



Sussex  
Police & Crime  
Commissioner

Andrew Taylor  
Joint Commercial Planning Manager  
Sussex and Surrey Police

Police Headquarters  
Adur & Worthing Block  
Church Lane  
Adur & Worthing  
East Sussex  
BN7 2DZ

Our Ref: 17.016  
Your Ref: WA/73/17/OUT

17<sup>th</sup> November 2017

Michael Eastham  
Planning Department  
Arun District Council  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Dear Mrs Turner,

**RE: OUTLINE PLANNING APPLICATION FOR UP TO 157 NO. RESIDENTIAL DWELLINGS INCLUDING 30% AFFORDABLE, ALL MATTERS TO BE RESERVED APRT FROM ACCESS ON LAND EAST OF WANDLEYS LANE, FONTWELL, WEST SUSSEX.**

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning the outline planning application seeking permission for 157 residential dwellings.

Sussex & Surrey Police are an active member of the National Police Estates Group and now act as one on all infrastructure and town planning related matters across their combined geographical area. Our approach to Section 106 requests is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The approach now adopted has been tested at public inquiries nationally and found to be in accordance with the statutory CIL tests.

The large numbers of housing being developed across Sussex and more specifically Arun will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application.

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development. All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy and is considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site is currently a greenfield site and when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers

and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

Police forces nationally, are not in a position to support major development of the scale now being proposed for many of the nation's town and cities without the support from the planning system. If we are obliged to do so using our own resources only, then it is reasonable to conclude that there will be a serious risk of service degradation as existing coverage is stretched to encompass the new development and associated population growth. This is already evident across Sussex due to the significant numbers of housing being developed and clearly shown by the increasing numbers of recorded crimes in Sussex over the last year. Our force must ensure that development growth is supported by the infrastructure necessary to guarantee the safety and security of the new communities.

It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our office continues to actively seek financial contributions via Section 106 agreements and Community Infrastructure Levy funds to support our capital program. This will enable Sussex Police to deliver the highest possible service to ensure the protection of the communities that we serve. In line with many other police forces Sussex & Surrey Police have updated our methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our current capacity in the district.

Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, West Mercia, Warwickshire and other active members of the National Police Estates Group. This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of *Jelson v SoSCLG and Hinckley and Bosworth Council* [2016] CO/2673/2016 (**Appendix 1**). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices). The principle of developer contributions towards Sussex Police has recently been upheld by the Secretary of State in the allowed appeal relating to new 400 homes on the land east of Fontwell Avenue, West Sussex (Appeal ref: APP/C3810/V/16/3143095 – **Appendix 2**).

I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

## **1. Overview of our financing arrangements**

Police Forces are funded by similar if not identical Central Government methods used to agree funding for all Local Authorities or other public services (such as education and health). The funding allocated to Police Forces via Home Office grants, the Council Tax precept and other specific limited grants are insufficient to fund in full capital expenditure requirements. Capital programmes are funded generally from a mixture of asset disposal (a finite option), redirection of revenue funding (with implications for operational policing), general capital grants or borrowing. Borrowing is not a nil cost option, with any borrowing accruing interest and is required to be repaid from revenue/income; repayments from this source having implications for the delivery of operational policing in a similar vein to redirection of revenue funding.

Funding settlements for the Police are determined in accordance with the current funding formulae which incorporates a number of criteria including historical population forecasts. Accordingly there is a lag between the level of revenue funding potentially available and the population to be policed. In addition, this only relates to revenue costs and not capital expenditure.

Police funding is divided into revenue and capital funding. The revenue funding stream relates broadly to the day-to-day running costs of the Force, that is the payment and management of staff, the ongoing costs relating to running and maintaining buildings and equipment and repayment of loans used to fund capital projects.

The Police Crime Commissioner holds a shared responsibility with the Chief Constable for providing effective financial and budget planning for the short, medium and longer term. In consultation with the Chief Constable, the PCC is required to set a budget for the forthcoming year. However, the pressure on revenue funding is such that it is extremely unlikely that it could be made available to finance significant capital projects; in practical terms the revenue budget is insufficient to fund infrastructure projects and requirements.

