



Devon & Cornwall Police

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13th January, 2023

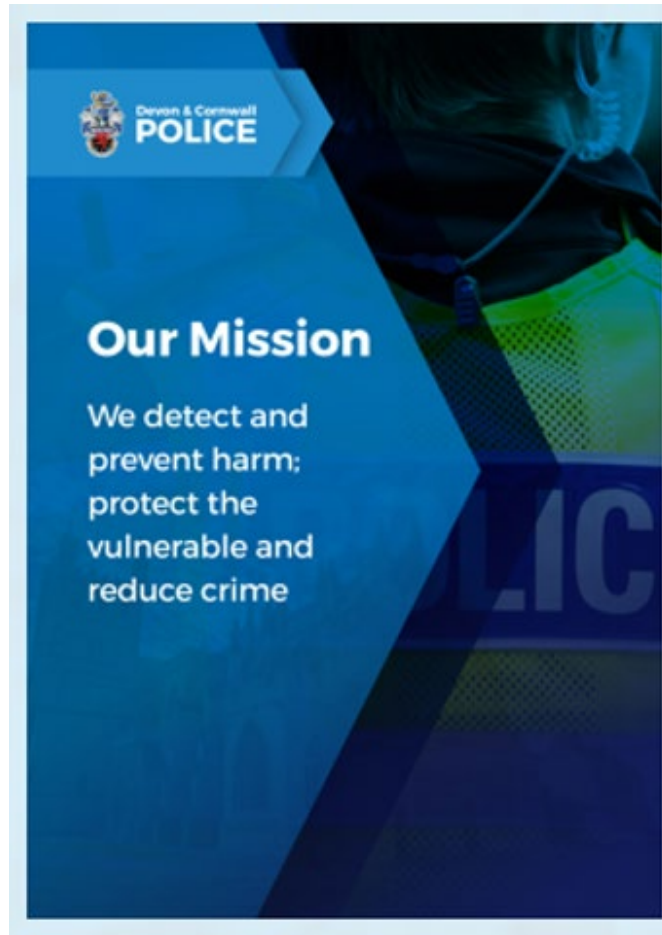
Planning Policy,
East Devon District Council
Blackdown House, Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Dear Sir or Madam

Re: East Devon District Council, Consultation on Draft Local plan 2020 - 2040

We understand that the consultation period for the draft East Devon Local Plan 2020 – 2040 is now under way. As you will be aware, we have commented on previous stages of the local plan review process, most notably submitting detailed observations and suggestions in response to the issues and options consultation which closed in March 2021. Having taken the opportunity to make extensive representations in March 2021, we are understandably disappointed to discover that none of our proposals have been taken up, suggesting that our concerns are not being addressed.

As a responsible, community-orientated public body, Devon and Cornwall Police and the Police and Crime Commissioner have the protection and safety of the community at the centre of everything that they do. Devon and Cornwall Police's mission is to detect and prevent harm, protect the vulnerable and reduce crime.



As such we are disappointed that there are no references to police infrastructure in the draft Local Plan. More importantly, we are apprehensive as this seems to indicate that East Devon District Council does not share our aspirations with regards to safety and crime. We do not doubt that the Council wishes to create safe spaces that promote health and wellbeing, free from crime and the fear of crime, but remain concerned that supporting policies do not appear in the draft Local Plan.

We would welcome the opportunity to meet members and key officers to discuss our concerns face to face and suggest ways that our combined visions to see safe communities can be facilitated more effectively via amendments to strategic policies in the new East Devon Local Plan 2020 – 2040. We would request a meeting as soon as possible so that the opportunity in the Local Plan review process is not lost. By doing so the Council, we believe, would be taking proactive steps to further safeguard the existing and new residents and communities in East Devon, further enhancing the quality of life in this popular district of Devon.

If we have misinterpreted the draft Local Plan then please accept our apologies. However, as stated earlier, we can see no reference to police infrastructure. Although some local plans purport to include police infrastructure, without clear and unambiguous references to such infrastructure the reality is that no police infrastructure, often essential as a direct result of population and housing growth, is supported by the Local Plan and therefore is not delivered, much to the detriment of the residents and communities.

Housing and Population Growth and Police Infrastructure

Devon and Cornwall Police provides essential services for the people and communities across its region, including East Devon, believing they deserve the best service possible. New housing development and population growth increases the demand for these services and it is essential that infrastructure is developed in parallel with this additional development, in order that the new communities benefit from Devon and Cornwall Police's services whilst at the same time ensuring that the existing residents can continue to enjoy the service that they equally deserve.

There is a positive correlation between housing development and population growth. One exists to accommodate the other. Crime spans all ages and socio-economic groups. As such, investment in police infrastructure needs to be made in proportion to housing and population growth.

The Home Office grant and the council tax precept in East Devon only cover Devon and Cornwall Police's annual revenue costs. We would like East Devon District Council to recognise the impact that development has on police infrastructure and work together to agree a policy framework to ensure that residential development contributes towards the cost of providing essential police infrastructure, thus safeguarding the level of service across the district.

Police infrastructure is not restricted to real estate: it includes other associated infrastructure such as - inter alia - vehicles, ICT equipment, fitting out costs and other capital items.

Planning Obligations

The planning system can support the provision of new police infrastructure by requiring residential developers to enter into s106 planning obligations, thereby mitigating the impact that new housing development will have on the police resources and therefore making it acceptable in planning terms.

