

5 December 2019

Policy Team
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By email: planningstrategy@brent.gov.uk

Dear Sir/Madam

Brent Local Plan Regulation 19 Consultation

Lambert Smith Hampton (LSH) has been instructed by the Metropolitan Police Service (MPS) to make representations to the above consultation. This letter is supplementary to our previous representation to the Draft Brent Preferred Options Local Plan dated 21 December 2018. This representation relates to S106 contributions to mitigate impact of development on crime.

Community Infrastructure Levy / Section 106 planning obligations

Lambert Smith Hampton submitted a representation to the Draft Brent Preferred Options Local Plan in December 2018 noting how the increased growth in homes, offices and other uses within Brent will significantly increase the need for policing and the cost for associated infrastructure. LSH noted that this therefore presents a legitimate infrastructure requirement that should be accounted for within the Brent Council Community Infrastructure Levy and/or Section 106 Agreement. The previous representation is appended to this letter.

We have reviewed the consultation document and are pleased to understand that Brent Council references 'policing and other criminal justice or community safety facilities' as social infrastructure that are essential to the sustainability and wellbeing of a community. However, the MPS are now more focused on the delivery of Dedicated Ward Office (DWO) accommodation rather than seeking contributions through S106 (which is more of a longer term objective).

Requirement for Dedicated Ward Offices

The MPS have identified the need for 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 Brent. 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:

- Willesden Green Ward;
- Harlesden Ward; and
- Kenton Ward.

The amber wards are as follows:

- Kensal Green Ward;
- Stonebridge Ward;
- Dudden Hill Ward;
- Fryent Ward;
- Queensbury Ward;
- Preston Ward; and
- Northwick Park Ward.



In some instances a DWO could be placed in adjoining wards to the above, provided they are within a 20-minute walk time of an area which is currently shown as a deficiency. The MPS is therefore requesting that the emerging Brent Infrastructure Delivery Plan (which we note is being published in support of the Brent Local Plan) includes a section highlighting the importance of the delivery of DWOs in schemes referable to the Mayor. The MPS is already having success in securing DWOs with developers (through planning applications) and Local Planning Authorities (through planning policy). In many cases, Local Authorities and developers consider the requirement to have a positive impact on development proposals.

Summary

We are pleased to see that the London Borough of Brent references ‘policing and other criminal justice or community safety facilities’ within the supporting text of Policy BS11 ‘Social Infrastructure and community facilities’. We consider that it would be sensible to arrange a meeting to discuss how the MPS infrastructure requirement can be accounted for within Brent Council’s Section 106 Agreement and/or Community Infrastructure Levy. We would also be grateful if you could keep us informed of any future stages of the plan.

With regards to Dedicated Ward Offices, we request the Council to include an acknowledgement in the Brent Infrastructure Delivery Plan detailing that in schemes referable to the Mayor the MPS will liaise with developers to arrange potential on site delivery of a DWO. We can provide ‘DWO text’ (to be incorporated within the emerging Infrastructure Delivery Plan) on request.

MPS is working hard to achieve cost savings and find new and alternative sources of capital and revenue funding to support policing in London. S106 charges to support policing at Borough level are necessary and appropriate.

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

Dedicated Ward Office (DWO) Programme: Pitching Pack & FAQs

◆ *What is a Dedicated Ward Office (DWO)?*

A DWO is a 24/7 base of operation for officers of the Metropolitan Police Service (MPS). It is not a public facing office, 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.

◆ *How many officers will use the DWO?*

The number of officers will depend on the number of wards being served out of the location in question. There will be a minimum of two wards at every location. An estimated break down is provided below:

Number of Dedicated Ward Offices	Number of Officers/ Lockers
2	7
3	10
4	13
5	16
6	19

◆ *How much space will the DWO require?*

The space requirement of the DWO is variable dependent. The first variable is the number of DWO teams which will operate out of the location. The more DWO teams, the larger the space requirement. The DWO teams also have requirements around access to toilets, showers, and a kitchen facility. If these services can be shared with an existing user then the amount of space required by the DWO is reduced, if such provisions do not currently exist then the amount of space required will have to increase accordingly so such services can be provided. An approximate guide for a DWO without welfare facilities provided is below, please note that this is subject to change:

Number of Dedicated Ward Offices	Number of Officers/ Lockers	Approximate space requirement without welfare facilities.
2	7	9 sq.m.
3	10	15 sq.m.
4	13	20 sq.m.
5	16	25 sq.m.
6	19	30 sq.m.

◆ *What are the site requirements of the Met Police?*

The sites will need to provide the following:

- Unrestricted 24/7 access for officers into the base;
- Airwave and 4G wireless connectivity/reception inside the DWO;
- Showers, toilets and kitchen facilities on site;

- Mains power for charging units etc.;
- Suitable ventilation for lockers;
- Perimeter of demise is sufficiently robust to meet MPS security requirements; and
- Site provider will only have emergency access rights to the MPS demise.

◆ *Will the MPS take a lease or a license?*

The MPS will not be taking leases on DWOs, and as such will be operating under a license.

◆ *What level of rent can the applicant expect to receive from the MPS?*

The aim of the DWO program is to operate as close to nil cost as possible. However, the MPS recognize that this is not always an option and rents can be negotiated on a site-specific basis if need be. Market rents are not viable.

◆ *Are MPS able to confirm that service charges/utilities, rates, etc. would be paid as usual?*

If required the MPS can cover the costs associated with the space, however, the aim of the DWO program is to operate as close to nil cost as possible.

◆ *Is it possible to see an example of a DWO configuration? What furniture is expected to be included within the office?*

A draft configuration of a two ward DWO base is provided below. The key furniture within the office is the officers lockers, charging stations for body-worn cameras, charging stations for tablets, an area for general storage and a changing area. Please note that this configuration assumes that toilets, showers, and kitchen facilities are shared with other users outside of the DWO office.

