



Date: 1st September 2021
Our reference: N/A

Dear Sir / Madam

Enfield Local Plan Consultation (Regulation 18) Representations on behalf of the Metropolitan Police Service

On behalf of our client the Metropolitan Police Service (MPS), we write to submit representations in relation to the above Local Plan consultation document.

Background

Representations were submitted on behalf of the Metropolitan Police Service (by Lambert Smith Hampton) in relation to the previous Local Plan consultation in 2019. This related to the Draft Enfield Local Plan Issues and Options (DELP). These representations noted that MPS propose that applicants should pay section 106 contributions towards policing infrastructure, to offset the impact of new development. The representations set out in detail the well established basis for this, in terms of precedent appeal and court decisions. A copy of those representations is attached.

Policy SC2: Protecting and enhancing social and community infrastructure

The supporting text to this policy states at para 5.2.1 that:

“This policy seeks to secure the timely provision of new or enhanced community facilities in association with development to meet the changing demands and identified needs of the borough’s growing population... . In the context of this policy, community provision includes... provision related to community safety and security, such as police and emergency services”.

From this we understand that the intention is to charge section 106 contributions towards policing infrastructure in connection with major developments. However, the main policy wording does not appear to reflect this. The policy only appears to require contributions towards schools (subsection 3) and health / social care (subsection 4).

Proposed Changes to the Policy

Given the above, we request that a new subsection (5) is included in the main policy text, to make it clear that policing infrastructure will be sought from major developments. The methodology for these charges is well established and other police forces already benefit from such charges.

Enfield Infrastructure Delivery Plan (2021)

We note that this document does not appear to show an understanding of the representations submitted on behalf MPS in 2019, the need for contributions towards policing infrastructure, or the established precedents for this. We suggest that it would be appropriate to update the document, to acknowledge that MPS has a key requirement for contributions towards policing infrastructure.

We note that at section 2.2, the document sets out a prioritisation of various infrastructure projects. Policing is ranked as ‘important’ below the ‘essential’ and ‘critical’ categories. We believe that policing is likely to be a key issue that local stakeholders may wish to see ranked more highly.

Should you have any queries or issues in relation to this representation, please do not hesitate to contact me on the details provided below

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Dear Sir/Madam.

DRAFT ENFIELD TOWARDS A NEW LOCAL PLAN 2036 ISSUES AND OPTIONS

Lambert Smith Hampton has been instructed by the Metropolitan Police Service (MPS) to make representations to the above consultation document.

Consultation on the Draft Enfield Local Plan Issues and Options (DELP) started on 5 December 2018. Chapter 2 'Promoting good growth options in Enfield' states that Enfield should now 'deliver 1,876 additional dwellings each year between April 2019 and March 2029 which equates to 18,760 homes over the next 10 years'.

The proposed growth in homes, offices and other uses will significantly increase the need for policing and the cost for associated infrastructure. This represents a legitimate infrastructure requirement that should be accounted for within the DELP. We therefore request Enfield Council to include a policy within the Local Plan which relates to crime mitigation. The most effective way to fund policing is through Section 106 agreements (potentially Community Infrastructure Levy). The following text justifies the acceptance of Policing as a legitimate CIL/S106 charging item and lists the breakdown on infrastructure sought by MPS.

National Planning Policy Framework (NPPF) (2018)

Chapter 8 of the NPPF (2018) states that *Planning Policies and decisions should aim to achieve healthy, inclusive and safe places which:*

- b) *Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.*

Acceptance of Policing Infrastructure as a Legitimate S106 and CIL Charging Item

It is widely accepted and documented that policing infrastructure represents a legitimate item for inclusion within the CIL + S106. A number of policing authorities have sought legal advice on this issue and received confirmation of this. The advice also confirms that S106 and CIL infrastructure is not limited to buildings and could include equipment such as surveillance infrastructure and CCTV, staff set up costs, vehicles, mobile IT and PND. A breakdown of non-building related infrastructure sought by MPS is detailed below.

For example, in the case of *The Queen (on the application of The Police and Crime Commissioner for Leicestershire) v Blaby District Council* [2014] EWHC 1719 (Admin), Judge Foskett stated:

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 statement of the Chief Constable makes clear, that in 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 the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area."

The above conclusions echo those reached in an earlier appeal case of *Land off Melton Road, Barrow-upon-Soar* (APP/X2410/A/12/2173673), in which the Secretary of State endorsed the following findings of the Inspector:

291... "the twelfth core planning principle of the Framework... 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.” (emphasis added)”

There is an extensive array of Secretary of State and Planning Inspectorate decisions that compellingly support the above conclusions, including two in July 2017.

Breakdown on Infrastructure sought by MPS

A breakdown of non-building related infrastructure likely to be sought by the MPS is as follows:

- **Staff set up costs**
 - Uniforms.
 - Radios.
 - Workstation/Office equipment.
 - Training.

- **Vehicles**
 - Patrol vehicles.
 - Police community support officers (PCSO) vehicles.
 - Bicycles.

- **Mobile IT:** The provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office in order to maintain a visible presence.

- **CCTV technologies:** Automatic Number Plate Recognition (ANPR) cameras to detect crime related vehicle movements.

- **Police National Database (PND):** Telephony, licenses, IT, monitoring and the expansion of capacity to cater for additional calls.

Summary

It is essential to deliver the necessary policing infrastructure to support the growth in homes, offices and other uses, and support the cost of associated non-building related infrastructure.

MPS is working hard to achieve cost savings and find new and alternative sources of capital and revenue funding to support policing in London.

We consider that funding should be collected through Section 106 contributions from individual developments to ensure that the necessary funding is accounted for in the meantime.

We consider that it would be sensible to arrange a meeting to discuss the S106 contributions to mitigate the impact on crime. We would also be grateful if you could keep us informed of any future stages of the plan.

Should you have any queries or issues in relation to this representation, please do not hesitate to contact me on the details provided below.

Yours faithfully,



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Director

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