

5 December 2019

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By email: future.merton@merton.gov.uk

Dear Sir/Madam

Merton Draft Statement of Community Involvement (SCI)

This consultation response has been prepared by Lambert Smith Hampton on behalf of the Metropolitan Police Service (MPS) to make representation with respect to the Merton Draft Statement of Community Involvement.

We are pleased to see that the MPS has been recognised as a 'specific consultation body' and therefore are consulted with regards to the preparation of planning policy documents. A key objective for the preparation of the planning policy documents should be for new development to be co-ordinated with the extra infrastructure it demands and to consider the capacity of existing infrastructure.

In light of the above, the Metropolitan Police Service requests that they are also consulted on planning applications which are referred to the Mayor of London for consultation. This is to enable the following:

- **Delivery of a Dedicated Ward Office (DWO):** The MPS have identified the need for Dedicated Ward Office (DWO) accommodation in specific locations as part of their Estates Strategy. A DWO is a small room containing lockers and operational equipment and forms a 24/7 base of operation for the MPS. Further information can be found in the enclosed package including a map showing areas with the greatest need.
- **Inclusion within the Section 106:** It is widely accepted and documented that policing infrastructure represents a legitimate item for inclusion within the S106. The MPS requests that they are also involved in these discussions. Relevant case law is enclosed in relation to the principle of developer contributions towards policing.

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. We therefore request that Merton Council acknowledges within the draft SCI that on schemes referable to the Mayor, the MPS will be consulted as a consultee with regards to the potential of onsite delivery of a DWO facility and the inclusion within Section 106 discussions. Requests should be sent to mps@lsh.co.uk.

Local Plan/Infrastructure Delivery Plan

We previously made representation to Merton's Draft Local Plan in January 2019 requesting S106 contributions. The key item of infrastructure the MPS are currently seeking relates to Dedicated Ward Offices (DWO) which are essentially locker rooms and storage space. We now have the locations of the areas where new DWO facilities are needed (see Appendix A) and would be grateful if you could pass this information to the Planning Policy Team to update the Local Plan and Infrastructure Delivery Plan.

This will help ensure that the emergency services are fully considered in the development of both in the shaping of planning policy and participating in the determination of planning applications across the Borough.

Should you have any questions, please do not hesitate to contact me.

Yours sincerely



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Director

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Encl.

Appendix A: MPS requirement for DWOs

Appendix B: Case Law on the acceptability of Policing Infrastructure for inclusion within S106

