

Tuesday, 11 June 2019

## Meeting of the Council Revised Agenda

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Wednesday, 19 June 2019** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Steve Parrock".

Steve Parrock  
Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

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**A prosperous and healthy Torbay**

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For information relating to this meeting or to request a copy in another format or language please contact:

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[www.torbay.gov.uk](http://www.torbay.gov.uk)

# Meeting of the Council

## Revised Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 28 May 2019.

(Pages 4 - 11)

4. **Declarations of interests**

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

5. **Communications**

To receive any communications or announcements from the Civic Mayor, the Overview and Scrutiny Co-ordinator, the Council's representative on the Heart of the South West Joint Committee or the Chief Executive.

6. **Petitions**

To receive petitions and any oral representations from the public in accordance with Standing Order A12 as set out below:

- (a) Petition for Debate - Save our beach toilets at Goodrington

(Page 12)

Approximately 1292 valid written signatures from residents and people who work or study in Torbay. In accordance with Standing Orders the petition will be considered at this meeting.

- (b) Petition - Pedestrian crossing needed on Browns Bridge Road (Page 13)  
In accordance with Standing Order A12, the Council received a petition requesting the installation of a pedestrian crossing on Browns Bridge Road (approximately 25 signatures).
7. **Public question time** (Pages 14 - 15)  
To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24.
8. **Members' questions** (Pages 16 - 17)  
To respond to the submitted questions asked under Standing Order A13.
9. **Notice of motion - Climate Change** (Pages 18 - 20)  
To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated.
10. **Paignton Neighbourhood Plan Adoption** (Pages 21 - 163)  
To consider a report on the adoption of the Paignton Neighbourhood Plan.
11. **Brixham Peninsula Neighbourhood Plan Adoption** (Pages 164 - 319)  
To consider a report on the adoption of the Brixham Peninsula Neighbourhood Plan.
12. **Torquay Neighbourhood Plan Adoption** (Pages 320 - 470)  
To consider a report on the adoption of the Torquay Neighbourhood Plan.
13. **Members' Allowances - Recommendations of the Independent Remuneration Panel** (Pages 471 - 491)  
To consider a report that ensures Members receive allowances which reflect the level and time commitment required to fulfil their roles and that the scheme complies with the relevant legislation and guidance.
14. **Exclusion of the Press and Public**  
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
15. **Development of options in respect of Crossways** (Pages 492 - 499)  
To consider a report on the above.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



## **Minutes of the Council (Council decisions shown in bold text)**

**28 May 2019**

**-: Present :-**

### **Chairman of the Council (Councillor Doggett) (In the Chair)**

Councillors Amil, Atiya-Alla, Barrant, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Foster, Heyse, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Manning, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas and Jacqueline Thomas

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#### **1 Opening of Meeting**

The meeting was opened by an address from the Reverend Perter Williamson, allowing time for personal reflection.

#### **2 Apologies for absence**

Apologies for absence were received from the outgoing Vice-Chairwoman, Jane Barnby, and from Councillors Mills and John Thomas.

#### **3 Minutes**

The Minutes of the Extraordinary Meeting of the Council held on 23 April 2019 were confirmed as a correct record and signed by the Chairman.

#### **4 Election of Civic Mayor**

Councillor Steve Darling proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council as follows:

**That Councillor Margaret Douglas-Dunbar be elected The Worshipful  
The Mayor of Torbay for the Municipal Year 2019/2020.**

**(The Civic Mayor, Councillor Douglas-Dunbar, in the Chair)**

The Civic Mayor took the Declaration of Acceptance of Office and Oath of Allegiance and thanked the Council for the honour bestowed upon her.

The Civic Mayor also announced that Councillor Carter would be her Escort during her term of office and her charities would be Torquay Museum and RNLI Brixham.

The Civic Mayor advised that she had appointed Reverend Nicholas Pearkes to be her Chaplain.

**5 Retiring Chairman**

Councillor Carter proposed and Councillor Ellery seconded a motion, which was agreed (unanimously) by the Council as set out below:

**That the Council express its sincere thanks and appreciation to Councillor Doggett and his Escort for the manner in which they have carried out their duties during their term of office.**

**6 Appointment of Deputy Civic Mayor**

Councillor Amil proposed and Councillor Long seconded a motion, which was agreed (unanimously) by the Council as follows:

**That Councillor Terry Manning be elected The Deputy Civic Mayor for the Municipal Year 2019/2020.**

The Deputy Civic Mayor of the Council took the Declaration of Acceptance of Office and thanked the Council for the honour bestowed upon him.

The Deputy Civic Mayor also announced that Councillor Brown would be his Escort during his term of office.

**7 Election of Leader of the Council**

Councillor Cowell proposed and Councillor Carter seconded a motion, which was agreed (unanimously) by the Council as follows:

**That Councillor Steve Darling be elected Leader of the Council.**

Councillor Steve Darling thanked the Council for the honour bestowed upon him and welcomed the opportunity for the Council to work in partnership to deliver a clear vision for our community in order to turn the tide of poverty.

**8 Adjournment**

At this juncture the meeting was adjourned until 5.30 p.m. on Tuesday 28 May 2019.

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The Worshipful The Mayor of Torbay

**Minutes of the Council**  
**(Council decisions shown in bold text)**

**28 May 2019**

**-: Present :-**

**The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)**  
**Deputy Civic Mayor of Torbay (Councillor Manning)**

Councillors Amil, Atiya-Alla, Barrant, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Doggett, Dudley, Ellery, Foster, Heyse, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

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**9 Apologies for absence**

An apology for absence was received from Councillor Mills.

**10 Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members**

The Council was requested to consider the appointment of the Overview and Scrutiny Co-ordinator and the appointment of scrutiny lead members for 2019/2020.

Councillor Mandy Darling proposed and Councillor Loxton seconded a motion as set out below:

- (i) that Councillor Howgate be appointed as the Overview and Scrutiny Co-ordinator for the 2019/2020 Municipal Year; and
- (ii) that the following Councillors be appointed as the Overview and Scrutiny Leads for the 2019/2020 Municipal Year:
  - Councillor Bye;
  - Councillor Mandy Darling;
  - Councillor Foster;
  - Councillor Heyse.
- (iii) that the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Leads determine the division of responsibilities as the Overview and Scrutiny Board develops its Work Programme.

During the debate Councillor Chris Lewis proposed and Councillor David Thomas seconded an amendment to the motion as follows:

That Councillor Bye be appointed as the Overview and Scrutiny Co-ordinator for the 2019/2020 Municipal Year.

A recorded vote was then taken on the amendment. The voting was taken by roll call as follows: For: Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (14); Against: Councillors Amil, Atiya-Alla, Brown, Carter, Cowell, Darling, Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Heyse, Howgate, Law, Long, Loxton, Manning, Morey, Pentney, Stockman (21); and Absent: Councillor Mills (1). Therefore, the amendment was declared lost.