It should also be noted that even with revenue raised from the Council Tax precept there has been a recognised funding gap created by inflation and a continuing expansion of the role of the Police service and the demands placed upon it. While there has been investment from central Government, this is often ring-fenced for particular initiatives and has not kept up with the demand for services. This means that Police Forces need increases in the Council Tax precept simply to 'stand still' in terms of costs of service provision. It is not possible to raise sufficient Council Tax precept to cover all inflationary increases and other costs pressures.

Therefore the funding gap is likely to increase, with less money for revenue spending, let alone capital projects. At the same time Police Forces suffered reductions in the level of the annual Police Grant (revenue) and Capital grants. The last 7 years have seen reductions to the funding provided by the Government to Police and Crime Commissioners (PCCs) in England and Wales. Over the last 7 years, Sussex Police have had to make £76m worth of reductions and efficiencies to head towards balancing its books. Despite making efficiencies and transforming activities using technology, cutting waste and selling property we still need to reduce expenditure further to match our spend with resources.

## **2. Proposed Capital and Investment Budget**

Our limited capital funding stream relates to the on-going maintenance of our estate, information technology, replacement of our existing fleet (when necessary), equipment and other infrastructure items required by the force. Our capital funding stream is only considered sufficient to maintain our existing estate and other assets and does not provide the necessary funding mechanism to support population growth. Funding received by the Police via the Council Tax precept is generally used for revenue purposes and is not directed towards capital projects/programmes on the basis that directing funds towards such projects would diminish that available for the delivery of front line policing services.

Our office are required to deliver £35.6 million in savings up until 2020/21 which has severely limited capital funding for new infrastructure requirements. Our capital grant has also decreased from £1.766m to 0.906m which is prioritised to fund dedicated projects each year.

The capital and investment plans to 2020 require no additional borrowing but subject to assumptions on the profile of delivery of the programme and achievement of the capital receipts, the capital and investment reserves will be nearly exhausted by 2020, i.e. there is limited headroom for further new investment requirements.

The safe policing of new urban extensions and general increasing population depends on both having revenue capacity to employ front line staff and necessary capital expenditure. In the absence of capital expenditure requirements being funded by developers in order to meet the policing needs of their developments, revenue capacity would otherwise compete with the need to provide the essential infrastructure outlined in this request. Failure to adequately resource this additional demand could seriously undermine the ability the force to effectively police the district.

As a Police Force we use our existing funds as far as they stretch to meet the demands of an expanding population. Our budget is overwhelming used to support revenue costs, limiting our capital programme potential. The situation also prevails in other public services seeking contributions and there is nothing different here as far as policing is concerned. What is different is that our office do not enjoy effective capital income from the usual public taxation sources. The above evidences that our office do not make requests where we have other funds that will meet our needs. The reality of their financial situation is a major factor in our advance planning and alignment with plans for growth in that whilst we can plan using our revenue resources to meet our ongoing, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in our capital infrastructures.

### **3. Conclusions on funding**

Like many other public sector organisations, Sussex Police have seen real term reduction in grant funding, which has necessitated changes to the policing model. Our office have been proactive in rationalising our estate and selling underused sites to fund capital purchases. In future the demands on our service will only increase due to higher population and we are responding to the changing nature of crime at both a national and local level, for example, at this time cybercrime, child sexual exploitation and terrorism are areas of particular concern. This requires funding to fill specialist positions and expensive equipment necessary for these roles.

Whilst the previous Chancellors (Rt Hon MP George Osbourne) announcement in November 2015 changed the emphasis away from austerity and provided protection of police funding, this relies on the maximum permissible increase in Council Tax and this does not allow room for necessary capital purchases. In terms of local population and the number of households do not lead directly to an increase in Central Government Grant. Whilst there might be growth through the council tax generated by an increase in the CTB (Council Tax Base), this funding would not be available to fund the infrastructure that would be required to effectively police the proposed areas of new development in the district.

### **4. Assessment and Request**

Our office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Arun and in particular the areas of these districts where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the district. In the absence of developer contributions towards the provision of essential policing infrastructure the additional strain placed on our resources would have a negative impact on policing of both the development and forcewide policing implications within the district.

