



Devon & Cornwall Police

Building and Estates Department
Police HQ Middlemoor
Exeter
EX2 7HQ

2 February 2026

Torbay Council
Strategy and Project Management
Spatial Planning
2nd Floor North
Tor Hill House
Torquay
TQ2 5QW

Via email: future.planning@torbay.gov.uk

Dear Torbay Council,

Representations on behalf of Devon & Cornwall Police to Regulation 18 “Issues & Options” Consultation on Torbay Local Plan 2025 - 2045: A Landscape to Thrive, Consultation Draft November 2025

Thank you for consulting Devon & Cornwall Police (DCP) and The Office of the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly (OPCC) together the ‘Police’ on the recent publication of the Torbay Local Plan, Issues & Options, Regulation 18 Consultation Draft.

The Police welcome the opportunity to make comments on the Draft Local Plan in relation to the Issues & Options identified for Torbay over the Plan period to 2045. These comments should be read alongside the representations that have been made to the Council at earlier stages of the draft Plan, which specifically relate to the Police’s infrastructure requirements and the matter of developer contributions.

Please note that the comments made below are entirely separate and in addition to any representations made by Devon & Cornwall Police’ Designing Out Crime Team (DOCO).

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The creation of safe and accessible environments where crime and disorder, and the fear of crime does not undermine the quality of life or community cohesion is a key part of planning for sustainable development and communities, as outlined in paragraph 8(b), 96, 101, 135(f) of the NPPF.

Paragraph 8 explains that “Achieving sustainable development means that the planning system has three overarching objectives...” and paragraph 8b) sets out the second of those objectives, which is a social objective. The social objective is “to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.” It is clear in its objectives for sustainable development, the NPPF recognises “safe places, with accessible services” as key.

More specifically, paragraph 101 of the NPPF requires decision-makers to give “significant weight” to the importance of delivering “new, expanded or upgraded public service infrastructure when considering proposals for development” with “public service infrastructure” being recognised “as health, blue light, library, adult education, university and criminal justice facilities” (our underlining). The express reference to the importance of “blue light” services is welcomed by the Police, and as such, the “significant weight” to be attributed to the faster delivery of these facilities which specifically includes police infrastructure should positively influence the planning balance when considering new development proposals.

It follows that paragraph 102 of the NPPF requires that “Planning policies and decisions should promote public safety” and 102b) confirms that “Policies for relevant areas (such as town centre and regeneration frameworks)...should be informed by the most up-to-date information available from the police.” The Police advising Torbay Council of its policing requirements as a result of the developments within the Bay is evidence of the engagement which the NPPF encourages. The NPPF requires that local policies are “informed” by information from the Police. The Police therefore request that their comments are treated as such, and that the information contained within is used to inform the Council’s approach to local policy, including the preparation of the emerging Torbay Local Plan 2025 - 2045.

Paragraph 135 of the NPPF states that “Planning policies and decisions should ensure that developments.....f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience” (our underlining). It is the Police’s position that to achieve this, police infrastructure is necessary and should be protected in policy.

SECTION 17 DUTY

Section 17(1) of the Crime and Disorder Act 1998 (1998 Act) places a duty on all local authorities to consider crime and disorder implications. Local authorities must exercise their various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent:

- a) Crime and disorder in their area (including anti-social and other behaviour adversely affecting the local environment;
- b) The misuse of drugs, alcohol and other substances in their area;
- c) Re-offending in their area; and
- d) Serious violence in their area.

Section 17 (1)(A) of the 1998 Act provides that “The duty imposed on an authority by subsection (1) to do all it reasonably can to prevent serious violence in its area is a duty on the authority to do all it reasonably can to –

- (a) prevent people from becoming involved in serious violence in its area, and*
- (b) reduce instances of serious violence in its area.”*

As a result, when formulating policy and when determining planning applications for any new development within its administrative area, Torbay Council must comply with the above Section 17 duties, otherwise there is a risk of challenge to such policy and planning decisions.

The Police have made it clear that police infrastructure is necessary to offset the harm of new development which is clearly linked to the prevention of the types of behaviour set out in Section 17 of the 1998 Act. Therefore, to assist in compliance with its Section 17 duty, the Torbay Local Plan must acknowledge the Police’s need for sufficient provision of police infrastructure and policing facilities.

REVIEW OF CONSULTATION DRAFT LOCAL PLAN

DCP’s Response to Policy TC10: Safe and welcoming town centres for all

The Issues & Options Consultation Draft of the emerging Torbay Local Plan 2025 - 2045 recognises the need for safe environments. For example, draft **Policy TC10 within Chapter 4 (Part 3)** confirms that the Local Plan will support measures *“to make town centres, harbourside and waterfront safe and welcoming for all.”* The draft wording of Policy TC10 also states that development proposals will be resisted where:

- “1. Proposals likely to attract crime and anti-social behaviour unless it is demonstrated that they can be sufficiently controlled and a mechanism provided for so doing.*
- 2. Whilst there is an expectation that food and drink uses are a suitable use in Harbourside and Waterfront Areas, the cumulative impact of licensed premises, and those providing late night entertainment and services will be resisted where this would create serious amenity, or crime or fear of crime issues.*
- 3. It would adversely impact on amenity or cause disturbance to nearby uses (including residential properties). Uses or developments that have an impact upon town centre monitoring, maintenance or policing will be required to make appropriate contributions towards the costs of monitoring, maintenance or policing arising from the development.”*

The Police note that the Issues & Options consultation recognises the need to provide safe and welcoming Town Centres for all within Torbay but also seeks to discourage proposals and uses that attract ASB, crime, or fear of crime issues. DCP wish to see this draft wording retained in future versions of the Local Plan going forward.

