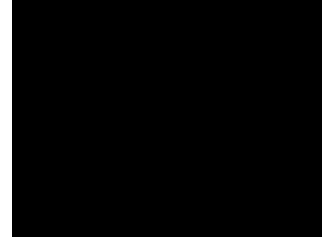


28 March 2025

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By email only

Email: localplan@eastdevon.gov.uk

Our ref:
JCB1/LC20/345591
Your ref:

Dear East Devon District Council

REPRESENTATIONS ON BEHALF OF DEVON & CORNWALL POLICE TO THE EAST DEVON LOCAL PLAN, REGULATION 19 CONSULTATION

We are instructed by Devon & Cornwall Police (DCP) and The Office of the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly (PCC), together the 'Police' to formally submit comments on their behalf in response to the public consultation on the East Devon Local Plan, Regulation 19, Publication Draft.

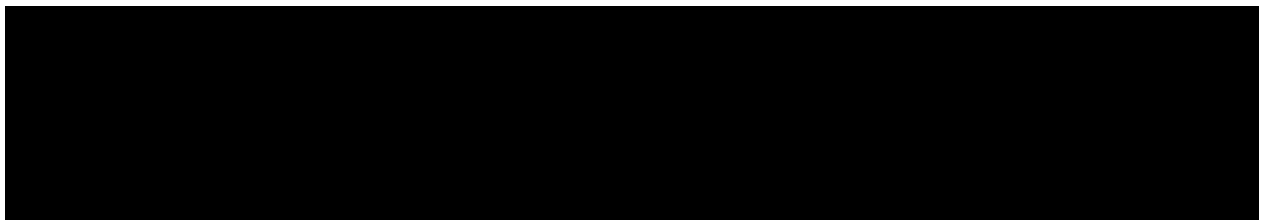
These comments should be read alongside the feedback that has already been provided to East Devon District Council by DCP in the matter of the Review of the Infrastructure Delivery Plan on 29th November 2024 and representations to earlier stages of the Plan, and which specifically addresses the Police's infrastructure requirements and funding for Cranbrook, together with the planned 'Second New Community.'

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 paragraph 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.

More specifically, paragraph 101 of the NPPF requires decision-makers to give "*significant weight*" to the importance of delivering "*new, expanded or upgraded public service infrastructure when considering proposals for development*" with "*public service infrastructure*" being recognised "*as health, blue light, library, adult education, university and criminal justice facilities*" (our underlining). The express reference to the importance of "*blue light*" services is welcomed by the Police, and as such, the "*significant weight*" to be attributed to the faster delivery of these facilities which now specifically includes police infrastructure should positively influence the planning balance when considering new development proposals.



It follows that paragraph 102 of the NPPF requires that “*Planning policies and decisions should promote public safety*” and 102b) confirms 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.*” The Police advising East Devon District Council (EDDC) of its policing requirements as a result of the developments within the District is evidence of the engagement which the NPPF encourages. Whilst DCP has recently submitted their feedback to EDDC in connection with the preparation of a new Infrastructure Delivery Plan (IDP), the NPPF requires that local policies are “*informed*” by information from the police. The Police therefore request that their comments are treated as such, and that the information contained within is used to inform the Council’s approach to local policy, including the preparation of the emerging East Devon Local Plan 2020-2042.

Paragraph 135 of the NPPF states that “*Planning policies and decisions should ensure that 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*” (our underlining). It is the Police’s position that to achieve this, police infrastructure is necessary, and should be protected in policy.

SECTION 17 DUTY

Section 17(1) of the Crime and Disorder Act 1988 (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, EDDC 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 the prevention of the types of behaviour set out in Section 17 of the 1998 Act. Therefore, to assist in compliance with its Section 17 duty, the East Devon Local Plan must acknowledge the Police’s need for sufficient provision of police infrastructure and policing facilities.

REVIEW OF LOCAL PLAN

The Publication Draft of the emerging East Devon Local Plan 2020 - 2042 recognises the need for safe environments. For example, Chapter 8 confirms that *the Plan’s strategic policy “aims to meet the housing needs of East Devon by providing a mix of decent, affordable homes that are safe, secure, and adaptable to changing needs”* (our underlining).

Strategic Policy DS01 which considers design and local distinctiveness states that “*Proposals will only be permitted where they:*

E. Have due regard for important aspects of detail and quality and should incorporate:

1. *Attractive, secure layouts with safe and convenient access for the whole community, including disabled users, and incorporating appropriate measures to reduce the potential for crime and antisocial behaviour;*
6. *Appropriate activity levels to maintain safety and reduce fear of crime at all times;*
7. *Well-designed security features to support passive, safe design.”*

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

The proposed Strategic Policy SP07 of the Publication Draft Plan under the sub-heading of ‘Infrastructure’ seeks to ensure that new development is supported by appropriate infrastructure, and delivered in a timely manner to support the needs of the development and the wider community. It also confirms that draft Strategic Policy SP07 applies across the whole local plan area, including the Cranbrook Plan area. This is supported by the Police.