This submission will provide the most recent annual statistics for crime/incidents in Arun which will be compared to the number of existing households. This provides an incident per existing household (or person) within Arun which can then be used as the background to the various items of infrastructure outlined in this funding request.

Nationally, the Police Force ensure that 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 Development 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.

The submission set out below is based on the same methodology previously found sound by Planning Inspectors, the Secretary of State and the High Court and has been found sound. The costs included in this submission are sites specific costs which are envisaged to be secured via a Section 106 agreement. The significant costs relating to revenue will be met by local and national taxation.

## 5. Current Policing requirements in the district of Arun

### Sussex Police's existing estate

At present, Neighbourhood policing in Barnham is delivered from the Bognor Police station. As outlined in the Police Crime Commissioners Estate Strategy 2013-2018 Bognor Police Station is shown to be retained. This station currently supports a number of Forcewide and divisional support staff and officers who are required to deliver policing to the site and surrounding area of Barnham.

Our office have undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Bognor Regis police station has very limited capacity and could not support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development. Neighbourhood policing in Arun is also delivered from Littlehampton police station. This station also has limited capacity and the limited space available has been allocated to provide partial mitigation towards the significant housing growth in the eastern area of the District.

### Sussex Police's current policing requirements and projections

For the last year Sussex Police were able to attend 41,015 incidents in the District of Arun which accounted for 9% of the total number of incidents in the County (2016/17 incident records). There has also been a notable rise in recorded crimes from 9,209 crimes (2015/16) to 10,028 (2016/17) crimes.

Sussex Police received approximately 42,195 calls to the non-emergency switchboard from Arun, of which 52,660 were managed by the non-emergency contact centre. Sussex Police also received approximately 18,429 calls directly to the emergency assistance number (999) in the 2016/17 year. There has been a significant rise in the number of calls directly to the (999) emergency number with approximately 22,000 additional calls received countywide by Sussex Police between 2015/16 and 2016/17.

To determine the current policing requirements per household or individual person an approximate estimation of the number of households and population in the district is required. The 2011 census listed 66,700 households in the District of Arun and taking into account net completions since this has increased by 3,478 homes to the end of the 2016/17 financial year (Arun AMR 2013/14 & Arun 5YHLS - 31/03/17).

The 2011 census listed 66,700 households and 149,518 persons in the Arun District and taking into account net completions since this has increased by approximately 3,047 (AMR 2015/16). There have been an average of 609 net completions over the last 5 years recorded, which is the closest figure to estimating the number of completions in the 2016/17 financial year. This brings the total number of existing homes in the District to approximately 70,356 with an average household consisting of 2.24 persons (149,518/66,700).

Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded as crimes. We deliver crime prevention and presence, attendance and service lead at emergencies eg RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd 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.

Taking into account the number of recorded incidents and the recorded number of existing households this results in 0.583 incidents per household or 0.260 incidents per person that require a police response in Arun each year.

## 6. Breakdown of predicted incidents as a result of population increase in Arun

The proposed development of 157 homes would have a population of 352 persons (at 2.24 persons per household). Applying the current ratio of "incidents" to population then the development would generate an additional 92 (91.5) incidents per year for Sussex Police to attend ( $0.4583 \times 158$ ). These incidents are likely to result in 22 additional recorded crimes per year attributed to this neighbourhood.

## 7. Current breakdown of policing delivered in Arun

All full strategic review of staffing has been undertaken for the purposes of this representation and is considered accurate to date.

Current statistics show that Sussex Police employ 2622 officers in active duty delivering policing to the residents of Sussex. These roles can be categorized into dedicated policing teams delivering neighbourhood policing; divisional policing delivering specialist services such as response roles and investigations; and Forcewide policing teams delivering specialist policing services across the county such as Firearms, Major crime and counter terrorism. All of these functions are essential to the success of Sussex Police and will all be utilised in some capacity to deliver policing to this new neighbourhood in Fontwell. Sussex Police also employ 2237 support staff in either dedicated, divisional or Forcewide roles.