Appendix A

MPS requirement for Dedicated Ward Offices

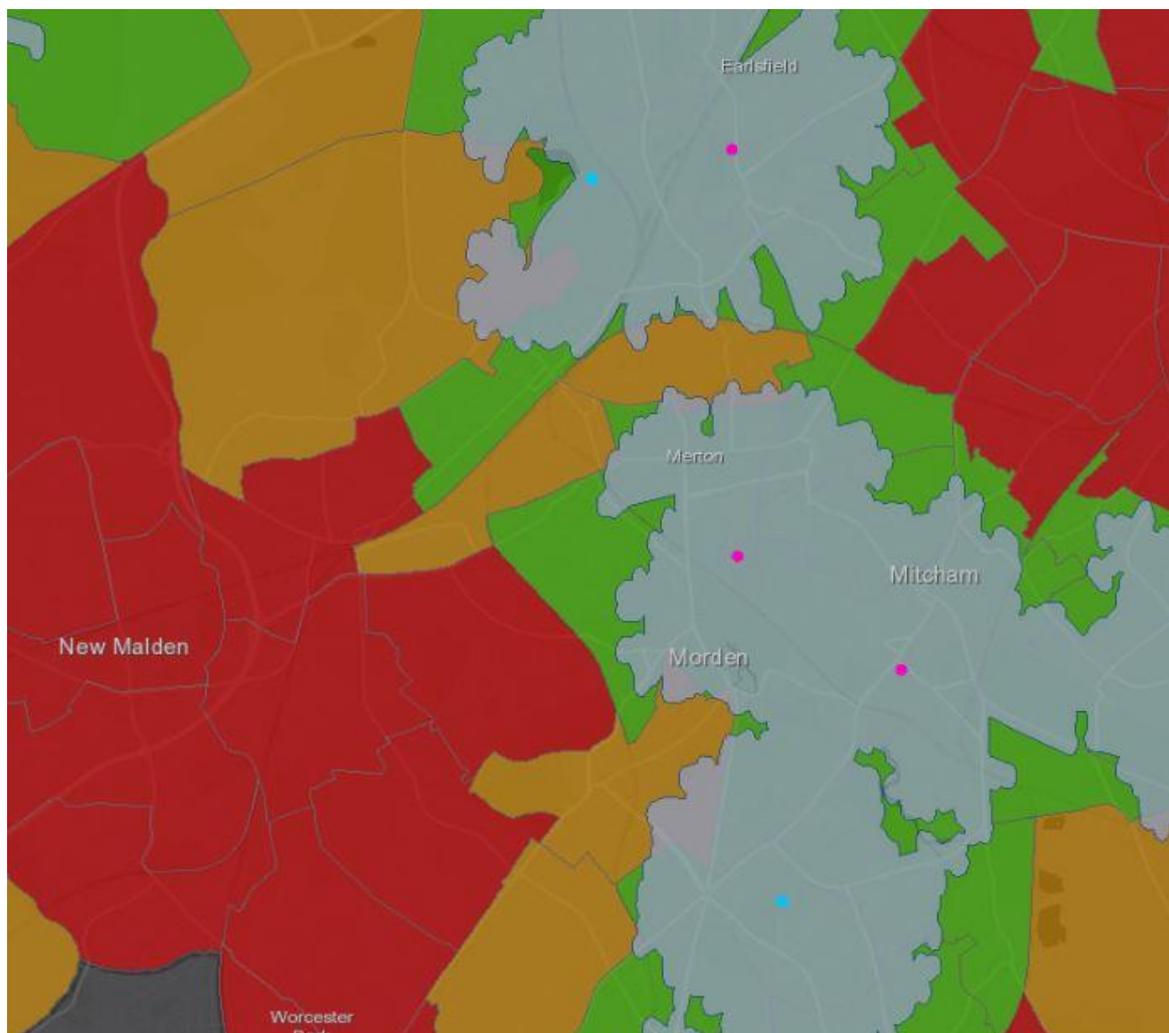
The MPS have identified the need for Dedicated Ward Office (DWO) accommodation as part of their Estates Strategy. A DWO is a small room containing lockers and operational equipment and forms a 24/7 base of operation for the MPS. It is not public facing, but rather a location typically used by officers at the beginning and the end of their shifts. The MPS currently police over 600 wards across Greater London, DWOs are integral to these efforts. The attached document prepared by Knight Frank highlights the DWO requirement in more detail.

On the next page is a map which illustrates the requirement for DWOs in the London Borough of Merton. The red and amber colours relates to wards which have the greatest need for DWOs coverage. Through this map, the MPS have identified the following locations in need of DWO coverage; the red wards are as follows:

- Raynes Park Ward;
- West Barnes Ward;
- Lower Morden Ward;
- Cannon Hill Ward; and
- Graveney Ward.

The amber wards are as follows:

- Village Ward;
- Trinity Ward;
- Dundonald Ward; and
- St Helier Ward.



The MPS is therefore requesting that Merton Council confirms within the draft SCI that they will consult the MPS (with regards to the delivery of a DWO) on schemes referable to the Mayor of London. We suggest that Merton confirm this under the heading 'Consultation on Planning Applications'.

The MPS is already having success in securing DWOs with developers (through planning applications) and Local Planning Authorities (through planning policy). Most recently, LSH have secured a DWO within a 352-unit scheme in the Cricklewood Regeneration Area (ref. 18/6409/RMA) and are currently in the process of delivering a DWO within the British Land Canada Water Masterplan. In addition to this, LSH are currently liaising with London Boroughs over the inclusion of 'DWO text' within their respective Infrastructure Delivery Plans. In most cases, Local Authorities and developers consider the requirement to have a positive impact on development proposals.

Appendix B

Acceptance of Policing Infrastructure as a Legitimate Item for inclusion within the S106

It is widely accepted and documented that policing infrastructure represents a legitimate item for inclusion within the S106. A number of policing authorities have sought legal advice on this issue and received confirmation of this. The advice also confirms that S106 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. 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.