



Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

27 May 2025

URGENT

Dear Members of the Planning Committee,

**RE: Planning Outline reference: 16/02000/OUT (the "Proposed Development")
Planning Committee on 29 May 2025**

I refer to the above application for the Proposed Development of a major urban extension of well over 4,000 homes that will be before you this coming Thursday.

I am troubled at how our consultation response, submitted by Gloucestershire Constabulary ("GC") detailing how the Proposed Development will impact existing policing infrastructure, has been dealt with by the Council's planning officers.

As you will appreciate, this Proposed Development if approved would create a substantial impact on our policing infrastructure requirements. It would have far reaching consequences on policing during the construction and lifetime of the Proposed Development.

Paragraph 101 of the National Planning Policy Framework (December 2024) ("NPPF") specifically requires local planning authorities to work proactively and positively with promoters, delivery partners and statutory bodies to make sure that required blue light public service infrastructure is in place to support proposals for development. Paragraph 101 confirms that great weight should be attached to this requirement. This is because policing is a key component in keeping communities safe and thus is important for achieving sustainable development.

Contrary to the Officers' Report (the "Report"), there has been no meaningful or lawful engagement with GC. This is despite numerous requests made to the officers and to the CEO of the Council to engage in discussions. For all practical purposes, GC has been ignored. In addition, as you will be aware, the local authority including its officers not only have a legal duty to engage with GC but also have legal obligations in respect of the prevention of crime and disorder. It is in the public interest to do so. (see s.17 of the Crime and Disorder Act 1998).

In the Report, officers assert that there is not enough information as to whether GC has any surplus/existing provision in the area to the extent (or otherwise) that it could provide the additional policing and resources demand arising from the Proposed Development. You will understand why I am particularly concerned that this advice is being given to Members when that information was given in GC's consultation response. However, for the avoidance of any possible doubt, I can reconfirm on behalf

of GC that that the situation has not changed from the consultation response. The answer is: No, GC does not have surplus provision or resources, and without the requested developer contributions it will have to divert funding from existing areas of policing; in other words, 'robbing Peter to pay Paul'. The consequences of a failure to secure adequate funding for the necessary policing provisions are obvious. However, whilst detailed information on this aspect has not been requested, we are of course content to provide this information should the Council require.

Due to the blunt rejection from the officers in their advice to Members not to seek to mitigate the serious impact on the policing infrastructure, coupled with their refusal to engage in any meaningful or lawful engagement with GC, taking into account the far-reaching and serious consequences for the public, GC has engaged a legal team including a King's Counsel to review the approach taken. That legal team has immediately expressed its very real concern that although the officers have clearly and quite correctly indicated that there is a material impact on policing infrastructure that needs to be mitigated in accordance with the NPPF and the Local Development Plan, they have not advised that the Developer must provide any suggested mitigation, still less have they provided any rational reasons why there is no need to comply with the Local Development Plan and the NPPF. Regardless of the officers' comments that there is a lack of information (which is not accepted and any of which they could have obtained had it been requested) the detrimental impact and the legal requirement to make decisions in accordance with the Development Plan and any other material consideration still stand. **The way this issue has been dealt with has very serious legal implications and therefore our legal team is in the process of preparing a substantive letter to both Councils' Monitoring Officers.**

I trust that the Members will understand the extreme seriousness of this matter. On any view, Members now have the answer to the officer's question. **As matters stand, Members cannot lawfully grant planning permission *unless* they secure the inclusion of the mitigation that we requested as part of s 106 undertaking.**

Litigation is a last resort, and it is the desire of GC in accordance with government advice to work together with the local planning authority to secure adequate mitigation of the adverse impacts connected with crime and disorder arising from this proposed development. **I would therefore be grateful if the Members would secure the inclusion of the mitigation that we requested as part of s 106 undertaking, or should there remain unresolved issues, at least, in the mind of officers, to Defer the current application in order for officers properly to engage with GC as required by the NPPF to resolve any issues, in particular, the information now claimed to be missing.**

Yours faithfully,



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