In total the Local Authority of Arun is served by; (all figures = FTE)

### Police officers

- 142 dedicated uniformed Officers  
Neighbourhood Policing Team officers (NPT), Local Support Team, Response Policing Teams, Police Community Support Officers.
- 15 divisional officers

The West Sussex division has 105 officers not including the dedicated officers listed as dedicated uniformed officers. These roles include Investigation teams, Special Investigations Unit (SUI), CIT (Crisis Intervention Team, Operational support teams. Recorded incidents in Arun account for 17.6% of the recorded incidents in West Sussex over the last year therefore it is reasonable to allocate 15 divisional officers to the Arun District.

- 64 Forcewide officers

A large number of our officers deliver force wide policing in a variety of roles including Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles. There are 821 officers Forcewide officers which deliver policing to the whole of Sussex and are vital to the operation of all types of policing including the functioning of neighbourhood policing. Taking into account into account that 8.1% of all incidents managed by Sussex Police occur in Arun 64 (64.5) officers are required for the policing of this District.

### Police staff

Sussex Police currently employs 2237 support staff delivering policing to the residents of Sussex. These roles can be categorized into dedicated support staff such as police enquiry officers and facilities assistants; Divisional staff teams (ie: East Sussex, West Sussex, and Brighton & Hove) delivering services such as crime prevention, operations, investigations, strategic support, corners office and other essential roles. Forcewide support staff roles such as public protection, joint transport services, crime justice & custody, communications departments and specialist crime command. Some specialist department roles have not been included, however all the above forcewide departments consist of 10 employees or larger. This precludes specialist support staff roles such as the office of the Police and Crime Commissioner which are not directly linked to population growth.

- 11 dedicated support staff  
Police Enquiry officers, Facilities officers, Facilities Assistants
- 14 divisional support Staff

As with police officers roles divisional support staff is essential to support front line policing and drawn upon when required. Divisional support staff roles include Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroners Office and other essential roles. There are 99 divisional support staff

within these departments. Again utilising the ratio of incidents in West Sussex (21%), 14 support staff are required to support the existing population of Arun.

- 89 forcewide support staff

The majority of our support staff functions are delivered in a forcewide capacity. Only departments with over 10 or more support staff members have been included within this field which removes specialist roles within Sussex Police which capacity is not directly related to population increase. There are 1202 support staff within these various major support staff departments including Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service. Taking into account into account that 8.1% of all incidents managed by Sussex Police occur in Arun, 89 support staff are currently required to support policing in Arun.

|                                 |            |
|---------------------------------|------------|
| Dedicated officers              | 142        |
| Divisional officers             | 15         |
| Forcewide officers              | 64         |
| <b>Total number of officers</b> | <b>221</b> |
| Dedicated support Staff         | 11         |
| Divisional support staff        | 14         |
| Forcewide support Staff         | 89         |
| <b>Total number of staff</b>    | <b>114</b> |

Currently 41,015 incidents are attended by 221 officers per year in Arun which is a ratio of 185.6 incidents per officer, per year. To retain this current ratio of 185.8 incidents per officer per year, an additional 92 incidents per year would require 0.49 additional officers (49% of an officers workload).

In addition to the significant impacts this development would place on our policing teams this development would also require significant investment in our support staff capacity. As we have shown, approximately 114 police staff are required to support policing to the 70,356 households in Arun. This is a ratio of 617 households per staff member. Therefore an additional 157 households would require 0.26 additional support staff to retain this existing ratio.

#### Additional officers/staff required as a result of 157 additional houses

|                                                |      |                                                                                                              |
|------------------------------------------------|------|--------------------------------------------------------------------------------------------------------------|
| Total Additional Officers Required             | 0.49 | 92 (expected No. incidents arising from development) / 185.8 (No. incidents attended per year by an officer) |
| Total Additional Support Staff (Local/Central) | 0.26 | (157 / 617)<br>(no. of new households / Existing no of support staff per household)                          |

## **7. COSTS**

In order to mitigate against the impact of growth our office have calculated that the capital “cost” of policing new growth as a result of this major planning application equates to **£25,474.55** These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the CIL Regulations, provided this does not exceed five separate contributions and subject to other regulatory tests.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