The original motion was then considered by members, which was unanimously agreed by the Council as follows:

- (i) that Councillor Howgate be appointed as the Overview and Scrutiny Co-ordinator for the 2019/2020 Municipal Year; and**
- (ii) that the following Councillors be appointed as the Overview and Scrutiny Leads for the 2019/2020 Municipal Year:**
  - **Councillor Bye;**
  - **Councillor Mandy Darling;**
  - **Councillor Foster;**
  - **Councillor Heyse.**
- (iii) that the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Leads determine the division of responsibilities as the Overview and Scrutiny Board develops its Work Programme.**

## **11 Appointments to Committees and Other Bodies for 2019**

The Council considered the submitted report on the appointment of committees and other bodies in light of the political balance of the Council.

Councillor Long proposed and Councillor Stockman seconded a motion, as set out below:

- (i) That, the overall political balance of the committees as set out at Appendix 1 to the submitted report, be approved;
- (ii) That, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 3 to the submitted report;
- (iii) That, subject to 3.2 and 3.3 above being approved, nominations be received to fill the seats on the committees;
- (iv) That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be

approved and the working parties be appointed with the Terms of Reference set out in Appendix 3;

- (v) That, the outcome of the review and proposed appointments to the outside bodies and other groups for 2019 to 2023 set out in Appendix 4 to the submitted report be approved;
- (vi) That, a sub-committee of the Licensing Committee be established to comprise three members of the Licensing Committee;
- (vii) That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with the licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles); and
- (viii) That the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations.
- (ix) That the Director of Corporate Services be authorised to make the necessary amendments to the following Policy Framework documents in order to reflect the decisions made in 3.2-3.5 above:
  - Investment and Regeneration Fund Strategy
  - Housing Rental Company
  - Corporate Asset Management Plan.

During the debate Councillor David Thomas proposed and Councillor Chris Lewis seconded an amendment to the motion as follows:

- (i) That, the overall political balance of the committees as set out at Appendix 1 to the submitted report, be approved, **subject to the Investment and Regeneration Committee being included within Appendix 1, with the Director of Corporate Services being given delegated authority to make any consequential adjustments to political balance;**
- (ii) That, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 3 to the submitted report **and with Investment and Regeneration Committees terms of reference to be included in identical terms to that approved by Council on 14 May 2018;**
- (iii) That, subject to 3.2 and 3.3 above being approved, nominations be received to fill the seats on the committees;
- (iv) That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved and the working parties be appointed with the Terms of Reference set out in Appendix 3;

- (v) That, the outcome of the review and proposed appointments to the outside bodies and other groups for 2019 to 2023 set out in Appendix 4 to the submitted report be approved;
- (vi) That, a sub-committee of the Licensing Committee be established to comprise three members of the Licensing Committee;
- (vii) That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with the licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles); and
- (viii) That the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations.
- (ix) That the Director of Corporate Services be authorised to make the necessary amendments to the following Policy Framework documents in order to reflect the decisions made in 3.2-3.5 above:
  - ~~Investment and Regeneration Fund Strategy~~
  - Housing Rental Company
  - Corporate Asset Management Plan.

The amendment was put to the vote and declared lost.

Councillors Long and Stockman's original motion was then considered by the Council which was agreed (unanimously), as set out below:

- (i) That, the overall political balance of the committees as set out at Appendix 1 to the submitted report, be approved;**
- (ii) That, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 3 to the submitted report;**
- (iii) That, subject to 3.2 and 3.3 above being approved, nominations be received to fill the seats on the committees;**
- (iv) That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved and the working parties be appointed with the Terms of Reference set out in Appendix 3;**
- (v) That, the outcome of the review and proposed appointments to the outside bodies and other groups for 2019 to 2023 set out in Appendix 4 to the submitted report be approved;**
- (vi) That, a sub-committee of the Licensing Committee be established to comprise three members of the Licensing Committee;**

- (vii) That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with the licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles); and
- (viii) That the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations.
- (ix) That the Director of Corporate Services be authorised to make the necessary amendments to the following Policy Framework documents in order to reflect the decisions made in 3.2-3.5 above:
  - Investment and Regeneration Fund Strategy
  - Housing Rental Company
  - Corporate Asset Management Plan.

## **12 Calendar of Meetings for 2019/2020 to 2022/2023**

The Council considered the submitted report setting out the proposed calendar of meetings for 2019/2020. Prior to the meeting revised Officer Recommendation was circulated.

Councillor Long proposed and Councillor Ellery seconded a motion which was unanimously agreed, as set out below:

- (i) That, subject to the inclusion of extraordinary meetings of the Council on 19 June and 24 October 2019, the calendar of meetings for 2019 to 2020, set out in Appendix 1 to the submitted report, be approved.
- (ii) That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Head of Governance in consultation with the relevant Chairman/woman.

## **13 Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions**

Members noted the submitted report on the above, which provided details of the portfolios of the Cabinet Members.

## **14 Scheme of Delegation for Council Functions**

Councillor Ellery proposed and Councillor Law seconded a motion which was agreed by the Council as set out below:

**That the scheme of delegation of Council functions, as set out in Part 3 of the Constitution, and the Schedule of Responsibility for Local Choice Functions as set out in the agenda be approved.**

**15 Overview and Scrutiny Annual Report 2018/2019**

The Council received and noted the Overview and Scrutiny Annual Report for 2018/2019.

**16 Statutory Officer Appointments**

Councillor Morey proposed and Councillor Long seconded a motion which was unanimously agreed, as set out below:

**That Anne-Marie Bond be appointed Returning Officer and Proper Officer for local government elections, Acting Returning Officer for parliamentary elections, Electoral Registration Officer and Proper Officer for the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2001.**

Councillor Stockman proposed and Councillor Steve Darling seconded a motion which was unanimously agreed, as set out below:

**That Joanna Williams be appointed as the Statutory Officer for the Director of Adult Social Services from 1 June 2019; and**

**That the Council convey its thanks to the retiring Director of Adult Social Services, Caroline Taylor for the work and support she has given the Council since her appointment in 2006.**

(Note: Prior to consideration of this item Anne-Marie Bond, Director of Corporate Services declared a personal interest.)

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The Worshipful The Mayor of Torbay

## **Petition for Debate – Save our beach toilets at Goodrington – Council 19 June 2019**

### **1292 paper signatures**

Petition to protect and improve toilet capacity for Central and South Goodrington Beach. Toilet facilities on Goodrington Beach are not sufficient and capacity must be increased. Because the very young or very old may have difficulty getting to a distant toilet in time, it is important that toilet facilities continue to be available at the north, central and south ends of the beach.

We petition the council:

- 1) to continue to provide toilet facilities on the south end of the beach – these must not be closed nor made private to patrons of the café. When the paper regarding the future of toilets was brought to and agreed by Council, it was not anticipated that there would be any suggestion of closing the south end toilets. We understand that the capacity calculations for the new central block were based on historical data on usage for the central block only. We do not believe that there is sufficient capacity at the central block to cover the South Sands block also. We further note that if these toilets charged 30p, as the new ones do, the asset could show a profit, similarly to Healthmatic's profit at this rate.
  
