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T +44 (0)20 7198 2000  
F +44 (0)20 7198 2001  
[www.lsh.co.uk](http://www.lsh.co.uk)

London Borough of Lambeth  
Lambeth CIL team  
PO Box 734  
Winchester  
SO23 5DG

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

By email: [cil@lambeth.gov.uk](mailto:cil@lambeth.gov.uk)

Dear Sir/Madam

## **LAMBETH DRAFT CIL CHARGING SCHEDULE CONSULTATION**

Lambert Smith Hampton (LSH) has been instructed by the Metropolitan Police Service (MPS) to make representations to the above consultation. This representation concerns S106/CIL contributions to mitigate impact on crime.

We have noticed that the existing Lambeth CIL Regulation 123 list does not include 'policing infrastructure' to fund policing or other community safety facilities. The MPS are having to move towards securing S106/CIL contributions from development due to the impacts on crime and are in the process of working up a formula to calculate these contributions. A breakdown of policing infrastructure sought by the MPS in the future is detailed later in this representation.

The draft Lambeth Local Plan targets the delivery of 13,350 homes for the ten-year period 2019/20 to 2028/29. The proposed growth in homes, offices and other uses will significantly increase the need for policing and the cost for associated infrastructure.

### **Acceptance of Policing Infrastructure as a Legitimate CIL Charging Item**

It is widely accepted and documented that policing infrastructure represents a legitimate item for inclusion within the CIL and S106. A number of policing authorities have sought legal advice on this issue and received confirmation of this. The advice also confirms that CIL/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. A breakdown of non-building related infrastructure sought by MPS in the future 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.

#### National Planning Policy Framework (2019)

Chapter 8 of the NPPF (2019) 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.*

#### **Breakdown on Non Property Related Infrastructure sought by MPS**

The MPS are not seeking financial contributions at present as a methodology has not yet been agreed for calculating these contributions; however this is something the MPS are hoping to introduce soon.

A breakdown of non-property related infrastructure sought by the MPS in the future is detailed below. This list has been taken from other Police and Crime Commissioners who are already receiving financial contributions;

- **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

This representation notes that the MPS have to move towards securing S106/CIL from development due to the impacts on crime. The MPS would like to have the ability to receive financial contributions during the Lambeth CIL Charging Schedule period and are in the process of working up a formula linking to development impacts.

We request that the Lambeth CIL Charging Schedule and/or other related documents include an acknowledgement of this. We are keen to engage with you on how best this is reflected in the CIL documentation.

We will look forward to hearing from you when you have had a chance to review the contents of this representation.

Yours faithfully,

[Redacted Signature]

[Redacted Name]  
Director

DL: +44 (0)207 198 2253  
M: +44 (0)7526 175 904  
E: [Redacted]@lsh.co.uk