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Planning Policy  
Reigate & Banstead  
Town Hall  
Castlefield Road  
Reigate  
RH2 0SH

Dear Sir / Madam,

**Reigate & Banstead Borough Council Development Management Plan (2018-2027)  
February 2018**

Thank you for consulting Surrey Police regarding the Reigate & Banstead Development Management Plan (Regulation 19). This letter details Surrey Police's response concerning the emerging development plan.

Surrey Police have now secured full-time cover for our Commercial Planning Manager post and will ensure appropriate representations are submitted to all relevant consultation opportunities. This post covers all aspects of infrastructure and town planning related matters across Sussex and Surrey. This includes making joint representations to all local planning authorities and other parties in relation to planning applications and planning policy. Our forces have a number of joint departments however still operate under separate Police and Crime Commissioners, Chief Constables, and respective command teams.

Sussex & Surrey Police are an active member of the National Police Estates Group (NPEG) and now act as one on all infrastructure and town planning related matters across their combined geographical area.

To ensure our representations are as concise as possible we have only responded to those parts of the new Local Plan that directly relate to the priorities of Surrey Police to reduce crime and opportunities for crime in in the Borough, whether this be existing or new development.

The emerging local plan should include sound policy to reduce opportunities for crime and disorder to ensure the local plan is fully compliant with paragraphs 17, 58, 69, 70, 156, 162, and 177 of the National Planning Policy Framework (NPPF). Providing a sound basis for crime prevention within adopted planning policy will improve the quality of new development and ensure the advice provided by our crime prevention design advisors is supported by development control officers and adopted by all future applicants.

## **Policy DES1 – Design of new development – page 30**

Surrey Police welcome the inclusion of point 6 of Policy DES1 (Design of new development) which states "Planning permission will be granted for new development where it meets the following criteria:...

*6) Creates a safe environment, incorporating measures to reduce opportunities for crime and maximising opportunities for natural surveillance of public places. Developments should incorporate measures and principles consistent with those recommended by Secured by Design where appropriate.*

The inclusion of Secured by Design within development management is strongly encouraged by Surrey Police to ensure the emerging local plan is drafted in line with paragraph 69 of the National Planning Policy Framework (NPPF), which states that planning policies should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion

Surrey Police strongly recommend development management policies encourage all applicants to apply to the industry standard of the Secured by Design award. Surrey Police recommend that this policy should be redrafted or amended to include the following wording:

***6) create attractive, safe and accessible places that discourage crime and disorder through design and the application of Secured by Design standards and obtaining the Secured by Design award.***

Secured by Design has been adopted in a variety of schemes in the Borough and our Designing Out Crime Officers work with applicants throughout the construction process to ensure opportunities for crime are minimised through their vast experience in this field. Obtaining a Secured by Design award is an industry wide standard which has a proven way of reducing specific types of crime such as burglary.

*Secured by Design* (SBD) is the UK Police flagship initiative, supporting the principles of 'designing out crime' by use of proven crime prevention measures and measurable and appropriate security standards. Creating a sense of place where residents and legitimate users are able to go about their daily routine without unduly fearing crime or insecurity is a key element of the Secured by Design initiative for New Homes. This is reflected by the National Planning Policy Framework 2012 (NPPF 2012) where its purpose is to provide 'a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; (para. 7). Sustainable development seeks to 'improve the conditions in which people live, work, travel and take leisure' (para. 9). Core planning principles should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' (para. 17).

Crime should not be seen as a standalone issue, to be addressed separately from other design considerations. That is why guidance on crime has been embedded throughout the guidance on design rather than being set out in isolation.

Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions.

To ensure more developers are aware of SBD and that the SBD are adopted in future development proposals, direct reference to 'Secured by Design' within development management policies is strongly recommended. Among the many benefits of SBD for future occupants, direct reference to SBD would ensure local plan compliance with the relevant paragraphs of the NPPF and NPPG guidance. We have suggested a recommended wording for an emerging development management policy to ensure reference to SBD is appropriately worded

and to ensure that the Local Plan is compliant with the relevant policies of the NPPF concerning policing.