- 2) to increase toilet capacity in the central part of the beach. The existing arrangements are based on historical data of the average numbers of people present, but our local economy relies on peaks in visitor numbers during the season. With 3000 to 6000 visitors to the Beach on peak days, the few cubicles available are insufficient. The impact of insufficient toilet facilities is likely to be hygiene and public health issues in the short term, and a reduction in visitor numbers and online reviews of our destination soon thereafter. Both outcomes create financial problems for the community and the Council.

**Petition – Pedestrian crossing needed on Browns Bridge Road – Council 19  
June 2019**

**25 paper signatures**

We the undersigned call upon Torbay Council to install a pedestrian crossing in the vicinity of Condor drive to help local residents gain access to the shopping facilities at the Willows.

**Extraordinary Meeting of the Council, Wednesday, 19 June 2019  
Public Question Under Standing Order A24**

**Public Question (1) from Sally Baglin to the Cabinet Portfolio Holder for Infrastructure, Environment and Culture (Councillor Morey).**

Torbay Council have failed in their duty to protect an important wildlife corridor within Edginswell. This site was an acre of ancient woodland within Edginswell Lane which has been completely felled. This woodland supported a maternity roost of local lesser horseshoe bats which reside 50 yards away, falls under a Cirl Bunting Zone as identified by the RSPB and many other priority species nested within these woods. I again ask what actions are the Council going to take to ensure this internationally important wildlife site is restored?

**Public Question (2) from David Watts to the Cabinet Portfolio Holder for Economic Regeneration, Tourism and Housing (Councillor Long).**

The Paignton community is deeply concerned to discover that the Council has not yet submitted the application to the Charities Commission that will allow a Trust to be established to progress the restoration and return to use of Oldway Manor.

This is a matter of the highest importance as we are fully aware that current maintenance of the building is being financed from capital that runs out during the next few months and will thereafter fall back onto revenue income that is not currently available. Failure to maintain a listed building in a wind and watertight condition could become a criminal offence under the relevant legislation.

We therefore wish to know from the first meeting of the new Council the answer to the following questions.

First - exactly why the application to the Charities Commission has not yet been made.

Second - exactly how essential repairs to the listed building will be funded when the capital sum currently being used runs out in a few months time.

**Public Question (3) from Maggie Loates to the Cabinet Portfolio Holder for Economic Regeneration, Tourism and Housing (Councillor Long).**

I recently became aware that the application of the Oldway Trust has not yet been submitted to the Charities Commission. I believe the initial Expression of Interest to the National Lottery Heritage Fund has been completed by DCA Consultants and is ready to go. It is imperative that the Oldway Trust be set up and active in order to submit an application to the NHLF for funding.

The Charities Commission requires approval of the Council to set up the Trust and the NHLF requires the consent of the landowner to accompany the Oldway Trust application for funding.

I would like answers to the following questions to be addressed at the first meeting of the new Council:

1. Why has the Council not yet authorised the setting up of the Oldway Trust and submitted the application to the Charities Commission, and will it provide a date certain by which this will be done?
2. Why has the Council not yet provided the consent letter to DCA Consultants to enable it to submit the Expression of Interest to the NLHF, and will it provide a date certain by which this will be done?

**Public Question (4) from Chris Robson to the Cabinet Portfolio Holder for Economic Regeneration, Tourism and Housing (Councillor Long).**

Can the Council confirm that it will shortly issue a Memorandum of Understanding (MoU) as required by the Charities Commission confirming that, as Freeholder, it is content to work with “the Oldway Trust” (when established) to seek a long-term, sustainable future for the mansion and estate?

# Agenda Item 8

Extraordinary Meeting of the Council, Wednesday, 19 June 2019

## Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

Question (1) by Councillor Chris Lewis to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	Can the Portfolio Holder with responsibility for toilets please advise me why the toilets at Preston Bus Stop, Torquay Road have been closed and when they might re-open? I have been informed the reason was for Anti Social Behaviour, therefore can the Portfolio Holder please advise me in detail the types of incidents with dates that have occurred.
Question (2) by Councillor Long to the Cabinet Member for Adults and Public Health (Councillor Stockman)	<p>On 17th December 2018, the Elected Mayor took the decision to extend the existing Healthwatch contract with Healthwatch Torbay until March 2020. In the reasoning for the Decision the Mayor indicated that in the future the longer term model might be for a Devon wide contract.</p> <p>Healthwatch Torbay provides services above and beyond the statutory services that they are required to provide. There are concerns that a Devon wide Healthwatch contract might dilute those services to those statutory services which means Torbay residents would lose out.</p> <p>What will the decision making process be for awarding the post March 2020 Healthwatch contract, and how will Councillors be involved in that decision?</p>
Question (3) by Councillor O'Dwyer to the Leader of Council, Councillor Steve Darling	<p>In accordance with the Nolan Principles on public life, openness and transparency. Will the Leader of the Council and the Leader of the Independent Group, Cllr Vic Ellery jointly publish the Memorandum of Understanding between the Liberal Democrat Group and the Independent Group?</p> <p>This will allow the people of Torbay to understand where the two parties of Councillors have current agreement and the outlay for that supply and confidence to this coalition and to be able to comment.</p>
Question (4) by Councillor Hill to the Cabinet Member for Corporate and Community Services (Councillor Carter)	Following on from the consultation on the suggestion to introduce Town Councils in Torquay and Paignton which concluded on 15 <sup>th</sup> March 2019. Will the Portfolio Holder please provide details of the consultation results? Can they also provide details of their next steps as far as Town Councils are concerned in Torbay.
Question (5) by Councillor David Thomas to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	I have been approached by many residents regarding the ongoing toilet situation at Goodrington Beach. There is huge concern that the toilet provision for the whole of the beach area may be inadequate. It is understood that the middle toilets are due to be replaced very shortly and the original direction of travel from Council was for the South Beach toilets to continue to operate and open, although they would be run by a third party. I am led to believe this may now not be the case?

	<p>Can the Portfolio Holder with responsibility for toilets please advise me what the current situation is with the toilets at Goodrington Central and in particular the toilets at South and North Beach. Is he able to confirm that ALL toilet provision will remain open for the Summer Seasons, and what are the plans for the future.</p>
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**Second Round**

<p>Question (6) by Councillor Chris Lewis to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>The community in Preston are having more and more difficulty crossing the road at the Conservative Club, Torquay Road to get to Pembroke Surgery. When the road was upgraded, provision was made to provide a crossing at some point in the future. The cables and all necessary works are already in the ground and can be used to create a public crossing 'when the time is right'. Due to the surgery now operating properly and at near to full capacity and the Tesco Shop trading successfully, we believe the time is now right to install the crossing and making this a safe road to cross. It is extremely dangerous to cross both lanes and there have recently been very many 'near misses'. Could the Portfolio for highways please tell us if this is now a priority and will therefore be dealt with as such.</p>
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## Liberal Democrat Group – Notice of Motion

### Council Meeting

19 June 2019

### Climate Change

Full Council notes:

