



**Devon & Cornwall Police**

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12<sup>th</sup> March 2021

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

Dear Mr. Dickins

**Re: East Devon District Council, proposed new local plan**

**Comments on Issues and Options Report**

Thank you for contacting Devon and Cornwall Police (the Force) advising of the publication of the authority's Issues and Options report produced as the initial stage in the creation and adoption of a new local plan for East Devon. We very much welcome being invited to comment on the report.

We have completed and submitted the online questionnaire relating to the Issues and Options Report. We would like to make additional comments and proposals and, as invited, have set them out below for your consideration.

Please note that the following 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.

**Observation and proposal 1**

We are pleased that the Issues and Options Report includes, as Objective 1, the desire to promote health and well-being:

*Objective 1: Designing for health and well-being- To encourage healthy lifestyles and living environments for all East Devon residents.*

We would like to see this expanded, or an additional objective created, so that the objective is to not only encourage but to provide a safe and secure environment with low crime with the necessary police infrastructure in place to help police, and facilitate, a healthy lifestyle which can be enjoyed free from crime and the fear of crime. The local plan needs to acknowledge the importance of policing and police infrastructure in achieving this objective.

We would draw your attention to the representations made by my colleague Kris Calderhead in his email of 25<sup>th</sup> February 2021 at 11:10, a copy of which is appended to this letter for ease of reference.

The benefits of reduced crime are acknowledged in Chapter 3, Designing for health and wellbeing. Paragraphs 3.8, 3.9 and 3.10 all recognise the need for public safety and reduced crime, and the benefits this brings.

There are additional comments in the authority’s Sustainability Appraisal and Strategic Environmental Assessment Draft Scoping Report (January 2021) which is prepared in support of the new local plan. Sustainability objective 10 in Figure 25 – Table of Sustainability Effects, states:

<p><b>10. Wellbeing</b></p> <p>To support safe communities where people are not exposed to pollution.</p>	<ul style="list-style-type: none"> <li>• Social deprivation.</li> <li>• Air quality, noise and light pollution.</li> <li>• Safe and secure environment with reduced fear of crime.</li> </ul>	<ul style="list-style-type: none"> <li>• Population.</li> <li>• Air.</li> </ul>
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It is clear that a safe and secure environment, free from crime and fear of crime, is key to health and wellbeing; this can be achieved by proportionate investment in the necessary police infrastructure.

**Observation and proposal 2**

Developer contributions and CIL money are / is required to bridge the funding gap that exists in providing additional police infrastructure that is required directly resulting from new/planned development. It is a fact that additional police infrastructure will be required to provide our policing services to these new developments. Capital funding for such investments will be required. The Force cannot and should not be expected to meet the cost of the additional infrastructure from its existing budgets. The Force nonetheless has a responsibility to deliver our services to new communities, providing the same level as that of the existing communities without detriment to them as well.

We propose that additional police infrastructure is funded in the same way that transport, education and affordable housing (amongst other things) are, and that policies are included in the new local plan to facilitate this.

### **Observation and proposal 3**

We are pleased to note the inclusion of Objective 10 - Connections and Infrastructure, to secure infrastructure needs at an appropriate time to support new development. Chapter 12, Infrastructure and facilities, expands on this objective and paragraph 12.1 states:

“The delivery of infrastructure alongside housing and economic development is vital in creating sustainable communities. Transport, flood risk measures, utilities connections, and habitat mitigation are often critical to allow new development to take place; whilst people should be able to access facilities such as education, health, open space and play areas on a day-to-day basis.”

We would like this to be amended to include police infrastructure and associated services.

### **Observation and proposal 4**

Police infrastructure and associated services are not restricted to physical buildings. New ways of working and advances in information and communication technology have been embraced by Devon and Cornwall Police such that infrastructure also means assets including ICT equipment and fleet vehicles, as well as buildings. Furthermore, police infrastructure also includes the cost of providing the essential equipment for officers and police staff to allow the Force to meet its operational responsibilities.

We propose that police infrastructure is defined in the local plan to include buildings, vehicles and equipment.

### **Observation and proposal 5**

There is a misconception that the Force receives full funding from the Home Office grant and the council tax precept. To clarify, this funding does not cover the capital costs associated with the provision of additional police infrastructure required because of new development. It is this element for which the Force requires funding from these forms of development, be that s106 developer contributions or money from the community infrastructure levy (CIL).

The additional precept raised as a result of the additional new homes helps fund revenue salary and maintenance costs and is only a small percentage of our funding. It will not provide for capital police infrastructure required as a result of these newly planned developments.

National government funding has been cut in real terms. The additional 20,000 new police officers currently being delivered by the government is in part offsetting the previous reduction in officers and designed to support existing population numbers and not the increase in population.

We propose that new police infrastructure is funded in the same way that transport, education and affordable housing (amongst other things) are, and that polices are included in the new local plan to facilitate this.

## **Observation and proposal 6**

Devon and Cornwall Police's requests for developer contributions accord with 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.

Until there is a change in the law (anticipated by virtue of the White Paper entitled Planning for Future) Devon and Cornwall Police will actively seek developer contributions via s106 agreements. It will use approved methodology, previously successfully tested in planning appeals and Secretary of State decisions in other parts of the country.

Securing proportionate developer contributions will enable the Force to maintain the high level of public services that the existing resident communities expect whilst extending this same level of service to the residents of the new development. The obvious consequence of not providing funding would be to deplete the Force of the resources it needs. This would have an adverse impact on the service levels the Force 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 14<sup>th</sup> May 2013, further to the appeal reference APP/X2410/A/12/2173673, planning application reference P/10/1518/2 validated by Charnwood Borough Council. Here the proposed development was for 300 new dwellings.