### **OFFICER SET UP**

The basic set up costs of equipping staff are listed below. Following the start of the 2017/18 tax year we have reviewed and updated the start-up costs per officer which are now as follows:

| <b>OFFICER</b>                                                          |                 |             |                  |
|-------------------------------------------------------------------------|-----------------|-------------|------------------|
| Start-up equipment (radio, workstation, body worn camera, IT equipment) | £4,307.33       | 0.49        | £2110.59         |
| Start-up recruitment and training cost                                  | £5,460          | 0.49        | £2,675.40        |
| <b>TOTAL COST</b>                                                       | <b>£9767.33</b> | <b>0.49</b> | <b>£4,785.99</b> |

| <b>SUPPORT STAFF</b>                           |               |             |                |
|------------------------------------------------|---------------|-------------|----------------|
| Start-up equipment (workstation, IT equipment) | £2,086        | 0.26        | £542.36        |
| Start-up recruitment cost                      | £1,060        | 0.26        | £275.60        |
| <b>TOTAL COST</b>                              | <b>£3,146</b> | <b>0.26</b> | <b>£817.96</b> |

**Sussex Police would utilise the contribution in the following manner;**

- **£4,785.99** as a maximum of 1 of 5 pooled payments towards the cost of 1 additional officer in the Banham NPT to deliver policing to the site and surrounding area.

- **£817.96** as a maximum of 1 of 5 pooled payments towards the cost of one additional support staff member to be based at Bognor Regis police station.

We could not have officers attending this development with less than adequate equipment with unnecessary risk to themselves and occupiers served.

## **PREMISES**

Bognor Regis is a large police building which accommodates the NPT team which would service this development. Like many of our larger stations this operates at maximum capacity and any additional members of staff/officers would need to be supported by adaption/alteration/extension of the existing building. As outlined in the current Sussex Police estates strategy Bognor Regis Police station will be retained to accommodate the majority of growth in the District. Sussex Police have investigated the possibility of extending or adapting the existing premises to provide much needed floor space for new officers to manage growth in Arun. A financial contribution equivalent to the scale of the development is therefore sought from this development.

Sussex Police are required to maintain a high capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floor space. Taking an average of the floor space provision over our sites in Sussex which deliver neighbourhood policing we have determined that each new officer/member of staff should be allocated approximately 7.93sqm of office floor space. We are also required to provide a minimum of 1sqm for officers/staff for storage (locker room etc). This bring the total space requirement to 8.93sqm which can be rounded up to 9sqm.

Sussex Police have previously used Saxon House in Newhaven as an example to estimate costings for a new build or extension/adaption of existing building. This facility is a new facility shared with East Sussex Fire and Rescue and Lewes District Council which replaced the old police station. For new buildings such as Saxon House [the cost was estimated to be between £2500-3000/sqm]. Following an assessment of our previous capital projects and estimates from other forces a figure of £2,146 per sqm (Build and land/lost opportunity cost) will now be used to estimate new build costs.

The cost of accommodating a minimum of 0.75 additional officers/staff (which are required to police this development) would be  $9 \times £2,146 \times 0.75 = \textbf{£14,485.50}$ .

## **VEHICLES**

A vital part of providing effective policing to the residents of Arun is maintaining the large fleet of vehicles. These vehicles range from General Response Vehicle (GRVs or patrol cars), unmarked general support vehicles, Public Service Unit vans and minibuses, scientific (e.g Scene of Crime Officers) vehicles, pursuit vehicles – 4 x 4 and high speed, motorcycles. Current fleet deployment in Arun administrative area (serving 70,356 households) currently consists of 28 active divisional vehicles and 43 forcewide vehicles. Maintaining our forcewide fleet is essential to the success of Sussex Police and important to enable the force to efficiently combat cross border crime. There is currently no capacity to meet the additional policing needs this development will present, therefore investment towards increasing fleet capacity is sought from this development.