1. Human activity has already caused irreversible climate change, the impact of which is felt around the world. Global temperatures have increased by over 1°C from pre-industrial levels. Atmospheric CO<sub>2</sub> levels are over 400 parts per million (ppm), far exceeding the 350ppm deemed a 'safe' level for humanity. The world is on track to overshoot the Paris Agreement's 1.5°C limit before 2030;
2. The Intergovernmental Panel on Climate Change (IPCC) Special Report on Global Warming of 1.5°C, published in November 2018, describes the harm that a 2°C rise is likely to cause, and tells us that limiting global warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous people and local communities;
3. In order to reduce the chance of runaway global warming and limit the effects of climate breakdown, it is imperative that each of us reduces our CO<sub>2</sub>eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes without delay;
4. Individuals can accept responsibility for living in a more sustainable way but cannot be expected to make these changes on their own. Carbon emissions result from both production and consumption, so governments – national, regional and local – must change legislation, standards and their approach to meet the need to reduce our CO<sub>2</sub>eq emissions and make low carbon living easier to achieve and the new 'norm';
5. Councils across the world are responding by declaring a 'Climate Emergency' – making a commitment to address this emergency. In the South West, Bristol, Cornwall and Somerset Councils have already taken this step;
6. Torbay, with its coastline and large low lying areas, especially in Paignton, is particularly vulnerable to the effects of climate change.

Full Council believes that:

1. All governments have a duty to limit the negative impacts of climate breakdown, and local governments that recognise this cannot, and should not, wait for their national government to act;
2. It is important for the residents of Torbay that its Council commits to reducing CO<sub>2</sub>eq emissions and work towards carbon neutrality as quickly as possible;

3. Bold climate change can deliver economic benefits by way of new jobs, economic savings, market opportunities and improved well-being.

Full Council resolves:

Cabinet be recommended:

- a) That Torbay Council recognises the scale and urgency of the global challenge from climate change, as documented by the latest Special Report of the Intergovernmental Panel on Climate Change, and declares a climate emergency;
- b) That the Overview and Scrutiny Board be requested to review and recommend what further corporate approaches can be taken through Torbay Council's Energy and Climate Change Strategy and to facilitate stronger Torbay-wide action through collaboration at a strategic, community and individual level;
- c) That all relevant outside organisation member representatives, Cabinet Members and senior officers work with partners, including the Heart of the South West LEP, individuals and community action groups across Torbay to identify ways to make Torbay carbon neutral by 2030, taking into account both production and consumption emissions;
- d) That the Leader of the Council be requested to write to the Secretaries of State for Business, Energy & Industrial Strategy; Transport; Environment, Food and Rural Affairs; and Housing, Communities and Local Government calling for the creation, provision or devolution of powers and resources to make achievement of the 2030 target possible in Torbay;
- e) That the Interim Director of Place be requested to update the Council before the end of 2019 with the actions the Council has and will take to address this emergency; and

Council be recommended:

- f) That £25,000 be allocated from the Council's 2019/20 contingency budget and authorise the Interim Director of Place to utilise this funding to resource the work necessary to support the Overview and Scrutiny Board and to assess any specific recommendations and financial implications, with any unspent allocation being carried forward into 2020/21 to continue the work.

Proposed by: Councillor Howgate

Seconded by: Councillor Heyse



Title: **Notice of Motion – Climate Change (Chief Finance Officer Advice)**

Wards Affected: **All**

To: **Council** On: **19 June 2019**

Contact Officer: **Martin Phillips, Chief Finance Officer and Section 151 Officer**

☎ Telephone: **(01803) 207285**

✉ E.mail: **Martin.phillips@torbay.gov.uk**

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## 1. **Key points and Summary**

1.1 Council Standing Orders A13 Notices of Motion, sets out that motions which result in financial implications for the Council must include an outline of such implications and advice from the Council's Finance Officer.

1.2 The Chief Finance Officer has considered the financial implications set out in the notice of motion and is satisfied that the motion has:

- stated a purpose for the use of the funds; and
- identified a funding option.

That the motion does not require further detailed financial examination or officer report.



**Meeting: Council**

**Date: 19 June 2019**

**Wards Affected:** Paignton – Churston with Galmpton (part), Clifton with Maidenway, Collaton St Mary, Goodrington with Roselands (part), King’s Ash, Preston, Roundham with Hyde

**Report Title:** Paignton Neighbourhood Plan Adoption

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** On or before 26<sup>th</sup> June 2019

**Executive Lead Contact Details:** Cabinet Member for Infrastructure, Environment and Culture – Councillor Morey, [mike.morey@torbay.gov.uk](mailto:mike.morey@torbay.gov.uk)

**Supporting Officer Contact Details:** Andrew England, Assistant Director Planning and Transport, 01803 208848, [andrew.england@torbay.gov.uk](mailto:andrew.england@torbay.gov.uk)

**1. Proposal and Introduction**

1.1 The Paignton Neighbourhood Plan (the Plan) was considered by Full Council on Thursday 15<sup>th</sup> November 2018 following an independent public examination. The Council agreed that the Decision Statement (considered with the Plan) shall be adopted and published and that the Plan, with Modifications agreed by that Council set out in the Decision Statement, be submitted to a Referendum.

1.2 That referendum was held on Thursday 2<sup>nd</sup> May 2019 and the Returning Officer announced on Friday 3<sup>rd</sup> May 2019 that the result was:

Yes	10,379 (88%)
No	1,430 (12%)
Turn-out	33.1%

Therefore more than half of those voting voted in favour of the plan and accordingly the Plan has become part of the Development Plan, alongside the Local Plan. Council must now consider whether to Make (adopt) the Plan.

1.3 Linked with the making of Neighbourhood Plans is a change in the proportion of Community Infrastructure Levy (CIL).

**2. Reason for Proposal**

2.1 The Plan has been through the relevant statutory process including:

- Area designation
- Pre-submission consultation
- Submission

- Publication consultation
- Examination
- Plan Proposal decision
- Referendum

The next stage is to 'make' the Plan as part of the Development Plan for Torbay.