Unfortunately developers stating in their Design and Access Statement that they have 'provided measures to achieve a development that responds to the key principals of Secured by Design' does not ensure SBD will be adopted in the development.

Local Planning Authorities must ensure that an application is made for a full Secured by Design (SbD) award and ensure that a planning condition be applied to require the development to SBD standards. Our Crime prevention design advisors will then work with applicants to ensure an assessment on all SBD matters is achieved and that the required standards are met to achieve a completion certificate.

Furthermore, National Planning Practice Guidance is very clear that:

*'Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are all matters that a local authorities should consider when exercising its planning functions under the Town and Country Planning legislation.'*

*Local Authorities may, therefore, wish to consider how they consult their Police and Crime Commissioners on planning applications where they are Statutory Consultees and agree with their police force how they will work effectively together on planning matters.'*

*It is important that crime reduction-based planning measures are based upon a clear understanding of the local situation, avoiding making assumptions about the problems and their causes. Consideration also needs to be given to how planning policies relate to wider policies on crime reduction, crime prevention and sustainable communities. This means working closely with the police force to analyse and share relevant information and good practice.'*

(Paragraph: 010 Reference ID: 26-011-20140306)

#### **Policy TAP1 – Access, parking and servicing – page 49**

Surrey Police welcomes reference to providing sufficient access to development for 'service and emergency vehicles'.

This is an important planning consideration for assessing new housing developments. Minimising obstructions to emergency vehicles is essential to help reduce response times and the ability of emergency services to access new homes and casualties in need.

With new developments including adopted and non-adopted roads, developers should ensure that there are no obstructions or reductions in road widths which would impact the ability of emergency service crews to service developments. Providing reference to access for emergency services to new development within local planning policy is considered necessary to raise awareness of this issue and ensure compliance with the relevant paragraphs of the NPPF.

#### **Policy INF1 - Infrastructure – page 152**

Surrey Police welcome the reference to "emergency services facilities such as fire stations" within Policy INF1. To ensure consistency with paragraph 69 of the NPPF Surrey Police would also request reference to 'police infrastructure within this paragraph.

Improving health, education, life-long learning and well-being of all sectors of the community will not be achieved if that same community is not safe, secure and does not have adequate access all members of the emergency services.

The definition of policing infrastructure is however far more broad than 'police stations' and encapsulates a wide variety of infrastructure necessary for policing. For this reason, Surrey Police request 'fire station' is replaced with '**fire & police infrastructure**'.

In this respect, the Council's attention is drawn to the fact that there is a significant body of Secretary of State and Planning Inspectorate decisions supporting the principle of developer contributions towards policing to mitigate against housing growth. These decisions can be summarised in **Appendix 1**.

Nationally, the Force ensure we take regular legal advice and guidance from industry professionals on the applicability of NPPF tests relating to the application of Regulation 122 on our funding requests for S106 agreements and Infrastructure Delivery Plans. This included advice as to what is infrastructure which can be summarised as follows:

- The first point to note is that "infrastructure" is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of "infrastructure" but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word "includes" prior to the list being set out.
- There is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 156 of the National Planning Policy Framework.
- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as CCTV.

### **Assessing the impact of housing growth in Reigate & Banstead on policing capacity and police infrastructure**

The Reigate & Banstead Development Plan (Regulation 19) makes provision for at least 6,900 homes in Reigate & Banstead between 2012 and 2027 (an average of 460 homes a year). The housing monitoring report (2017) indicated that 2,417 net dwellings have completed within the borough since 2012 leaving a residual requirement of 4,483 dwellings over the plan period. The 2012 housing report also indicated that 455 homes were delivered over the 2011-2012 monitoring period.

The estimated number of homes in Reigate & Banstead would therefore be approximately 58,272 households ((55,400 (2011 census) + 2,417 + 455).

