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Our Ref: 25/HDC/0151
Your Ref: DC/25/0151

3rd April 2025

Dear Mr Porter,

DC/25/0151 – Redevelopment of the site to provide 304 residential units, parking, a retail unit, public car park, public open space, attenuation basins and landscaping

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning application DC/25/0151 for the redevelopment of the site to provide 304 residential units, parking, a retail unit, public car park, public open space, attenuation basins and landscaping at Land to the North and South of Mercer Road, Warnham, West Sussex.

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. 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 within Horsham District 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 (CIL) and are considered directly



related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site comprises fields and hedgerows (greenfield), the site has a negligible impact on policing. Once developed this site will create an additional demand upon the Police Service that does not currently exist.

The Police require investment into Automatic Number Plate Recognition (ANPR) infrastructure in this location. This request is proportionate to the size of the development, is site-specific 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 able 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 CIL 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 (NPEG). This methodology was considered Community Infrastructure Levy Reg 122 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 and Surrey Police has recently (May 2024) been upheld by the Secretary of State in the allowed appeal relating to new 1,730 dwellings at Land at the former Wisley Airfield, Hatch Lane, Ockham, Surrey (Appeal ref: APP/Y3615/W/23/3320175 – **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. Police Funding and Development Growth

A primary issue for Sussex Police is to ensure that new development, like that proposed by application DC/25/0151 makes adequate provision for the future policing needs that it will generate. Like other public services, Sussex Police's primary funding is insufficient



to be able to add capital infrastructures to support new development when and wherever this occurs. Furthermore, there are no bespoke capital funding regimes e.g. the Health Lift to provide capital either. The police therefore fund capital infrastructure by borrowing. However, in a service where most of the budget is staffing related, the Sussex Police capital programme can only be used to overcome pressing issues with existing facilities, or to re-provide essential facilities like vehicles once these can no longer be used.

Sussex Police endeavour to use our existing funds as far as they stretch to meet the demands of an expanding population and overwhelmingly for revenue purposes. However, it is the limit of these funds which necessitates the need to seek additional contributions via Section 106 requests and the CIL. This 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 the police do not enjoy capital income from the usual taxation sources. This evidences that the police do not make requests where other funds are available to meet their needs.

The reality of this financial situation is a major factor in our Forces planning and alignment with plans for growth in that whilst Sussex Police can plan using their revenue resources to meet their on-going, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in their infrastructures.

Sussex Police will continue to engage with Local Planning Authorities to ensure crime prevention is referenced within new local plan documents and provide crime prevention design advice to minimise the opportunities for crime within new development. Ensuring new development takes full consideration of crime prevention and the provision of adequate infrastructure to support policing is clearly outlined within the National Planning Policy Framework (NPPF, December 2024), relevant sections of the Planning Practice Guidance (PPG) and Section 17 of the Crime and Disorder Act 1998 (as amended).

Paragraph 20 ['Plan-Making'] of the NPPF states '*Strategic Policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for: infrastructure for transport, telecommunications, security...*'. In addition, paragraph 96 of the NPPF ['Promoting healthy and Safe Communities'] states that '*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...*'.

Furthermore, paragraph 101 of the NPPF states '*To ensure faster delivery of other public service infrastructure such as...blue light...local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.'*

Paragraph 102 states '*Planning Policies and decisions should promote public safety and take into account wider security and defence requirements by, anticipating and addressing possible malicious threats and other hazards (whether natural or man-made, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature and potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other*



potential hazards should be considered in planning and assessing proposals for development.'

In the support of this request the following information is provided by Sajaki Rai, Accountant at Sussex Police and is a detailed commentary on Sussex Police's budget, which underpins the above statements:

National funding

Sussex Police receives 58% of its funding from central government and 42% from local taxation. Central government funding comprises of the Home Office Core Funding Settlement, the Department for Communities and Local Government (DCLG) Formula Funding, (together these are referred to as Central Government Grant or CGG for the purposes of this submission) and legacy Council Tax Grants (LCTG). LCTG are fixed and some elements of this are time limited, therefore, LCTG are not affected by variations in the funding formula.