- 2.2 In accordance with the Planning and Compulsory Purchase Act 2004 Council are required to make (which means to adopt) a Neighbourhood Development Plan if more than half of those voting at a Referendum have voted in favour of the Plan, and if so, must make the Plan as soon as reasonably practicable after the Referendum is held but no longer than eight weeks.
- 2.3 Planning law indicates that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. All explanatory and justification text will be a material consideration.
- 2.4 Council can only decide to refuse the plan at this stage if it considers that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 2.5 Since the decision was made by Council in November 2018 to approve the Plan with modifications in accordance with the decision statement, the policy document and maps were updated to reflect the agreed changes.
- 2.6 At this stage of the process, no further changes are permitted to the Plan beyond correcting typographical errors and clarifying the version of the Plan for consideration, in this case removing references to referendum and inserting adopted with the relevant date. The final version of the Plan, as agreed with the Neighbourhood Forum, is in Appendix 1.
- 2.7 Following Council's decision in November 2018, it was necessary to ensure that the changes were compatible with the Habitats Directive. This required further consultation with Natural England. The final Habitats Regulations Assessment (HRA) (including Appropriate Assessment) (March 2019), as prepared by Council officers and agreed by Natural England, is included in Appendix 2. Further documents relating to this are available on the Council's website, linked under Background Documents.
- 2.8 Natural England are satisfied that the proposals meet the Directive and do not raise any objections. In any case, the Local Authority remains responsible for ensuring compliance as the competent authority and hence members considering the matter in this report.
- 2.9 The Appendix 2 HRA states that it relates to the Referendum version of the Paignton Neighbourhood Plan. As the Referendum version of the plan was approved by the community, and there have been no substantive changes from the Referendum version to the final version in Appendix 1 (as noted in para 2.6) the existing HRA remains both relevant and appropriate.
- 2.10 The Council has a duty to support communities who are preparing Neighbourhood Plans. The Regulations detail the Council's responsibilities. The Plan has been independently examined and agreed by Council to meet the Basic Conditions; it

has been endorsed by the community at Referendum and has otherwise complied with all the legal requirements of plan production. It is considered that the Plan meets European legislation and is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

- 2.11 There are a number of approaches to the Meaningful (Neighbourhood) Portion of Community Infrastructure Levy (CIL) that could be implemented. What is fixed is that, when made, each of the Plan areas will be due 25% of CIL receipts arising from permissions granted after the Neighbourhood Plans have come into force. Without Plans the areas were due 15%. Within the Brixham Town Council administrative area, this funding will be managed by them, transferred from Torbay Council to the Town Council at appropriate times. Outside of their administrative area, and within the Paignton and Torquay Neighbourhood Areas Torbay Council will remain responsible but must spend the funding in consultation with the community.

### **3. Recommendation(s) / Proposed Decision**

- 3.1 That, following the outcome of the referendum held on 2<sup>nd</sup> May 2019:
- 3.1.1 the Paignton Neighbourhood Plan Habitats Regulations Assessment (Appropriate Assessment) set out in Appendix 2 to the submitted report be approved;
  - 3.1.2 the Paignton Neighbourhood Plan set out in Appendix 1 to the submitted report is made, with this report and the record of this meeting collectively forming the required Decision Statement, in accordance with s.38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended).

#### **Appendices**

Appendix 1: Paignton Neighbourhood Plan

Appendix 2: Paignton Neighbourhood Plan Habitats Regulations Assessment (Appropriate Assessment)

#### **Background Documents**

Further documents relating to the Neighbourhood Plan, including the submission, consultation and examination, as well as the Habitats Regulation Assessment (Appropriate Assessment) are available to view at [www.torbay.gov.uk/paignton-np](http://www.torbay.gov.uk/paignton-np)

<b>Section 1: Background Information</b>	

1.	<p><b>What is the proposal / issue?</b></p> <p>The matter for consideration is whether the Council should make (or adopt) the Neighbourhood Plan as part of the Development Plan for Torbay, or whether there are reasons (in accordance with legislation) not to do so.</p>
2.	<p><b>What is the current situation?</b></p> <p>In November 2018, Council approved the Torquay, Paignton and Brixham Peninsula Neighbourhood Plans for referendum.</p> <p>Those referendums were held on 2<sup>nd</sup> May 2019 at which all three were supported by more than 50% of those voting.</p> <p>The next step for Council is to confirm the making (or adoption) of the Plans into the Development Plan for Torbay. This decision must be made, in accordance with the Neighbourhood Planning Regulations unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p>
3.	<p><b>What options have been considered?</b></p> <p>Options in relation to the content of the Plans were considered in November 2018. At this stage the only option is whether or not to make the Neighbourhood Plan.</p> <p>Discussions with Natural England following the November 2018 Council decision were positive and the completed Habitats Regulations Assessment (Appropriate Assessment) is provided with this report. This assessment confirms that the Plans, as put to Referendum and supported by the community, are not in breach and are not incompatible with relevant EU obligations.</p> <p>Officers are satisfied that the Plans are also not in breach or otherwise incompatible with other EU obligations or any of the Convention rights.</p>
4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The Neighbourhood Plan is in general conformity with the Local Plan and both set out various policies which support the Ambition, Principles and Targeted Actions of the Corporate Plan.</p>
5.	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p>

	Various policies set out within the Neighbourhood Plan seek to positively address this.
<b>6.</b>	<p><b>How does this proposal tackle deprivation?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address this.</p>
<b>7.</b>	<p><b>How does this proposal tackle inequalities?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address this.</p>
<b>8.</b>	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address health and wellbeing.</p>
<b>9.</b>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>All residents, employees, and visitors in Torbay will be affected by Neighbourhood Planning as it will impact directly on the 'Place'.</p>
<b>10.</b>	<p><b>How will you propose to consult?</b></p> <p>Consultations have been completed (firstly by the Neighbourhood Forums and secondly by the Council), prior to the referendum.</p>

## Section 2: Implications and Impact Assessment

<p><b>11.</b></p>	<p><b>What are the financial and legal implications?</b></p> <p>The direct financial implication of making the Neighbourhood Plan will be in respect of the Community Infrastructure Levy. All receipts for development in the Neighbourhood Area, in relation to applications approved after the making of the Plan, will contribute 25% rather than the existing 15%. This funding will need to be spent in consultation with the community.</p> <p>The Plan forms part of the statutory Development Plan. The Council is required by law to make planning decisions in accordance with the Development Plan unless material considerations indicate otherwise. For clarity, any decisions that are then appealed by applicants will be for the Council to defend and any costs associated with this will lie with the Council.</p>						
<p><b>12.</b></p>	<p><b>What are the risks?</b></p> <p>There is a risk of legal challenge if the decision is not implemented given the outcome of the Referendum which is, subject to the EU obligations and Convention rights, binding on the Council.</p> <p>Council can only decide to refuse the plan at this stage if it considers that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p>						
<p><b>13.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable.</p>						
<p><b>14.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The Neighbourhood Forum gathered data, alongside that gathered for the Local Plan, to support the content of the Neighbourhood Plan.</p>						
<p><b>15.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>The outcome of the referendum on 2<sup>nd</sup> May 2019 was:</p> <table border="1" data-bbox="422 1803 1109 1915"> <tr> <td>Yes</td> <td>10,379 (88%)</td> </tr> <tr> <td>No</td> <td>1,430 (12%)</td> </tr> <tr> <td>Turn-out</td> <td>33.1%</td> </tr> </table> <p>Earlier consultations provided various responses which were considered between the submission consultation, through independent examination, and the November 2018 Council meeting.</p>	Yes	10,379 (88%)	No	1,430 (12%)	Turn-out	33.1%
Yes	10,379 (88%)						
No	1,430 (12%)						
Turn-out	33.1%						

<b>16.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  No substantive changes have been made since the November 2018 Council meeting. Minor typographical and formatting errors have been corrected in agreement with the Neighbourhood Forum. References to the 'Referendum Version' have also been removed or updated to ensure the Plan set out in Appendix 1 is the final version for adoption.