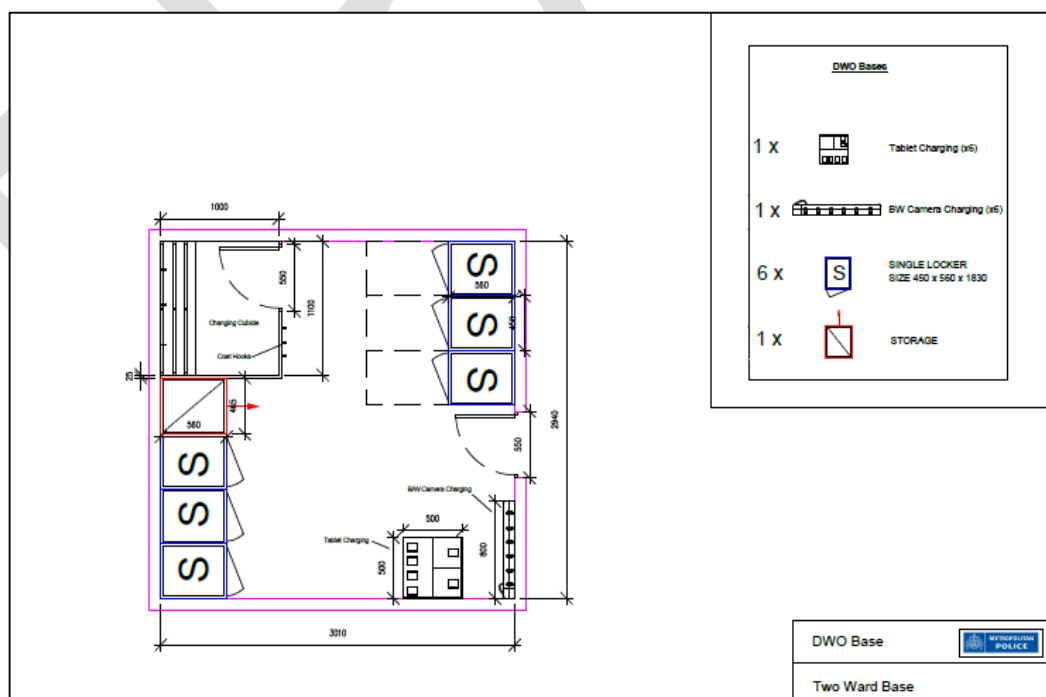


Image: A draft configuration of a two ward DWO base – Produced by the MPS.

- ◆ *Is it possible to see an example of a s106 agreement that includes a DWO?*

Not at this time.

- ◆ *Does the MPS require 24/7 access to the site?*

The MPS requires 24/7 access to all DWOs for operational purposes.

- ◆ *Does the MPS require a lift?*

No.

- ◆ *Does the MPS need access to power and water?*

Yes.

- ◆ *Where would the MPS like to be positioned in the building and on what floor?*

The priority of the MPS on any potential location is that the site meets the site-specific requirements discussed above, what floor and where are secondary concerns to the MPS.

- ◆ *Who would fit out the unit? Would shell and core be sufficient?*

The MPS can fit out the unit and will do so from shell and core if required on a site-specific basis.

Date: 21st December 2018

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Dear Sir/Madam.

DRAFT BRENT PREFERRED OPTIONS 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 preferred options Local Plan.

- Affordable housing
- CIL/s106 contributions to mitigate impact on crime.

Affordable Housing

We support the Council's recognition of the Mayor's threshold approach to applications in their draft Local Plan. The Mayor acknowledges that public sector land can play a significant role in meeting affordable housing need and sets a higher threshold for public sector land to be considered under the Fast Track Route.

In line with the Mayor's aspiration, we request the Council to make reference to the portfolio approach in Policy BH5. Under the portfolio approach, where a public landowner has committed to delivering 50% cent across a portfolio of sites, then individual sites providing 35% or more affordable housing can still be considered under the Fast Track Route.

Community Infrastructure Levy / Section 106 planning obligations

Under Chapter 6.3 Social Infrastructure, the heading 'Justification', Section 6.3.9 of the draft Brent preferred options Local Plan (DBLP) states that:

Brent's Local Plan will play an important role in safeguarding existing infrastructure. It will also ensure that new development seeks to provide adequate new infrastructure to meet the needs of a growing population. This will be either by delivering facilities onsite or adjacent to it or through Payments made to the council to ensure facilities are provided in another location within or sometimes outside the borough.

Furthermore, under Chapter 7 Delivery and Monitoring, the heading 'Delivery', Section 7.1.3 states that:

The planning process has two main mechanisms for ensuring or contributing to the delivery of some of the infrastructure that will be required related to development that is given planning permission. These are the Community Infrastructure Levy (CIL) and S106 planning obligations. CIL currently is providing about £15 million per year towards infrastructure. Planning obligations are used for requirements not addressed by CIL.

Consultation on the DBLP started on 8 November 2018. The DBLP targets the delivery of 1,868 homes a year in the period to 2041. 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 Brent Council 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.

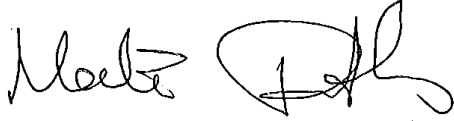
MPS is working hard to achieve cost savings and find new and alternative sources of capital and revenue funding to support policing in London. CIL charges to support policing at Borough level is necessary and appropriate.

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.

With regards to affordable housing, we request the Council to make reference to the portfolio approach in Policy BH5.

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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