Whilst proposed Strategic Policy SP07 does not include a definition of what “*appropriate infrastructure*” entails, the justification for draft Policy SP07 at paragraph 3.41 states that “*The East Devon Infrastructure Delivery Plan (IDP) provides a comprehensive assessment of the district’s infrastructure needs and priorities. Developers should consult the most recent version of the IDP when assessing infrastructure requirements for their proposals.*”

The Police note that EDDC’s IDP 2017 acknowledges in its “*infrastructure list*” that “*emergency service facilities*” are one of the items which EDDC intend will be or may be wholly or partly funded by CIL. Additionally at paragraph 2.2, the IDP states that CIL can be spent on “*police stations.*” DCP submitted feedback to EDDC in respect of the Police’s updated and new infrastructure requirements to support the emerging East Devon Local Plan 2020-2040 (Our Ref:CFM1/SW23/345591.6). The Police acknowledge the current IDP February 2025 version 1 includes priority 1 projects for extension to police stations at Ottery St Mary, Axminster and Exmouth. So as to ensure sufficient deliverability of police provision and police infrastructure in the delivery of new development and to reflect the most recent version of the NPPF, paragraph 101, the Police propose a modification to draft Policy SP07, as follows:-

Strategic Policy SP07: Delivery of Infrastructure

*New development proposals must be supported by appropriate infrastructure, delivered in a timely manner to support the needs of the development and the wider community. **The Local Planning Authority will require that applicants:***

- A. *Assess the infrastructure requirements arising from their development, **and take account of infrastructure capacity and need.***
- D. ***Consult and cooperate with relevant infrastructure and service providers to ensure efficient and effective infrastructure delivery which also reflects the requirements of the Council’s Infrastructure Development Plan.***

On the issue of “*Infrastructure Provision*” which is considered within the explanatory text that accompanies draft Strategic Policy SP08 at paragraph 3.45, it is critical for the provision of the safety and security of communities that Police Infrastructure is supported. As such, “*Blue Light*” services which falls within the scope of “*public service infrastructure*” that is now included under this umbrella within NPPF should be cited within paragraph 3.45.

It follows, that the Police propose a modification to include the following wording in bold

- 3.45. *Delivering infrastructure alongside housing and economic development is crucial for sustainable communities. This includes essential services like transport, flood risk measures, utilities, **blue light**, and habitat mitigation, as well as daily access to education, health, open spaces, and play areas.*

Strategic Policy WS01 of the Publication draft Local Plan concerns *the “Development of a Second New Community East of Exeter.”* The text accompanying the draft Policy provides a description of the proposed development, together with the housing trajectory to be delivered in this plan period, but also beyond its life span to accommodate at least 10,000 new homes.

Adequate police infrastructure and facilities is critical for the provision of the safety and security of the public and to accord with the overall objectives of the NPPF. The lack of reference to the creation of “safe places” is of considerable concern to DCP. As with Strategic Policy DS01 of which requires at paragraph E due regard for important aspects of detail and quality with reference to safety and reduction to the potential for crime being reflected in paragraphs 1, 3, 4, 6 and 7, there should be consistency with the objectives of maintaining safety and security throughout the relevant policies in the new Local Plan for East Devon. The Police ask for a modification to the fourth paragraph of Strategic Policy WS01 to include the following wording in bold:

Strategic Policy WS01: Development of a Second New Community East of Exeter

*“Development will need to occur and proceed on the basis of an agreed whole new community masterplan and on an agreed phased basis. The new community will be built to distinctive high quality design standards by **creating safe places** with an explicit focus on sustainable construction and building operation and renewable energy production and use. Open spaces and facilities will be readily accessible to all residents with convenient, attractive and **safe** pedestrian and cycle links within the site and to local destinations and access to high quality public transport services.*

*Working with our partners together **with the relevant infrastructure service providers** we will promote development starting in this plan period.....”*

Draft Strategic Policy WS01 also states that *“Infrastructure provision will need to come forward with overall development proposals.”* And, whilst the wording of the draft Policy cites examples of infrastructure that include Habitat regulations, high speed broadband and improved transport links amongst others, there is no reference to the requirements and provision of *“public service infrastructure”* to reflect the NPPF, specifically the policing provisions for the Second New Community.

To ensure that the policing infrastructure, police provision and funding sources are sufficient and deliverable, the Police ask for a modification to Strategic Policy WS01 to include the following wording in bold:

*The Council will produce an Infrastructure Delivery Plan that will set out key requirements recognising the need for improved transport links, public rights of way network, cycle networks, bus services and road improvements, community energy/heating provision, on-site renewable energy generation, drainage and SUDS requirements, new education provision, **police infrastructure**, high speed broadband and other services and facilities to ensure sustainable development is delivered.*

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 test 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.

There is a correlation between an increase in population and an increase in crime and disorder. Development at the proposed Second New Community and any development elsewhere in the District will not only necessitate additional policing within East Devon, but also within Exeter City.

It follows that the potential funding sources to deliver police infrastructure would need to be through CIL/Section 106 obligations/contributions generated from the Second New Community, and other new development in the District. The principle of seeking contributions towards policing infrastructure is well established, and also included in Council's definition of 'qualifying infrastructure' as eligible for CIL funding. As such, the Police would expect this to be reflected in the forthcoming preparation of the IDP supporting the delivery of the Second New Community. However, it is also critical that the Police is engaged in connection with the emerging IDP to ensure sufficient contributions can be contributed to police infrastructure in connection with new development, and of which aligns with the principles of the revised NPPF in paragraph 101.

CONCLUSION

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. The latest iteration of paragraph 101 of the NPPF places "*significant weight*" on the need for police infrastructure and facilities to be considered in the decision-making process.

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

The proposed policies in the East Devon Local Plan should be modified to ensure there is sufficient regard to the provision of police infrastructure and facilities, together with funding resources through contributions and obligations secured through Section 106 Agreements, and CIL.

Yours faithfully

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Womble Bond Dickinson (UK) LLP