## Equality Impacts

17.	<b>Identify the potential positive and negative impacts on specific groups</b> This equalities Impact assessment is taken from Appendix 18 of document 4 of the Submission documents accompanying Paignton Neighbourhood Plan. <a href="https://www.torbay.gov.uk/media/10329/pnpsa_hra.pdf">https://www.torbay.gov.uk/media/10329/pnpsa_hra.pdf</a> . The Plan was unanimously approved for Referendum by Full Council on 15 November 2018. Part 18 has been added subsequently to reflect the legal status of the Plan and the onus on the Local Planning Authority to implement and defend it.		
	<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>
Older or younger people	The NP promotes provision of jobs / income growth which will support a range of households with needs, including children and older people. The NP seeks green infrastructure protection and improvements that will add further benefits		
People with caring Responsibilities	The NP promotes improvement of the ability to move around the town centre and seafront areas more easily which will assist carers in the outdoor environment.		
People with a disability	The NP Design Code adds to the above improvements by requiring all proposals to make provision for persons with a disability.		
Women or men			No direct impact. The NP benefits both genders.
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No direct impact.
Religion or belief (including lack of belief)	The NP promotes the addition of community facilities in the areas of greatest need which will assist provision of facilities etc for faith and non-faith groups.		
People who are lesbian, gay or bisexual			No direct impact other than the provision of community facilities (i.e. minor positive)

	People who are transgendered			No direct impact other than the provision of community facilities (i.e. minor positive)
	People who are in a marriage or civil partnership			No direct impact other than the provision of community facilities (i.e. minor positive)
	Women who are pregnant / on maternity leave	The NP promotes healthy lifestyles through retained local green space of benefit and improved access to green infrastructure and may in some circumstances support the provision of health facilities etc as part of major developments.		
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Major positive impact. The NP promotes improved job / income prospects and improved living conditions in the most deprived areas.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The NP supports public health as a site deliverability matter in terms of promoting opportunities for active lifestyles using designated local green space and access to green infrastructure as a known way of promoting public health		
<b>16</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	The Neighbourhood Plan pushes for higher environmental and design standards than have sometimes previously been provided by developments in the Paignton area; and identifies local green spaces and other environmental protections.		
<b>17</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	Where changes are made across other public services, those with spatial implications similarly have to be in accordance with the policies of the adopted development plan. As a consequence, the development management process should help to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		

# Paignton Neighbourhood Plan

*for the historic heart of Torbay*



## Preface

---

This Plan has been produced by the community of Paignton to guide development of the area until 31 March 2030.

The Plan seeks to ensure Paignton will continue to be an area of attractive contrasts that make up the rich pattern of town, countryside and seaside loved by so many residents and visitors alike.

The pleasant mixture of heritage assets and green spaces draws many tourists to the area from near and far. The importance of this to the local economy will continue to be critically important.

At the same time there are challenges to be met in a way that must be sustainable for the existing and future generations who live and work here. This is the task that has been addressed involving hundreds of community volunteers from all parts of Paignton who have worked together to produce this Plan.

The Plan has been through several stages of formal consultation and has been examined by an Independent Examiner appointed by Torbay Council. The post examination version was unanimously approved by full Council on 15 November 2018 to proceed to Referendum.

The Paignton Neighbourhood Plan went to Referendum on 2 May 2019 and was supported by 88% of those who voted, based on a 33.1% turn out. It was 'Made' (which means 'adopted') by Torbay Council on 19 June 2019.

In consequence, the Adopted Neighbourhood Plan is part of the development plan for Torbay. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Acknowledgements**

Producing this Plan would not have been possible without financial help provided by Torbay Council, the Department for Communities and Local Government, and the Community Development Foundation. The assistance received is gratefully acknowledged.

Date: June 2019

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# Part 1: Introduction

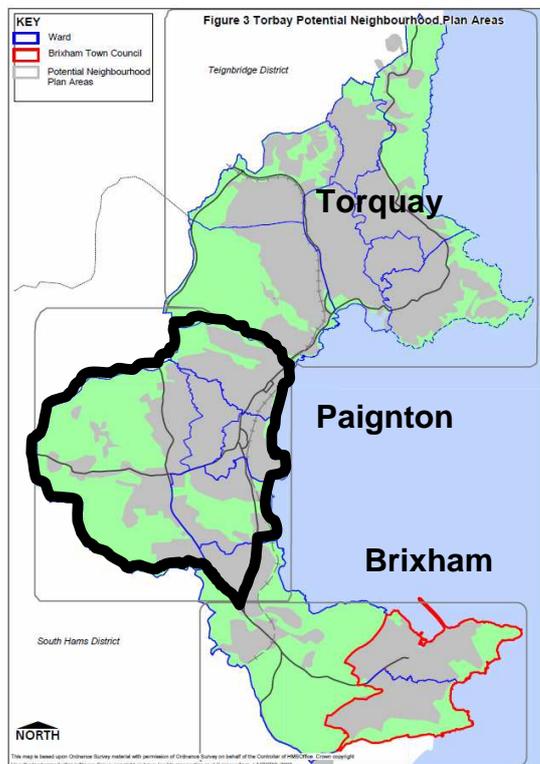
## What is this Plan ?

1.1 An adopted Neighbourhood Plan forms part of the statutory Development Plan used by the local planning authority and others to make decisions on planning applications and related investment proposals. It is therefore a document of considerable importance.

1.2 The ability to produce a Neighbourhood Plan stems from the Localism Act 2011 and is an opportunity taken up enthusiastically by Torbay Council and the Paignton community.

1.3 Together with the Local Plan for Torbay, the Neighbourhood Plans for Torquay, Paignton, and Brixham cover the whole of Torbay.

**Figure 1.1 Neighbourhood Plan Area** (see also Fig. 1.2 page 9)



## How is it structured ?

1.4 The Plan is arranged in distinct parts to aid understanding and effective implementation:

**Part 2 Community Involvement:** provides a summary of the steps taken by the community to produce the Plan;

**Part 3 Statement of Compliance:** sets out how the Plan has complied with formal requirements including: National Planning Policy; general conformity with the strategic policies of the Torbay Local Plan; complements the adjoining Neighbourhood Plans for Torquay & Brixham, and complies with European Obligations;

**Part 4 Vision & Aspirations:** describes the change that Paignton has experienced and the community Vision for the future;

**Part 5 Aim & Objectives:** shows how the Objectives and Policies of the Plan link directly to each other. These include area-wide policies in addition to those relating to specific locations of key importance;

**Part 6 Policies & Proposals:** contains the detailed Policies of the Plan divided into those that apply to the whole Plan area, and those that apply additionally to the Town Centre and Seafront Area, the Western Area, and Adjoining Areas, which together form an integral part of the Neighbourhood Plan;

**Part 7 Community Partnership Areas:** sets out the Policy Maps with additional information and key issues of importance to each of the 5 Community Partnership areas that collectively cover the whole of Paignton;

**Part 8 Delivery:** provides a summary of who will be responsible for delivering the identified projects, how they may be funded and the phasing of those projects. This

part also sets out the monitoring procedures to follow the delivery of the plan.