The distribution of CGG is calculated by the Police Relative Needs Formula. This Police Funding Formula divides up how much money each police force receives from the overall central government funds. It takes into account a number of factors to assess demand in each area.

The first stage of the formula is to divide funds between the different activities that the police undertake. These activities, or workloads, can be broken down into five key areas (Crime, Incidents, Traffic, Fear of Crime, and Special Events).

A portion of total funding is also distributed according to population sparsity, to address the specific pressure created by the need to police rural areas.

The second stage is to divide funding for each of these workloads between the 43 local policing bodies of England and Wales. To do this, 'workload indicators' are calculated to estimate how much work each Police Force is expected to have in each of the key area compared to other forces. These estimates are calculated by socio-economic and demographic indicators that are correlated with each workload. Indicators of workload are used rather than data recorded crime levels to account for known variations in recording practices, and the funding model has been designed to avoid creating any incentives for forces to manipulate figures.

The formula consists of a basic amount per resident and a basic amount for special events, and top ups for the five key areas, sparsity, and area costs (which takes account for regional differences in costs).

The top-ups etc. are weighted and use specific categories of population, rather than a straightforward population figure, to determine grant allocations, for examples specific categories includes the population of various benefits, long-term unemployed, overcrowded households, hard pressed households, residents in terraced accommodation etc.

Whilst the funding formula is influenced through allocation of a basic amount per resident, this does not necessarily lead to an increase in CGG Grant to Sussex Police. Putting aside the time delays between recognising population growth and this being fed into the funding formula, the overall pot available to all forces the CGG is limited and in fact has declined over the last few years as part of the Government's fiscal policy. Therefore, changes in general population or the specific population do not increase the overall funding made



available through CGG, rather they would affect the relative distribution of grant between forces.

For the 2023/2024 year there was an increase in the CGG despite the ongoing recruitment scheme known as 'Operation Uplift' across the UK. This funding was ring fenced for revenue expenditure on employing new police officers. However, it can be stated with certainty that even if there were further increases in central funding because of development growth, this funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital items and not what is claimed here). This funding, therefore, would not be available to fund the infrastructure costs that are essential to support the proposed development growth.

The time horizon of the financial planning is not determined by the time horizon of financial support available from central Government. This is currently only known for the 2024/25 financial year, which is the last year of the Comprehensive Spending Review 2021. The change of Government following the General Election on 4 July 2024 adds uncertainty and raises further questions about future funding levels, policy changes, employment rights, sustainability, tax, and levies, and how each of these may result in changes to current and future plans. The greater the uncertainty about future central Government policy, the greater the need to demonstrate the PCC entity's long-term financial resilience, given the risks attached to its core funding.

Local funding

Sussex Police (precepting body) places a demand or precept on the district and borough councils in its area (billing authorities) for a sum of money to be raised through the council tax. The amount to be raised is divided by the Council Tax Base (CTB) or number of households to arrive at an average Band D council tax, from which all other bands of council tax are determined. The growth in the council tax or the amount each household pays is decided by the Police and Crime Commissioner (PCC), having regard to the DCLG rules concerning the need to hold a local referendum where the proposed spending increase in the precept is above a prescribed threshold, currently (2024/2025) £13 per Band D property to maintain real terms funding, and £14 for 2025/2026.

The PCC proposed to increase the precept by the maximum amount allowed of £14 which is a limit set by the government and which they had assumed in their police funding settlement for the financial year 2025/26. This means the policing element of a Band D Council Tax bill will increase from £252.91 to £266.91 per annum per household, which is approximately 5.5% or around £1.17 per month.

There remains potential for the council tax yield to increase simply through a growth in the CTB. However, it should be noted that the CTB is reduced for discounts and exemptions provided under the Local Council Tax Benefit Scheme (LCTBS) and may also be affected by collection rates. Therefore, a growth in households might not lead to a growth in council tax yield where those households benefit under the LCTBS.