In total there are 28 divisional vehicles and 43 forcewide vehicles delivering policing to the District of Arun.

|                   | <b>Department</b>                                                                                                                          | <b>Number of vehicles</b> |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Divisional</b> | Crime management, Local command, Local investigations, Neighbourhood Policing Teams, Neighbourhood Response Teams, Response investigations | 28                        |
| <b>Forcewide</b>  | Crime support command, Dogs section, Firearms, Intel, Licensing, Major investigations, Public protection, Traffic, Training.               | 43                        |

The average capital cost of a new vehicle is £17,000 (not including fuel and maintenance). Our guideline for the majority of marked vehicles is to replace every four years or £125,000 miles. The condition of vehicles at the end of their police life varies however Sussex Police forecast that they will redeem, on average 5% of a vehicles value on disposal.

The development will require fleet investment far exceeding 4 years therefore Sussex Police would require at least an 8 year life of provision. This contribution is justified because there is insufficient funding within the police's revenue income to take on the capital cost after just four years, without diverting money from elsewhere. Sussex Police estimate that the 4 year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

#### 71 vehicles at net value of £1,207,000

Existing number of households in Arun (70,356) = £17.15 per Household (1,207,000 / 70,356) x 157 Households x 2 = **£5,385.10** to give 8-year life of provision.

It is vital to ensure fleet deployment is maintained in line with the existing population of Arun and therefore a financial contribution towards fleet capacity is essential to make this development acceptable in planning terms.

Vehicles are fundamental capital policing infrastructure to deliver community safety and address crime especially at neighbourhood level. Fleet deployment is related to the known policing demands of comparable developments in the locality.

The direct demand from the new development can be accurately forecast and delivering policing direct to this development will not be possible without additional vehicles to do so. Levels of demand and mitigations have been determined by the scale of the development and demonstrate only a proportion of a vehicle's time will be spent policing this development.

### **8. Compliance with National Policy and CIL Regulations**

Firstly, the pooling of S106 contributions is acceptable under CIL regulation 123 subject to each infrastructure item not exceeding 5 separate developer contributions. Within Arun the majority of policing is carried out by the NRT/NPT teams, therefore our office would recommend funds received from Section 106 agreements should be spent directly on supporting these teams. Therefore, when contributions from new housing development are pooled it is sensible to do this based on NRT areas which in the case of this development is the Barnham NRT/NPT. At present there are S106 planning contributions secured to support the Barnham NRT/NPT, therefore complying with the pooling restrictions under CIL regulation 123. There is only one other S106 contributions secured towards the expansion of Bognor Regis police station.

The assessment for these infrastructure contributions is outlined in CIL Regulation 122, which requires each item to meet the following three tests. From the numerous appeal / Secretary of State decisions and High Court judgements there is significant evidence that all the items listed in this request comply with CIL Regulation 122.

The costs of training officers have been included in this request and have been found sound (and compliant with Regulation 122) in numerous appeal decisions included as **Appendix 2**. In the respect of training in particular, the Sketcheley house decision (page 19 of Appendix 2) makes specific reference to "protective clothing, uniforms and bespoke training" and were endorsed by the Inspector in his report at paragraph 11.57 and by the Secretary of State at paragraph DL22.

It is therefore plain that the Secretary of State and numerous Planning Inspectors consider that National Planning Policy and legislation is capable of encompassing these types of infrastructures.

## 1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the National Planning Policy Framework.

Arun's publication version of the emerging Local Plan (2011-31) states that "In general, Arun is a relatively safe place with low incidence of crime, although fear of crime remains a significant issue which is highlighted in the Sustainable Community Strategy. Crime rates are relatively high in parts of Bognor Regis and Littlehampton, with part of River Ward, Littlehampton ranked within the worst 10% areas in England, and a number of other areas within Littlehampton and Bognor Regis falling within the worst 20%".

Policy DM1 (Aspects of form and design quality) lists 'Crime prevention' as the 6<sup>th</sup> consideration for new development proposals. When considering any application for development the Council will have regard to the following aspects:

### 6. Crime prevention

*Provide security measures that make places feel safer. This shall be achieved through natural surveillance and human presence by locating building and play areas along public routes and spaces, and making a clear division between private and public land to foster a mutual protection for the territorial belonging. With respect to crime prevention, regard shall be had in particular to the document 'New Homes 2010 – Secured by Design' and the 'Safer Places – The Planning System and Crime Prevention'.*

The importance of policing contributions are recognised in recent court judgements and are an essential core principle of the NPPF.