Surrey Police records indicate that there were a total of 23,954 incidents recorded between the beginning of April 2016 and the end of March 2017. Of these incidents there were 8,354 recorded crimes which is only 31% of all recorded incidents. This results in approximately 0.41 incidents per household in the Borough that require a police response in Reigate & Banstead over the past year. The growth outlined in the emerging local plan would result in an additional 1,838 incidents each year to be investigated (once full occupation is achieved). The number of recorded incidents would rise by approximately 184 incidents per year.

These incidents range widely in complexity because of the statutory duties placed on the police force to respond to vulnerable persons. Surrey Police deliver crime prevention and presence, attendance and service lead at emergencies (e.g traffic accidents, flooding counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crown and events policing, attend and input to community safety and crime partnerships, and provide referral responses when there are expressed concerns about the safety of children, the elderly and those with special needs. Common day-to-day incidents involve the detection and apprehension of intoxicated drivers, burglaries, various types of assault or domestic incidents and many more incidents which require police attention.

The emerging Local Plan proposes a significant increase to the housing stock of Reigate & Banstead. This will be achieved through developing a range of strategic green and brownfield sites. There is relatively little demand for emergency services from what are, in many cases, open fields or brownfield sites. Following redevelopment of these sites for housing and other

uses, Surrey Police will have permanent, on-going demands placed upon our service. Ensuring Surrey Police are supported with the appropriate capital infrastructure to police these new developments is an essential planning policy consideration to be addressed in the emerging Local Plan and the subsequent Community Infrastructure Levy.

These additional crime, anti-social behaviour incidents and public safety/welfare incidents will translate into the following day-to-day impacts upon Surrey Police:

- Additional calls and response per year via the police control centre;
- Additional non-emergency events to follow up with public contact each year;
- Attendance to additional emergency events within areas of new development each year;
- Additional anti-social events to follow up with public contact each year;
- Increased demand for patrol cover including investment in new vehicles and other modes of transport for police officers;
- Additional demand for ANPR technologies (vehicles enabled or fixed site);
- Additional demands for new officers which incurs significant start-up costs through equipment and start-up training costs;
- Additional space in custody suites and other specialist policing functions;

The Council can be assured that the provision of new infrastructure to support the emergency facilities is supported by judgements from the High Court and appeal decisions made by the Secretary of State and Planning Inspectors. The following section outlines some of the key High Court rulings which set the legal principle of contributions towards policing.

### ***High Court and appeal decisions in favour of developer contributions towards policing***

The principle of developer contributions towards policing has been tested in two notable High Court challenges (**Appendix 2 & 3**). There are also numerous appeal decisions in favour of developer contributions included the recent positive Secretary of State decision (**Appendix 4**) in favour of our partner force, Sussex Police.

The principle of developer contributions towards police infrastructure (and the definition of infrastructure) to support development growth was recently upheld by the High Court (22/11/16), in the case of *Jelson Limited vs Secretary of State for Communities and Local Government and Hinkley and Bosworth Borough Council [2016] EWHC 2979 (Admin)*. As copy of this judgement is attached as **Appendix 2**. This High Court judgement included the following items as capital infrastructure considered necessary to support policing and confirming all items of infrastructure were fully compliant with CIL Regulation 122:

- *Personal equipment (workstation, radios, protective equipment, uniforms, bespoke one-off training)*
- *Police vehicles*
- *Radio cover*
- *CCTV cameras*
- *Automatic Number Plate Recognition cameras*
- *Improvement to control room capacity / police national database*
- *Premises – Adaption/improvements to existing station*

Jelson Limited's argument against the police contribution are contained in paragraphs 73-76 of the enclosed High Court judgement. In summary, Jelson Limited argued the following:

- As the population of an area increased so the overall rate of crime in a police area, and hence the demands placed upon resources, declined.
- The Planning Inspector had not properly assessed the evidence submitted by Leicestershire Police. Has the Inspector done so, she would have rejected Leicestershire Police's Section 106 contribution request.

