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T +44 (0)20 7198 2000
F +44 (0)20 7198 2001
www.lsh.co.uk

Future Merton team
London Borough of Merton
London Road
Morden
SM4 5DX

Lambert Smith Hampton
United Kingdom House
180 Oxford Street
London
W1D 1NN

Email: future.merton@merton.gov.uk

Dear Sir/Madam.

MERTON'S DRAFT LOCAL PLAN

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

This representation relates to the following elements of the draft Local Plan.

- CIL/s106 contributions to mitigate impact on crime.

Community Infrastructure Levy / Section 106 planning obligations

Under Chapter 6.1, Social and community Infrastructure, the DMLP states that Merton Council will:

Ensure there is adequate provision of facilities for community and social infrastructure that are important for the quality of life of residents and which support the growing population, by protecting existing and, where required, securing new facilities and services that meet people's needs;

Furthermore, under Chapter 6.2 Delivering social and community infrastructure, the DMLP states that Merton Council will:

Support proposals for new, or extensions to existing, social and community infrastructure where:

- It provides for an identified need; and*
- Is of a high quality and inclusive design providing access for all; and*
- It is provided in multi-use, flexible and adaptable buildings or co-located with other social infrastructure use which increases public access, where practicable; and*
- The size of the development proposed is in relation to its context; and*

- v. *Appropriate access and parking facilities are provided, relative to the nature of scale of the development; and*
- vi. *The use(s) do not have an undue impact on the amenities of nearby residents and businesses.*

The DMLP targets the delivery of 6,200 new homes (in Merton) by 2036. 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 Merton Council's Section 106 Agreement and/or Community Infrastructure Levy.

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. CIL/s106 charges to support policing at Borough level are necessary and appropriate.

We consider that until such time as CIL is collected for police infrastructure, funding should be collected through Section 106 contributions from individual developments to ensure that the necessary funding is accounted for in the meantime.

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,



Vincent Gabbe
Director

DL: +44 (0)20 7198 2253

M: +44 (0)7526 175 904

E: vgabbe@lsh.co.uk