### **Who has led in its preparation ?**

1.5 Paignton does not have a Parish Council. The Plan has been produced by the community of Paignton acting as a Neighbourhood Forum under the provisions of the Localism Act 2011. The Neighbourhood Area and Forum were designated for this purpose by Torbay Council in December 2012.

### **What areas are included ?**

1.6 This Plan applies to the whole of Paignton as shown on the location map (Fig. 1.2 page 9).

### **What time period does it cover ?**

1.7 In common with the Local Plan, this Neighbourhood Plan covers the period until 2029/30. The specific proposals it contains relate to the period up to 2029/30 in compliance with the Local Plan's development horizon and requirements of the National Planning Policy Framework 2012 (paragraph 47 especially).

### **How will it be used and by whom ?**

1.8 The plan is for everyone with an interest in Paignton – residents, visitors, developers, businesses and investors. It will be used to promote investment in the town, help guide new development to the most suitable sites, protect valuable assets, secure improvements of all kinds, give a continuing voice to the community, and promote a better quality of life for current and future generations.

### **Scope of the Plan**

1.9 The Plan has been produced by the community alongside the new Local Plan for Torbay as a whole, and the Neighbourhood Plans for Torquay and Brixham. By adopting this twin track approach, the Plans have informed

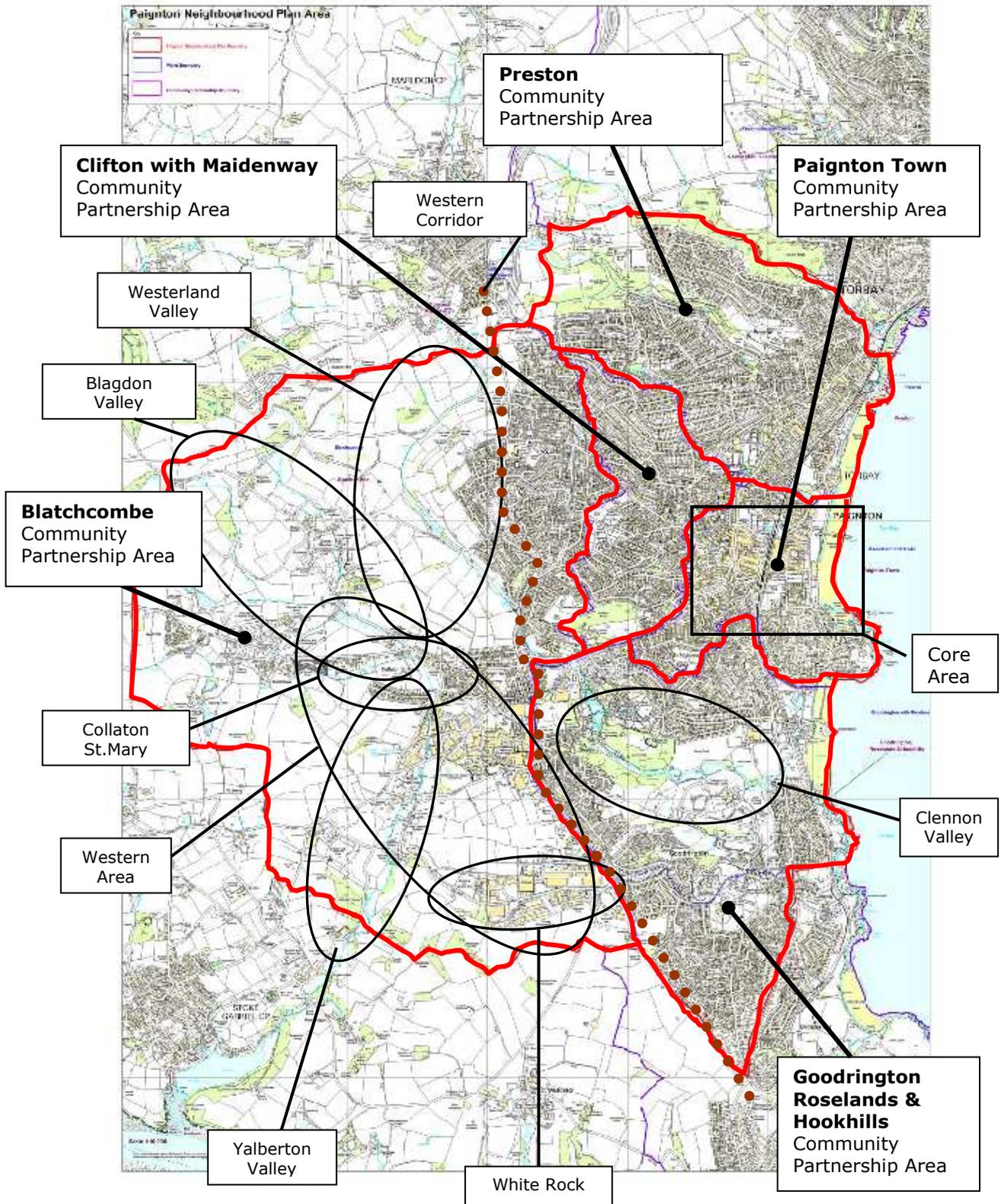
each other to arrive at the policies and proposals needed for the area. Aspects considered have covered:

- Population Characteristics
- Economic Circumstances
- Land Use
- Property Condition
- Moving around
- Environmental Conditions
- Condition of Community Assets
- Climate Change

1.10 The Plan has given particular focus to keeping a sustainable balance between making use of previously developed 'brownfield' land before further 'greenfield' space is released for development. A phased approach to land release accords with the National Planning Policy Framework 2012 (NPPF 47).

1.11 A Glossary identifying the intended meaning of terms used in this Neighbourhood Plan is shown at **Appendix 1.**

**Figure 1.2 Locations within the Neighbourhood Plan Area**



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## Part 2: Community Involvement

### Who has been involved with the process ?

2.1 Producing the Neighbourhood Plan has been community led as intended by the Localism Act 2011. It has involved a collaborative working arrangement from the outset between Torbay Council, the 5 established Community Partnerships, and many others that joined in, which included:

- residents and workers who live in the area
- local councillors for the area
- retailers, business and property owners in the area
- local organisations and other community groups in the area
- observers from neighbouring areas

### What has it involved ?

2.2 To ensure the content truly reflects community views and support, the Plan has been produced by the community in 3 stages (Fig. 2.1).

#### **Stage 1** - 'SWOT' analysis:

From a blank sheet start, meetings were held in all parts of Paignton to find out views about Paignton's **S**trengths, **W**eaknesses, **O**pportunities, and **T**hreats. The response was greater than expected and helped to show where shared views exist within and across the whole of Paignton.

#### **Stage 2** - Key Area proposals

Using exhibitions, questionnaires, workshops, and assistance from the Prince's Foundation, the results of Stage 1 were converted by volunteers into proposals for further views on the key areas where the community want change to take place.