The additional funding generated by council tax in 2024/2025 will reduce the severity of the Forces previous savings target. However, even with a £14 increase in the precept and use of other resources, including earmarked reserves and underspend from 2023/24, it will not be enough to balance the budget and offset the large cost increases that are anticipated, leaving the requirement to make £8.2m of savings to balance the budget for 2024/25.



Most importantly, the higher council tax precept will allow our PCC to retain and invest in our workforce and continue supporting our Local Policing Program (LPP). Key considerations driving the precept increase decision included:

- Public demand on police services is increasing exponentially;
- Criminal investigations are becoming increasingly complicated, with huge amounts of digital material to identify, secure and analyse, against an exacting threshold for prosecution;
- The public want to see investment in more visible, local policing, focusing on crimes like burglary and anti-social behaviour and they rightly want to feel safe on the roads, in public spaces and at night-time;
- The public also want to see improvements in the force's approach to public contact and more support to the 101 service;
- HMICFRS (Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services) has recently acknowledged the public's concerns about changes to neighbourhood policing, and stressed the importance of community intelligence;
- And the PCC's consultations and correspondence with the public show that a majority of Sussex residents are prepared to support their police service through increased precept contributions.

Savings

Since 2010/11 Sussex Police have seen reductions to the grant funding provided by the Government to Policing Bodies in England and Wales. Sussex Police have worked hard to deliver savings and have made £109m of reductions and efficiencies to head towards balancing its books (source: Her Majesty's Inspectorate of Constabulary's (HMIC) Police Effectiveness, Efficiency and Legitimacy (PEEL) assessment and 2017/18 revenue budget).

Despite increases in the Council tax yield the Sussex Police Medium Term Financial Strategy (MTFS) 2024-2028 identifies that there remains a requirement to make £0.9m of savings to balance the budget for 2023/2024 and £18m in the following three years. This is the 'budget gap' i.e. the difference between funding and the cost of policing which will need to be met by savings.

Capital Funding

The Government stopped providing an annual grant to support the capital and investment programme from 2022/23. However, specific capital grants may be issued for specific capital investment, for example, the Emergency Services Network.

For many years Sussex PCC has benefitted from substantial capital reserves, supported by capital receipts from the sale of operational buildings and assets or from revenue reserves assigned to capital investment. Most of these resources have now been utilised and as we move forward through the next 4 years and beyond, there is the necessity to fund through either Direct Revenue Funding (DRF) and external borrowing for specific projects. The capital financing approach remains to maximise the use of Capital Receipts to support the capital programme whilst maximising the overall benefit in underpinning the Revenue budget.

Local Authorities, including the PCC, can set their own borrowing levels based on their capital needs and their ability to pay for the borrowing. The levels will be set by using the indicators and factors set out in the Prudential Code. The borrowing costs are not supported by the Government so Sussex Police need to ensure they can fund the



repayment costs. The Minimum Revenue Provision Statement sets out a prudent approach to the amount set aside for the repayment of debt. Borrowing is to be used to cover long life assets only.

Since there is no support from Government with Capital Grant, low reserve and as the pool of assets available for sale declines the financial support from these receipts diminishes, any local capital investment creates an additional financial burden on Sussex Police which will need to be funded through borrowing. With diminishing reserves and the implications of borrowing such as high interest rate, both alternative funding mechanisms are inadvisable.

Conclusions on funding

Like many other public sector organisations, Sussex Police have seen a real terms reduction in grant funding in recent years, which has necessitated changes to the policing model. At the same time the demands placed on the police service increase, whilst the service must deal with the changing nature of crime at both the national and local level, for example, cybercrime, child sexual exploitation and terrorism are areas of particular concern. Additional funding granted towards policing will support and sustain local policing services to Sussex residents.

In conclusion, it remains necessary to secure Section 106 contributions or direct CIL funding for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Sussex Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing.

Securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising frontline services. The consequence of no funding is that existing infrastructure will eventually become stretch to breaking point, and none of the communities we serve will receive adequate policing.

