the public consultation on the Exeter Plan on behalf of the Police.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The creation of safe and accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or community cohesion is a key part of planning for sustainable development and communities as outlined in paragraphs 8(b), 96, 101, 135(f) of the NPPF.

Paragraph 8 explains that *"Achieving sustainable development means that the planning system has three overarching objectives..."* and paragraph 8b) sets out the second of those objectives, which is a social objective. The social objective is *"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and **safe places, with accessible services** and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;"* It is clear that in its objectives for sustainable development, the NPPF recognises *"safe places, with accessible services"* as key.

Paragraph 101 of the NPPF states that *"Policies for relevant areas (such as town centre and regeneration frameworks).. should be informed by the most up-to-date information available from the police..."* It is clear that the NPPF anticipates engagement between the police and local planning authorities. The Police advising Exeter City Council (ECC) of its policing requirements as a result of the developments within Exeter is evidence of the engagement which the NPPF encourages. The NPPF requires that local policies are "informed" by information available from the police. The Police therefore request that this representation is treated as such and that the information contained within this representation is used to inform its approach to local policy, including the development of its new infrastructure delivery plan (IDP) to form part of the Local Plan.

Paragraph 135(f) of the NPPF states that *"Planning policies and decisions should ensure that*

Womble Bond Dickinson (UK) LLP is a limited liability partnership registered in England and Wales under number OC317661. VAT registration number is GB123393627. Registered office: 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 449247). Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practise law. Please see www.womblebond Dickinson.com/legal notices for further details.

developments... (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." It is the Police's position that in order to achieve this in Exeter, the police infrastructure is necessary and should be protected in policy.

SECTION 17 DUTY

Section 17(1) of the Crime and Disorder Act 1998 (1998 Act) places a duty on all local authorities to consider crime and disorder implications. Local authorities must exercise their various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent:

- a) crime and disorder in their area (including anti-social and other behaviour adversely affecting the local environment);
- b) the misuse of drugs, alcohol and other substances in their area;
- c) re-offending in their area; and
- d) serious violence in their area.

Section 17(1)(A) of the 1998 Act provides that *"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"*

As a result, when formulating policy and when determining planning applications for any new development within its administrative area, Exeter City Council (ECC) must comply with the above section 17 duties, otherwise there is a risk of challenge to such policy and planning decisions. The Police have made it clear that police infrastructure is necessary to offset the harm of new development which is clearly linked to prevention of the types of behaviour set out in Section 17 of the 1998 Act. Therefore, to assist compliance with its section 17 duty, the Exeter Plan must acknowledge the Police's need for sufficient provision of police infrastructure and policing facilities.

REVIEW OF LOCAL PLAN

The Exeter Plan recognises the need for safe environments. For example:

Policy H16 states *"New homes must provide safe and healthy living conditions and good standards of amenity for future occupiers. The following factors will be taken into account...g. Security"*.

Policy D2 (Designing-out crime) states that new development proposals will be supported where they demonstrate that crime prevention and creating a safe environment have been effectively integrated into the design of the scheme. Development proposals should:

- *"Be designed with management and maintenance in mind to discourage crime, fear of crime and antisocial behaviour;*
- *Include appropriate, well-designed security features to support passive, safe design."*

In order to comply with ECC's own proposed policy, there is a clear need for policing infrastructure to be in place in order to sufficiently provide for safe and healthy communities for the existing and future residents of Exeter.

The proposed Policy IF3 of the Exeter Plan under the heading of 'Infrastructure' seeks to ensure that new development is served by necessary infrastructure. The explanatory text to Policy IF3 refers to the provision facilities such as schools, green infrastructure and community halls, but remains silent towards the provision of police infrastructure. It has been recognised at paragraph 15.4 of the Exeter Plan that DCP is one of the key infrastructure providers/bodies. As such, there should be sufficient regard to the provision

of police infrastructure within Policy IF3. It is also essential to the requirement of securing sufficient contributions towards the funding gap for the Police, secured by CIL or planning obligation.

The Police propose a modification to the explanatory text of paragraph 15.18 to include the following wording in bold and deletion:

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, **police buildings and other 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.*

It is critical for the provision of safety and security of communities that Police infrastructure is supported within policy. Policy IF3 is silent on the importance of the Police City Centre station at the Civic Centre in Paris Street, Exeter (Civic Centre) as a base that ensures the safety and security of people when in the City Centre. To ensure the long term provision of policing and police infrastructure whether at the current location at the Civic Centre or another suitable alternative location within the City Centre, Policy IF3 should have sufficient regard to the provision or reprovion of police infrastructure.

The Police ask for a strengthening of this provision and to ensure sufficient deliverability of police provision and police infrastructure and sufficient funding resources for a modification to Policy IF3 to include the following wording in bold and deletion as struck out:

IF3: Community facilities (Strategic policy)

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

*Contributions towards additional or improved ~~education-provisions and other~~ community facilities will be sought from residential **and commercial** development proposals where necessary.*

EAST GATE

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.

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 reprovion 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.*

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 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 any 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. The Police would seek 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 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.

CONCLUSION

There is clear national and local policy and appeal decisions in support for the need for police infrastructure and facilities.

The proposed policies in the Exeter Plan should be modified to ensure there is sufficient regard to the provision of police infrastructure and facilities and funding resources through Section 106 contributions/CIL.

Yours faithfully

A solid black rectangular box used to redact a signature.

Womble Bond Dickinson (UK) LLP