Mr Justice Green wholly rejected Jelson's case, as detailed in paragraphs 77 -81 of the judgement. In summary, Mr Justice Green stated:

- The data submitted by Leicestershire Police did establish that the proposed development would have direct, additional and permanent demands upon policing services of all kinds.
- It was unreasonable to have expected the Inspector to undertake a more detailed analysis of the submissions from Leicestershire Police than she had done.
- The request made by Leicestershire Police was clear, with the continuous requested properly allocated to specific projects.
- The police evidence comprehensively demonstrated and evidenced the impact caused by the development and why the infrastructure types (and contributions) identified would mitigate this.
- In view of the above, the Inspector could have made no other reasonable choice but to award the requested Section 106 contributions to Leicestershire Police.

The case for developer contributions towards policing was tested prior to the Jelson case in *The Police and Crime Commissioner for Leicestershire) vs Blaby Council and Hallam Land (and other developers)*. Mr Justice Foskett made some *obiter* observations in the case that are relevant and applicable to the principle of contributions towards policing infrastructure:

*61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble about a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness state of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult time. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.*

*62. I am incline to the view that if a survey of local opinion were taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area: lawlessness in one area can have effects in another nearby area.*

Sussex and Surrey Police have adopted the same methodology considered in these High Court decisions which uses a detailed assessment of existing resources to determine our predicted infrastructure requirements. These judgments confirm the reasonableness of Surrey Police seeking infrastructure contributions from new major developments to mitigate the negative impacts they cause. This view has been supported by the Secretary of State and Planning Inspectorate on numerous occasions which are included as **Appendix 1**.

Surrey Police would also like to draw the Councils attention in particular to the following comments of the Inspector in the Land at Melton Road Appeal (APP/X2410/A/12/2173673) as they are particularly resonant:

*'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 upon it on the same way as any other public service.*

*The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decision, according to paragraph 69 should aim to achieve places which promote, inter alia, "safe and accessible environmental where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."*

*Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded for 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 funded, alongside, for example additional classrooms and stock and equipment for libraries".*

**Policy INF2- Community Facilities – Page 153**

Redhill, Reigate & Horley have an active night time economy which provides a range of cultural, social and entertainment facilities for both day and evening use to serve the people living in the surrounding area. Surrey Police recognises the importance and economic benefits of expanding the evening/night time-time economy. Ensuring the night time economy is well managed and controlled through effective planning is an essential to ensure crime and incidents of anti-social behaviour are minimised. Surrey Police recommend that the evening/night-time economy should be subject to a new specific planning policy with the Local Plan. In order to be constructive, we have set out below our suggested wording for a policy that would resolve our concerns and ensure the Local Plan is sound in relation to planning for this type of development:

*'Policy ?? – The Evening and Night-time Economy*

*The Council will welcome development that create safe, balanced and socially responsible evening and night time leisure in the Borough. An enriched mix of uses will be encouraged to achieve this including late-night shopping, cultural and theatrical activities, cafes, restaurants, pubs and bars.*

*Developments linked to the evening and night-time economy will be required to implement safeguards by contributing towards public realm, public transport and other infrastructure improvements to deliver a sense of well being, safe and security. This will involve ensuring activity is facilitated during the daytime to avoid the clustering of 'dead' frontages.*

*Working in partnership with the Council and other stakeholders, owners and operators of evening and night-time economy related development will be expected to take part in active management measures to help the public and support the emergency services.*

*If the above is achieved no development on its own, or cumulatively with other uses, will create an unacceptable impact on neighbouring uses, residents or the surrounding area by reason of noise and pollution, light pollution, anti-social behaviour, crime, disturbance or traffic. In necessary planning conditions and legal agreement will be implemented to ensure this.'*

Overall, we trust these representations are helpful to the process of preparing the emerging Reigate & Banstead Development Management Plan, however should you have any questions or would like further details, please do not hesitate to contact myself or Mark Howells (Crime Prevention Designer Advisor – Tandridge, Reigate & Banstead).