Whilst national and local funding must continue to cover salary and maintenance costs, there would be insufficient funding to provide the infrastructure required for officers to carry out their jobs effectively, Sussex Police consider that these infrastructure costs arising directly as a result of the development proposed and that funding for the police under S106 or CIL is both necessary and justified.

2. Assessment and Request

Our Office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Horsham district and in particular the areas of this district 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, Sussex Police would raise **objection**, as the additional strain placed on our resources would have a negative impact on policing of both the development and force-wide policing implications within the district.

This submission will provide the most recent annual statistics for crime/incidents in Horsham District which will be compared to the number of existing households. This provides an incident per existing household (or person) within Horsham district 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 20 of the National Planning Policy Framework (December 2024).
- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as ANPR and CCTV. Infrastructure could also include speed cameras/metres or Speed Indication Devices (SIDs) which are a mobile education tool for deployment by Neighbourhood Policing Teams at the roadside, displaying warning messages or speed to drivers.

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. 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.

3. Current Policing requirements in the District of Horsham

Sussex Police's existing estate

At present, Neighbourhood policing in Horsham is delivered from Horsham and Steyning Police stations. Horsham is the main operational base for Neighbourhood Policing Teams (NPT) and Neighbourhood Response Teams (NRT) in the district. The Police Community Hub is our drop-in office within the Billingshurst Centre.

Sussex Police's current policing requirements and projections

For the last year (2024) Sussex Police recorded 25,259 (an increase of 214 incidents from 2023) incidents in the District of Horsham.

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 2021 census listed 62,371 households and 146,800 persons living in Horsham District with an average household size of 2.35 persons. Taking into account the number of recorded incidents and current number of households this results in 0.40 incidents per household (25,259/62,371) and 0.172 incidents per person (25,259 / 146,800) that require police attendance in the Horsham district each year.



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 e.g. 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.

4. Breakdown of predicted incidents as a result of population increase in Horsham

The proposed development of up to 304 residential units would have an estimated population of 714 persons (using average household size of 2.35 persons). Applying the current ratio of 'incidents' to predicted population then the development would generate an additional 123 incidents per year for Sussex Police to attend (0.172×714).

These incidents are likely to result in 37 additional recorded crimes per year attributed to this neighbourhood.

5. 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 **£26,000**.

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 mitigate the harm arising from this major development.

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

ANPR (Automatic Number Plate Recognition) Cameras

Sussex Police are currently promoting a roll out of Automatic Number Plate Recognition (ANPR) Cameras throughout Sussex. The number and location of cameras is driven by the scale and location of new development and the road network in the area. Cross border crime is a growing issue in Sussex with criminals travelling from London and the surrounding Home Counties into Sussex to commit offences.

An assessment based on the development has been undertaken and recommends an additional camera sites to be installed within the surrounding area. Our ANPR Manager actively monitors new development and existing ANPR camera coverage to mitigate against the impacts of development growth. The cameras are costed below, and requirements are assessed on the basis of the scale, location and proximity to the road network of the housing growth proposed over the development plan period. Sussex Police have identified approximate locations which require additional ANPR coverage which can be confidently shared with the Local Authority in due course.

ANPR cameras are used in three keyways by police forces: 1) to identify vehicles known to be used by criminals and disrupt their activity; 2) to gather intelligence and 3) to investigate crime. There are many benefits of ANPR cameras which can be used overtly or covertly and are regulated by the Regulation of Investigatory Powers Act 2000 (RIPA).