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 it

development would not be sustainable, which is, as you know, is the golden thread woven through the NPPF. We would draw your attention to paragraphs 8, 26, 32 and 92 of the NPPF (February 2019) which confirms 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 and the fear of crime and the need for planning policies and decisions to deliver this.

We propose that clear policies are included in the local plan to enable Devon and Cornwall Police to request developer contributions, be that via CIL or s106 agreements, to help fund the much-needed additional police infrastructure required as a result of development.

### **Observation and proposal 7**

The population in East Devon is projected to increase. Population increase is affected by a number of factors, including the number of new homes provided and the net inward migration into East Devon.

The authority's website, last updated 9th January 2020, states:

*"The overall population is expected to increase by 14,300 people between 2017 and 2027, a rise of 10%. The average household size in the district is 2.2 residents. The migration of population into East Devon from other parts of the UK show that in 2017 there were 2,620 more people moving into the area than out."*

Chapter 5: Meeting housing needs states includes, in paragraph 5.2, the statement that 928 new homes are required to be built every year.

#### **Paragraph 5.3 reads:**

*"Analysis from a base date of 1 April 2020 shows a projected 11,945 extra homes will be built in East Devon under the current local plan up to 31 March 2031. A 20 year requirement (from 1 April 2020 to 31 March 2040) at 928 homes per year would give a grand total of 18,560 homes needed. Deducting 11,945 already projected to be built from a need of 18,560 leaves a residual figure of at least an extra 6,615 new homes up to 2040."*

We note with interest paragraphs 3.64 and 3.71 of the East Devon Local Plan - Sustainability Appraisal Scoping Report – January 2021, which is also out in draft and comments are similarly invited.

- Under the heading, "The population and homes of East Devon" paragraph 3.64 reads:
  - "East Devon had a population, at 2020, estimated at 145,871 persons. This population level has shown a year on year pattern of increase as more people move into the district."
- Under the heading, "The potential future population of East Devon" paragraph 3.71 reads:

- “For many years there has been an overall pattern of population increase in East Devon, with more people moving into the district than leaving. It is this net in-migration, particular by the middle aged (with an associated in movement of older school children) and older people that is the primary factor accounting for the increasing population change. In contrast, however, there is a pattern of net out-migrations of younger adults.”

There is a direct correlation between new homes being built and the increase in population. New homes do not result in older homes laying empty or being demolished. Thus, more homes ultimately result in an increase in population leading to an increased pressure on police resources.

Devon and Cornwall Police has an obligation and a responsibility to provide all new residents with an appropriate level of policing which must be provided without adversely affecting the level of service afforded to the existing businesses and communities.

It is noted that East Devon, like many areas of the region covered by Devon and Cornwall Police, contains a significant number of second homes. Second homes also result in increased demand on police resources. We have to assume that they are or could be occupied at any time and we have an equal duty to protect and serve the owners and occupiers of such properties.

We propose that the housing policies in the new local plan recognise the direct correlation between new homes and population growth, and the increased demand this places on the Force’s resources, and include a statement to help fund the additional police infrastructure that is required.

#### **Observation and proposal 8**

Secured by Design (SBD) is not a substitute for infrastructure funding. There is no legal power for the Chief Constable to reduce policing in areas which incorporate SBD principles or accredited products.

#### **Observation and proposal 9**

The principles of crime prevention through environmental design (CPTED) and the official police security initiative, Secured by Design (SBD), are actively encouraged in all developments across East Devon by Devon and Cornwall Police’s Designing out Crime Officers (DOCOs). The DOCOs comment on all relevant planning applications, as detailed in the agreed protocol established between the police and the planning authority. However, Designing out Crime initiatives are not to be regarded as a satisfactory substitute for infrastructure funding.

Kris Calderhead (DOCO for East Devon) has said the following in his aforementioned response:

*‘It is requested that designing out opportunities for crime, fear of crime, anti-social behaviour and conflict, and the delivery through the police DOCO, is referenced within the new Local Plan under the relevant topic areas and policies’*

### **Observation and proposal 10**

In addition to the comments in Chapter 13 - Developing a strategy for the distribution of development, we would suggest a statement that large housing sites and urban extensions should include policies requiring developer-funded police infrastructure.

In order for the Force to continue to provide the high level of policing that residents, businesses and communities expect of it, the Force will need additional police officers and police staff as a result of these large residential developments. It will therefore need additional accommodation, assets and equipment to enable the officers and staff to perform their roles.

### **Observation and proposal 11**

All of the above comments should be incorporated into the drafting of the new local plan with a statement that should s106 and CIL be replaced by the proposed 'infrastructure levy' as anticipated by the government's proposed changes to the planning system (set out in the White Paper entitled Planning for the Future), then all of the policies affecting police infrastructure should be carried forward so that they are then able to be collected by the infrastructure levy or whatever replaces s106 and CIL.

### **Observation and proposal 12**

If the authority produces a supplementary planning document (SPD) relating to developer contributions then all of the above points should be incorporated into the SPD.

We hope that the above comments are welcomed, agreed with and incorporated into the drafting of the new local plan. We would be delighted to expand upon any of the above or provide additional information or supporting evidence if required. If you wish to discuss any of the above, please do not hesitate to contact me.

Again, thank you for the opportunity to comment on the Issues and Options Report. We look forward to hearing from you.

Yours sincerely

*Iain Masters*

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