Yours sincerely



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*"Without prejudice to any obligation upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of these functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998."*

**Enc.**

**Appendix 1** – Examples of appeal decisions supporting police contributions

- APP/C3810/V/16/3143095 – Land east of Fontwell Avenue, Fontwell, West Sussex, BN18 0SB
- APP/E3715/W/16/3147448 – Land at Ashlawn Road West, Rugby, Warwickshire
- APP/C3240/W/16/314445 – Land east of Kestrel Close / Beechfields Way, Newport, Shropshire
- APP/K2420/W/15/30004910 – Land off Sherbourne Road, Burbage, Leicestershire
- APP/G2435/A/14/2228806 – Money Hill, Land North of Wood Street, Ashby-de-la-Zouch, Leicestershire
- APP/X241-/W/15/3007980 – Land rear of 62 Iveshead Road, Shepshed, LE12 9ER
- APP/T3725/A/14/2221613 – Land at the Asps, bound by Europa Way (A452) to the east and Banbury Road (A425) to the west
- APP/T3725/A/14/2229398 – Land South of Gallows Hill / West of Europa Way, Heathcote, Warwick
- APP/G2435/W/15/3005052 – Land South of Greenhill Road, Coalville, Leicestershire
- APP/Q3115/A/14/2222595 – Land north of Littleworth Road, Benson
- APP/A2470/A/14/2222210 – Greetham Garden Centre, Oakham Road, Greetham, Oakham
- APP/A2470/A/14/2227672 – Land to the rear of North Brrok Close, Greetham, Rutland
- APP/L2440/A/14/2216085 – Land at Cootage Farm, Glen Road, Oadby, Leicestershire
- APP/Y2430/A/14/2224790 – Land to the east of Nottingham Road, Melton Mowbray, Leicestershire
- APP/2460/A/14/2213689 – Land rear of 44-78 Ashby Road, Hinkley, Leicestershire
- APP/K2420/A/13/2208318 – Land surrounding Sketchley House, Watling Street, Burbage, Leicestershire
- APP/F2415/A/14/2217536 – Land off Fairway Meadows, Illesthorpe, Leicestershire
- APP/K2420/A/13/2202658 & APP/A/13/2210904 – Land off (to the south of Spinney Drive and land off (to the east of) Brookside, Barlestone, Leicestershire
- APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426 – Land off Pulley Lane, Newland Road and Primsland Way, Droitwich Spa
- APP/F2415/A/12/2183653 – Land South of Hallbrook Primary School, Crowfoot Way, Broughton Astley, Leicestershire
- APP/X2410/A/13/2196928 & APP/X/2410/A/13/2196929 – Land of Mountsorrel Lane, Rothley, Leicestershire
- APP/T2405/A/13/2200867 – Land at Seine Lane/Forest Road, Enderby, Leicestershire
- APP/T2405/A/13/2193758 & APP/T2405/A/13/2193761 – Land east of Springwell Lane, Whetstone, Leicestershire
- APP/G2435/A/13/2192131 – Land south of Moira Road, Ashby-de-la-Zouch
- APP/X2410/A/12/2173673 – Land at Melton Road, Barrow Upon Soar, Leicestershire
- APP/X2410/A/12/2187470 – Land at (the former) Rearsby Rose Ltd, Melton Road, East Goscote
- APP/F2415/A/12/2179844 – Land north of Bill Crane Way, Lutterworth, Leicestershire

**Appendix 2** – Jelson Ltd vs Secretary of State and Local Government (1) Hinkley and Bosworth District Council (2) – 22/11/2016 (paragraphs 71-81)

**Appendix 3** – The Queen (on the application of The Police and Crime Commissioner for Leicestershire) vs Blaby Council and Hallam Land (and other developers).

**Appendix 4** – APP/C3810/V/16/3143095 – Land east of Fontwell Avenue, Fontwell, West Sussex, BN18 0SB