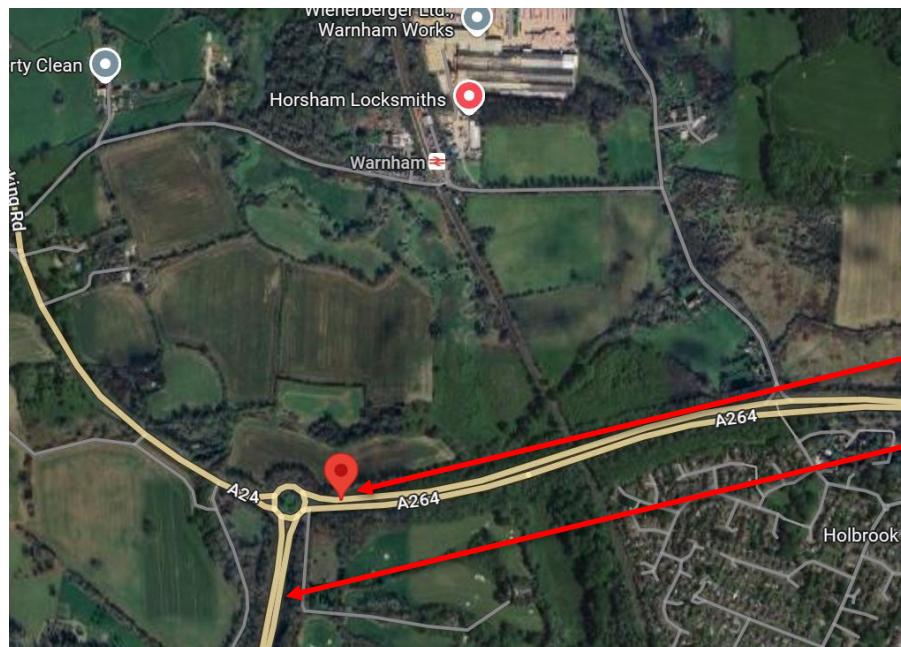
Using cameras at either fixed locations or portable locations, images are captured and recorded along with the vehicle registration mark (VRM) or number plate, time and location of the vehicle, which can then be instantly checked against database recorded of vehicle of interest. The instant search of database records of vehicles of interest can confirm whether a vehicle associates with a known criminal has been in the area at the time of a crime. Importantly, ANPR can be used in real time. This means that police officers can intercept and stop the vehicle, check it for evidence and make arrests if necessary. The use of ANPR in this way has proved important in the detection and prosecution of many cases of major crime.

Three principal benefits of using ANPR are: 1) Increase the information and intelligence available to identify criminals; 2) Enable the police to deploy resources to respond to criminals of interest in real time; 3) Improve investigations after crimes have been committed. In addition to the benefits of ANPR coverage for the residents of this development the camera would also serve to identify any crimes occurring on the development site during the build process such as the theft of machinery or building materials. ANPR also serves as an effective preventative security measure for the development.

Sussex Police can provide further information (e.g. local crime statistics) to further justify the requirement for ANPR infrastructure in the identified locations below, if this is considered necessary.

The cost of fixed ANPR cameras is shown below:

- 1) A264 Eastbound, lighting column – 1 camera and works = £13,000
- 2) A24 Southbound, lighting column – 1 camera and works = £13,000



1) Proposed Camera Location

2) Proposed Camera Location



It should be noted that with regard to the provision of CCTV on site, all CCTV systems are owned and maintained by the local councils. The Police only review live data when required or demanded by incidents through portals. Officers can also access this information, post incident for evidential purposes. As such, Sussex Police will not be requesting contributions for on-site CCTV in this instance. However, CCTV is recommended to be installed within the proposed development site, especially with regard to the publicly accessible open space, retail unit and car parks. Sussex Police advise the provision of CCTV should be considered and secured at the planning application stage and are happy to advise on this matter if required.

6. Compliance with National Policy and CIL Regulations

Following the abolition of CIL regulation 123, the funding of infrastructure is no longer restricted to 5 separate developer contributions. Within Horsham 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/NPT areas which in the case of this development is the Holbrook East and West NPT.

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 which 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 equipment 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 this type of infrastructure.

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 (NPPF, December 2024).

The adopted Horsham District Planning Framework (November 2015) lists one of the six priority themes for the Council as 'safer and healthier'. Policy 33 (Development Principles) states that development shall be required to '*Incorporate measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area...*'

Policy 39 (Strategic Policy: Infrastructure Provision) states that '*the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development, or suitable necessary mitigation arrangements for the improvement of the infrastructure, services and community facilities caused by the development being provided...to ensure*



required standards are met, arrangements for new or improved infrastructure provision, will be secured by planning obligation / Community Infrastructure Levy...'.