The Issues and Options Draft Local Plan acknowledges the importance of policing and police infrastructure in achieving Policy TC10 and specifically states that *“Uses or developments that have an impact upon town centre monitoring, maintenance or policing will be required to make appropriate contributions towards the costs of monitoring, maintenance or policing arising from the development.”* DCP is pleased to note that the Local Plan seeks to provide the mechanism to make developer contributions available to bridge the funding gap that exists in providing additional Police infrastructure that is required for the policing of new uses or developments within the Town Centres to make them safe and welcoming for all.

DCP has a responsibility to police new development to the same level as that of the existing development within the Town Centres without detriment to them, and as such they cannot be expected to meet the cost of the additional Policing and infrastructure required from its existing

budgets. The inclusion of draft Policy TC10 which clearly references the need for appropriate contributions towards Policing arising from new development is strongly supported.

DCP's Response to Strategic Policy SCS: Sustainable and inclusive communities strategy

Strategic Policy SCS sets out the Council's strategy for sustainable and inclusive communities of existing and new communities within the Bay, and the criteria in which development proposals will be assessed as to whether they have achieved this, insofar as they are relevant and proportionate to the development, in particular:

"15. Contribute to health services, policing and other social infrastructure where development would exacerbate shortfalls in provision;"

DCP notes that the draft Local Plan housing target over the next 20 years has been set at 8,000 new homes together with 80,000 sqm of new employment floorspace. The Plan at paragraph 1.65 recognises that population growth is entirely driven by inwards migration to Torbay which has a direct correlation with housing growth. Consequently, this will have an increased demand on Police resources across Torbay.

DCP strongly supports the recognition given in Policy SCS to contributions to Policing where development would exacerbate shortfalls in provision. This is also referenced within the Explanation given at paragraph 5.3 of the draft Plan. However, for consistency, this should be reflected in an updated version of the Council's Planning Contributions and Affordable Housing Statement and included in the 'type of infrastructure projects' that would be supported with CIL funding within the Council's Infrastructure Funding Statement. This is essential to ensuring the requirement of securing sufficient contributions towards to address the funding gap for the Police, secured by way of CIL or via a planning obligation.

Where the strategic housing and employment sites identified in the Plan are brought forward, planning applications should be required to be supported by Crime Impact Assessments to show how the scheme has considered the impact on crime and anti-social behaviour. New development of the size and scale proposed will place an increased demand on the existing levels of Policing. Therefore, developer contributions from the relevant strategic sites should also be sought to mitigate the increased demand on policing to fund new infrastructure or mitigate risks related to crime, anti-social behaviour and the fear of crime. The Police ask for a strengthening of this policy to ensure sufficient deliverability of Police provision and Police infrastructure including sufficient resources in the delivery of the proposed strategic allocations in the Plan, in addition to development focussed within the three town centres.

DCP's Response to Strategic Policy IN1: Prioritisation of planning obligations

Strategic Policy IN1 confirms that where possible, infrastructure will be provided onsite, and development contributions will be sought for the provision of infrastructure, affordable housing and other matters required to make development sustainable in planning terms. It also advises that *"the following order of priority will apply:*

- 1. Site Deliverability Matters: The provision of critical infrastructure, e.g. flood defence works, highway safety and/or ecological/environmental improvements to meet Habitats Regulations requirements, and monitoring of obligations.*
- 2. Healthy Environments including active travel and green and open space.*
- 3. Affordable housing.*

4. *Employment and Healthcare contributions.*
5. *Broader Sustainable Development Contributions (Public transport, Education, Lifelong learning), offsite waste management, sports pitches and offsite open space.”*

Whilst DCP acknowledges that Police infrastructure is not always provided onsite, there is concern that appropriate contributions towards Policing and related infrastructure have been omitted from the “*order of priority*” set out in Policy IN1 numbered 1 - 5. It is essential that developers contributions towards Policing are properly referenced in the draft wording, particularly given the earlier references in the draft Local Plan within draft Policies TC10 and SCS that specifically recognise the need for developer contributions towards Policing infrastructure to not only make new development sustainable, but also to address public safety and crime together with reducing the fear of crime. The Police therefore propose that Police Contributions should be included within the category of “*5. Broader Sustainable Development Contributions*” of Strategic Policy IN1. This also reflects the Explanatory at paragraph 7.10 which cites “*community safety facilities*” within the scope of 5. Wider Sustainable development contributions necessary to make development acceptable in planning terms. The proposed amendment to the text of Policy IN1 is shown in **bold** below:

“5. *Broader Sustainable Development Contributions (Public transport, Education, Lifelong Learning, **Policing**), offset waste management, sports pitches and offsite open space.*

Lastly, DCP, as a key infrastructure provider for Torbay would welcome the opportunity to provide input into the relevant infrastructure evidence base that is prepared to support the delivery of the new Local Plan, particularly in relation to the Policing of the three Town Centres which are identified as the main focus for regeneration and growth over the Plan period. This not only follows the engagement that is encouraged with relevant service providers at the plan-making stage in the existing NPPF, but also reflects the recently published consultation draft NPPF (HC1) which now clearly defines “*public service infrastructure*” together with the requirement for development plans to understand existing deficits, and additional requirements arising from proposed development to reflect the wider changes in local population which is of direct relevance to Torbay.

The Police trust that their comments are welcomed and can be included within subsequent versions of the emerging Local Plan. We would be pleased to provide additional supporting evidence, if required.

Again, thank you for the opportunity to comment on the Issues & Options consultation.

Yours faithfully,

Iain Masters MRICS
Estates Development Manager
Buildings & Estate Department