The obvious consequence of not providing funding would be to deplete the police of the resources it needs. This would have an adverse impact on the service levels Devon and Cornwall Police is able to provide to the local community. That outcome would be contrary to policy and without the contribution, the development would be unacceptable in planning terms.

This rationale is set out clearly in paragraphs 291 and 292 of the Secretary of State decision dated 14th May 2013 further to the appeal reference APP/X2410/A/12/2173673, planning application reference P/10/1518/2 validated by Charnwood Borough Council.

Paras. 291 and 292 of the appeal decision read:

291. *The Inspectors will have reached their own conclusions on the particular evidence and submissions put to them at appeal and I shall approach the evidence in this case in the same way, i.e. on its merits. 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. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”*
292. *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. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.*

The principle of securing a safe environment through the delivery of social infrastructure needed by communities is enshrined in the National Planning Policy Framework (NPPF). Without this funding, development would not be sustainable, which is the golden thread woven through the NPPF. Paragraphs 8, 26, 32 and 92 of the NPPF (February 2019) confirm that sustainable development means securing a safe environment through the delivery of social infrastructure needed by communities. Paragraph 20 specifically refers to policies delivering development that makes sufficient provision for security infrastructure. Paragraph 95 states planning policies and decisions should promote public safety. Paragraphs 91 and 127 refer to crime and disorder, the fear of crime and the need for planning policies and decisions.

Developer contributions for police infrastructure secured via a s106 planning obligation satisfies the tests set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010, as amended.

The developer contributions are:

- a. necessary to make the development acceptable in planning terms,
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Crime and the demand for our services exists across all demographics, all socio-economic groups and across all sectors of society. Any increase in population will give rise to a proportionate increase in the demand on our services, which can only be met by a proportionate increase in our personnel. This, in turn, will require a proportionate increase in our property and other associated infrastructure.

Crime and the demand on our services is positively correlated to population growth, so any new housing and resultant population increase will increase the demand for our services. We don't have

surplus personnel in our police units: our officers and staff are working at capacity. We will therefore need additional officers and staff to sustain the level of police service.

The Levelling Up and Regeneration Bill seeks to introduce an Infrastructure Levy which, if it becomes law, may replace existing funding mechanisms contained in the planning system, such as Community Infrastructure Levy and developer contributions. If this is the case, then the principle of collecting developer contributions from residential developers to fund police infrastructure will remain, albeit the mechanism for doing so might be amended to accord with any new law, with the understanding that the amounts collected will not be adversely affected.

The Levelling Up and Regeneration Bill includes emergency services within the definition of "infrastructure" under Schedule 11 (Part 1 – subsection 204N(3)) of the Bill. This includes clarification that emergency services infrastructure encompasses facilities and equipment:

204N Application

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| (1) Subject to this section and sections 204O(1) to (3), 204P(2) and (3), and 204T(5), IL regulations must require the authority that charges IL to apply it, or cause it to be applied, to supporting the development of an area by funding the provision, improvement, replacement, operation or maintenance of infrastructure. | 10 |
| (2) IL regulations may make provision about the extent to which the IL paid to a charging authority may or must be applied to funding the provision, improvement, replacement, operation or maintenance of infrastructure of a particular description. | 15 |
| (3) In this section (except subsection (4)) and sections 204G, 204O(2), 204P(2) and 204Q "infrastructure" includes – | |
| (a) roads and other transport facilities, | |
| (b) flood defences, | 20 |
| (c) schools and other educational facilities, | |
| (d) medical facilities, | |
| (e) sporting and recreational facilities, | |
| (f) open spaces, | |
| (g) affordable housing, | 25 |
| (h) facilities and equipment for emergency and rescue services, | |
| (i) facilities and spaces which – | |
| (i) preserve or improve the natural environment, or | |
| (ii) enable or facilitate enjoyment of the natural environment, and | 30 |
| (j) facilities and spaces for the mitigation of, and adaption to, climate change. | |

Source: UK Parliament, Parliamentary Bills, Bill 169 2022-23, found at

<https://publications.parliament.uk/pa/bills/cbill/58-03/0169/220169.pdf>

I have attached a copy of our aforementioned letter dated 12th March 2021. This letter and the letter of 12th March 2021 should be read together for a complete understanding of our concerns and desire to see a workable and effective policy in the East Devon Local Plan 2020 – 2040 which safeguards the future and existing residents of East Devon.

Please note that the above comments are entirely separate and in addition to any representation made by other departments within Devon and Cornwall Police Force, most notably the Designing Out Crime Team and any comments they may have with regards to crime prevention through environmental design (CPTED) and recommendations relating to the official police security initiative, Secured by Design (SBD). Any comments regarding designing out the opportunity for crime, anti-social behaviour and the fear of crime, will be made by the Devon and Cornwall Police Designing Out Crime Team.

We hope that the Council and officers agree with the above and we would welcome the opportunity to discuss our position with you, face to face, with a view to collaboratively agreeing a policy for police infrastructure in the new East Devon Local Plan 2020 – 2040.

We look forward to hearing from you.

Yours sincerely



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Devon and Cornwall Police

E: [Redacted]

Mobile: [Redacted]

Encs. Letter dated 12th March, 2021