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* (**Appendix 3**). 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/16/3144445 (**Appendix 2**) issued on the 21st 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* (**Appendix 3**). 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 (**Appendix 2**) 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 Horsham District 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 Horsham District 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 borough. 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 revised NPPF (December 2024);

Paragraph 20(b) retains reference to 'security' infrastructure and advises that strategic policies should set out an overall strategy for the pattern, scale, design and quality of development, and make sufficient provision for:



b) *Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).*

Paragraph 96(b) advises that planning policies should aim to achieve healthy, inclusive and safe places which:

'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 beautiful, well-designed, clear and legible pedestrian routes and cycle routes, and high quality public space, which encourage the active and continual use of public areas.'

Paragraph 101 states that:

'To ensure faster delivery of other public infrastructure such as health, blue light, library, adult education, university and criminal justice facilities, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.'

Paragraph 102 outlines the importance of engaging with the security services to inform planning policy decision and promote public safety and defence requirements. This will be achieved by:

- a) *Anticipating and addressing possible malicious threats and natural hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development; and*
- b) *Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.*

The Glossary to the current NPPF (December 2024) includes an entry entitled 'Essential Local Worker'. It states '*these are public sector employees who provide frontline services in areas including health, education and community safety – such as NHS Staff, teachers, police, firefighters and military personnel, social care and childcare workers*'. This recognises the emergency services as essential for the public, alongside education and health.

I trust this sets out sufficiently our Office's request for infrastructure contributions relating to this development at Land to the North and South of Mercer Road, Warnham. In the absence of developer contributions towards the provision of essential policing infrastructure, Sussex Police would raise **objection**, as the additional strain placed on

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Police & Crime
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our resources would have a negative impact on policing of both the development and force-wide policing implications within the district.

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

Jane Thatcher

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Part A

'What', 'where' and 'when' of infrastructure requirements relevant to application reference to DC/25/0151

| TOPIC | INFRASTRUCTURE REQUIREMENT | AREA | COST PER ITEM | QTY | TOTAL COST | | TIMING OF DELIVERY (Occupations) |
|--------------|----------------------------|----------------|---------------|-----|----------------|--|----------------------------------|
| Policing | ANPR | A264 Eastbound | £13,000 | 1 | £13,000 | | Prior to commencement |
| Policing | ANPR | A24 Southbound | £13,000 | 1 | £13,000 | | Prior to commencement |
| Total | | | | | £26,000 | | |

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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/Y3615/W/23/3320175 – Land at the Former Wisley Airfield, Hatch Lane, Ockham, Surrey
- APP/E3715/W/21/3268629 – Land North of Coventry Road, Long Lawford, CV23 9BT
- APP/T3725/W/21/3270663 - Land South of Chesterton Gardens, Leamington Spa
- APP/W3710/W/20/3251042 - North Warwickshire and South Leicestershire College, Hinckley Road, Nuneaton, CV11 6LS
- APP/Y0435/W/20/3251121 - Land at Brickhill Street, South Caldecotte, Milton Keynes, MK17 9FE
- APP/R3705/W/19/3234056 - Land East of Islington Farm, Tamworth Road, Wood End, Warwickshire
- APP/R3705/W/18/3196890 – Land to the south of Tamworth Road and to the west of the M42, Tamworth, B78 1HU
- APP/C3810/W/17/3187601 – Land west of Church Lane and south of Horsemere Green Lane, Climping, West Sussex, BN17 5RY
- APP/R3650/V/17/3171287 – Dunsfold Park, Stovolds Hill, Cranleigh, Surrey, GU6 8TB
- APP/R1845/W/17/3173741 – Land off The Lakes Road, Bewley, Worcestershire, DY12 2BP
- APP/C3105/W/17/3172731 – White Post Road, Banbury.
- APP/C3105/W/16/3163551 – Land off Howes Lane and Middleton Stoney Road, Bicester, Oxfordshire
- 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 Brook 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 Primsland Way, Droitwich Spa

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)

Appendix 5 – APR1845W173173741 – Land of Lakes Road – Worcestershire