The Secretary of State has recognised that it is not a rigid requirement to have express reference to policing within local planning policy because the overarching principle of ensuring safe communities is recognised in the NPPF. The Planning Inspector in the case of North-west Leicester District Council vs Money Hill Consortium (**Appendix 4**) stated:

62. *The obligations of the Undertaking, other than that to support Police operations, are all related to requirement of development plan policies and are all necessary to make the development acceptable in planning terms. They are all furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement, setting aside the Police contributions, therefore complies with Regulation 122 of the CIL Regulations 2010. Furthermore, taking into account the submissions of NWLDP, LCC and LP, the Agreement complies with Regulation 123 of the CIL Regulations 2010.*

63. *The contributions of £219,029 towards Police infrastructure is not related to requirement of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those where there is no additional capacity. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contributions to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure Levy Regulations 2010.*

The importance of policing contributions is importantly recognised in recent court judgments and considered an essential core principle of the NPPF. The judgment of Mr Justice Green 01/11/2016 (**Appendix 1**) with regard to the High Court challenge of Jelson Limited vs Secretary of State for Community and Local Government (1) Hinkley and Bosworth District Council stated:

"The gist of the Inspectors reasons are adequately set out in paragraphs [44]-[47] (see above). She records that LP has adequately demonstrated that the sums would be spent on equipment and services which

arose “.. *Directly from the new households occupying the proposed development*”. Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaption and contributions towards a vehicle in order to prevent a need for pooling contributions”.

“Mr Lambert cited empirical data based upon existing crime patterns and policing demand and deployment from nearby residential areas which established the direct and additional impacts of the development upon local policing. That data established that there would be an incremental demand in relation to such matters as calls and responses per year via the police control centre; an increase in annual emergency events within the proposed development; additional local non-emergency events which trigger follow-up with the public; additional recorded crimes in the locality based upon beat crime and household data and a proportionate increase in anti-social behaviour incidents an increase in demand of patrol cover; and, an increase in the use of vehicles equating to 12% of an additional vehicle over a six year period.”

Moreover, the wider principles of sustainable development within the NPPF also require consideration of all necessary infrastructure requirements, as observed by Foskett J in R. (Police and Crime Commissioner for Leicestershire) v Blaby DC and others. This judgment stated:

*11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that encourages “sustainable development”: see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters”.*

As shown in section 1, there is no dedicated Government funding to comprehensively cover the capital costs associated with policing new housing development. Unless contributions from new developments are secured then Sussex Police would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area. Sussex Police strive to reduce the level of crime in the County however due to the significant numbers of new housing being brought forward the need for more front line staff and associated infrastructure has never been more relevant as a fundamental planning policy consideration.

Appeal decision APP/C3240/W/16/314445 (**Appendix 2**) issued on the 21<sup>st</sup> March 2017 provides further support for developer contributions towards the capital costs of additional policing infrastructure arising from new development. The Planning Inspector stated:

*165: There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decision supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.*

We would also bring to attention dicta from the High Court judgment by Mr Justice Foskett in Police and Crime Commissioner for Leicestershire vs Blaby Council. Paragraph 61 and 62 of the judgment state:

*61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble of 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 want to know that the police service can operate efficiently and effectively in the area. That would plainly be “consumer view” of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult times. 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 inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide police with 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. Miss Wigley, in my judgment, makes some entirely fair points about the actual terms of the section 106 Agreement so far as they affect the Claimant.*

Appeal decision APP/K2420/W/15/3004910 provides further evidence for developer contributions towards necessary policing infrastructure required to enable effective policing of new housing development. The Planning Inspector supported the methodology used for this calculation and compliance with the specific capital infrastructure items detailed in our request.

*44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs".*

In respect of the methodology used for this request the same Planning Inspector stated "47 – *I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP*".

A financial contribution towards essential policing infrastructure is clearly essential to make new housing development acceptable in planning terms. The policing infrastructure items outlined in this request are essential to help support new officers required due to population growth and most importantly keep existing and future residents of Arun safe.

## **2. Directly related to the proposed development**

There is a functional link between new development and the contributions requested. Put simply without new development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response. The infrastructure outlined in this request has been specifically identified by the NPT/NRT teams policing the areas of Arun as necessary to deal with the likely form, scale and intensity of incidents this new housing development will generate.

## **3. Fairly and reasonably related in scale and kind to the proposed development.**

Securing proportionate developer contributions towards necessary capital expenditure is essential to help meet a proportionate increase in police infrastructure costs and to enable Sussex Police to maintain its current level of service in the District. This infrastructure has been identified by Sussex Police as necessary to provide an appropriate level of policing to serve the proposed development and maintain the existing high level of community safety.

A clear numerical, evidence based approach has been demonstrated which is supported by case law and recent appeal decisions by the Planning Inspectorate. The various items of capital expenditure and infrastructure requested are considered CIL compliant and are necessary to enable new officers to undertake their role to meet the policing needs of the development and mitigate impacts to existing resources. A reasonable and proportionate approach has been adopted.

We would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/2179844 & APP/X2410/A12/2173673, **Appendix 2**). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at **para 29** of decision 2179844;

*The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would*

*have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.*

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

*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.*

## **Para 292**

These appeal decisions confirm that the approach of Sussex Police in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development.

Furthermore the requirement to ensure that crime and the fear of crime is addressed through the planning process runs through the NPPF;

Paragraph 17 sets out the core planning principles and states that planning should, inter alia:

*"...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"*

Paragraph 58 states that local and neighbourhood plans policies should aim to ensure that developments, inter alia;

*"create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"*

Paragraph 69 sets out the role of the planning system in facilitating social interaction and creating healthy, inclusive communities and states that planning policies and decisions should aim to achieve places which promote;

*"safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion"*

Paragraph 156 states that local planning authorities should set out strategic priorities in the Local Plan to deliver;

*"...the provision of health, security, community and cultural infrastructure and other local facilities..."*

I trust this sets out sufficiently our office's request for S106 developer contributions towards this major planning application on the land east of Wandley's Lane, Fontwell. .

I am more than happy to discuss the content of this submission with yourselves and support with any further evidence if considered necessary.

Yours sincerely



Andrew Taylor  
BA (Hons), MSc, MRTPI  
Joint Commercial Planning Manager  
Sussex and Surrey Police

## Part A

'What', 'where' and 'when' of infrastructure requirements relevant to application reference to WA/73/17/OUT

| TOPIC        | INFRASTRUCTURE REQUIREMENT                | AREA         | COST PER ITEM | QTY  | TOTAL COST        | TIMING OF DELIVERY (Occupations) |
|--------------|-------------------------------------------|--------------|---------------|------|-------------------|----------------------------------|
|              |                                           |              |               |      |                   |                                  |
| Policing     | Officer start-up equipment cost           | Barnham NPT  | £4,307.33     | 0.49 | £2,110.59         | TBC                              |
| Policing     | Officer start-up recruitment and training | Barnham NPT  | £5,460        | 0.49 | £2,675.40         | TBC                              |
| Policing     | Staff start-up equipment cost             | Bognor Regis | £2,086        | 0.26 | £542.36           | TBC                              |
| Policing     | Staff start-up recruitment and training   | Bognor Regis | £1,060        | 0.26 | £275.60           | TBC                              |
| Policing     | Premises                                  | Bognor Regis | -             |      | £14,485.50        | TBC                              |
| Policing     | Fleet                                     | Barnham NPT  | -             |      | £5,385.10         | TBC                              |
| <b>Total</b> |                                           |              |               |      | <b>£25,474.55</b> |                                  |

Enc.

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

**Appendix 2** – 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, Ullesthorpe, 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 Primslan 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 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** - North-west Leicester District Council vs Money Hill Consortium – Money Hill, Land North of Wood Street, Ashby-De-La-Zouch (paragraphs 61-63)