#### **Stage 3** - Overall Plan

With further input from each of the 5 Community Partnerships and help from

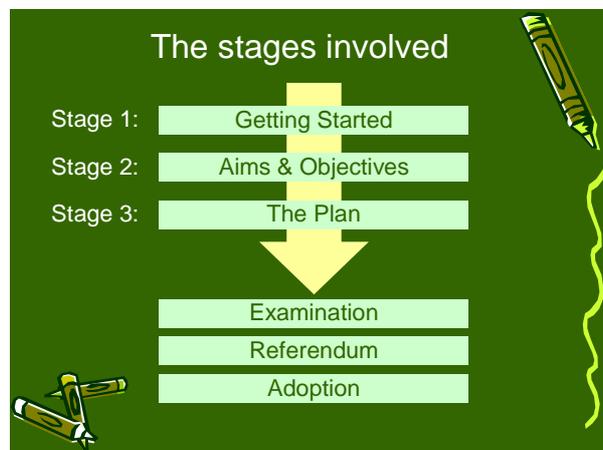
Planning Aid, proposals for the whole Plan area were prepared for further community views, and amendment where necessary, before submitting the Plan to Torbay Council as the Local Planning Authority.

2.3 Details of each Stage above and results received are contained in the supporting **Community Involvement and Consultation** statement (Fig. 3.1 page 13).

### Assessment and Referendum

2.4 Before Adoption, the Plan was examined by an independent person and was voted on by eligible voters in the Neighbourhood Area. The Plan was submitted to Referendum on 2 May 2019 and received a 'Yes' vote of 88% (10,379) on a 33.1% turnout. The support vote result exceeded the 50% requirement for the Plan to be adopted.

**Figure 2.1: The steps to adoption**



## Part 3: Statement of Compliance

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3.1 In accordance with the Localism Act 2011 and related legislation, this Neighbourhood Plan meets all of the requirements known as the 'basic conditions'. In summary:

### **a) National Planning Policy and advice:**

3.2 The Neighbourhood Plan has full regard to advice contained in National Planning Policy Guidance and supports all 3 roles in the National Planning Policy Framework 2012 (NPPF7):

- **The economic role** – it contributes to building a strong, responsive and competitive economy by ensuring that clear support is given for net job growth identified in the Local Plan for our local economy to grow;
- **The social role** – it supports strong, vibrant and healthy communities by ensuring that account has been taken of all sites identified in the Local Plan for sustainable growth of homes in sustainable balance with all other needs;
- **The environmental role** – it contributes to the protection and enhancement of our natural, built and historic environment that makes our locality unique and so attractive.

### **b) Preservation of Listed Buildings and Conservation Areas:**

3.3 Particular care has been taken to ensure that Paignton's many buildings and areas of historic or architectural importance are fully protected.

### **c) Contributes to the achievement of sustainable development:**

3.4 A key feature of the Neighbourhood Plan is the importance given to ensuring that it meets the needs of the present without compromising the ability of future generations to meet their own needs.

### **d) Conformity with Torbay Local Plan:**

3.5 Full assessment has been undertaken to ensure that the Neighbourhood Plan is in general conformity with the strategic policies of the development plan. In the case of Paignton, this is the Torbay Local Plan adopted in December 2015 following an extended period of Examination and Modifications from November 2014 until October 2015. The assessment has also included non-statutory plans the Council uses.

3.6 The Local Plan provides for net growth in jobs of 5,000-5,500 from a base of 59,000 in 2012 'in tandem' with 8,900 additional homes to 2029/30, if the sites identified can overcome infrastructure and protected habitat constraints (**Appendix 2** page 103). Further details are provided in e) below.

3.7 As there is reliance on a significant return to net inward migration assumption, the Local Plan will undergo monitoring annually and 'major' review every 5 years to decide if adjustment of the growth level is necessary either downward or upward within Torbay's remaining capacity. This is to ensure that only sustainable development is achieved in a balanced manner in accordance with the NPPF. The first 5-yearly Review will be in 2020/21 and the second in 2025/26.

### **Coordination with Neighbouring Plans:**

3.8 In accordance with the strategic policies of the Local Plan, all 3 Neighbourhood Plans covering Torbay take into account the Local Plan identified sites for more jobs and homes in a balanced way as summarised in Tables 3.1 and 3.2 below (page 12):

**Table 3.1: Torbay Local Plan trajectories:**

Period	Net Job growth each year Policy SS1	Net Homes each year Policy SS13
2012/17	275-300	400
2017/22	275-300	495
2022/30	275-300	555
Total	5,000-5,500	8,900

(Source: Adopted Torbay Local Plan Dec 2015)

**Table 3.2: Neighbourhood Plan Area jobs, floorspace and homes**

NP Area	Floorspace for Jobs (net sq.m.)	Additional homes
Torquay NP	37,200	3,960
Paignton NP	30,100	4,280
Brixham NP	2,700	660
Total	70,000	8,900

(Source: Floorspace - Local Plan Part 5; Homes-Local Plan Table 4) (all figures rounded - as LP)

3.9 The Local Plan recognises the rate at which the land supply will be taken up by the market during each 5-year review period will depend on the assumptions made about net job growth and net inward migration.

3.10 There is no historic pre-plan backlog of housing land supply shortfall, and there is at 2015/16 a deliverable 5-year supply of land for additional homes as required by the 2012 NPPF.

3.11 Since the start of the Local Plan period in 2012, job numbers have declined to less than the base level of 59,000.

3.12 Over the same period, further homes have been granted planning consent, new starts and completions have fallen below the Local Plan trajectory, and the number of homes vacant for 6 months or more has risen sharply.

3.13 Review of these 'signals' of decline in job growth and over-supply of housing provision is a legitimate step to take into account in preparing the Neighbourhood Plan. It has led to the conclusion that the supply of land in the Local Plan together with planning consents already granted will last for

longer than the Plan period to 2029/30, which the Local Plan has recognised may become the case (*LP para. 7.5.18*).

3.14 There is no requirement for a Neighbourhood Plan to allocate land for development. In any event, the Local Plan confirms that Neighbourhood Plans are not required to allocate sites where there would be likely significant effects on Habitat Regulation matters (*LP para. 4.1.29*).

3.15 Nonetheless, the Neighbourhood Plan is expected by Policy SS13 of the Local Plan to identify those sites that will provide for Local Plan years 6-10 (2017/22) and rolling 5-year supply thereafter (to accord with NPPF 2012 requirements).

3.16 Accordingly, the Neighbourhood Plan has considered the appropriate sequence of sites at the adopted rate on the assumption that job numbers have not declined and has found no need to identify further sites. Further details are set out in Part 8 of the Neighbourhood Plan and Basic Conditions document that accompanies the Neighbourhood Plan (Fig. 3.1 page 13).

#### **e) European Obligations:**

3.17 The Neighbourhood Plan does not breach and complies with European obligations as required by environmental and human rights Directives transposed into UK legislation.

3.18 Sustainability Appraisal and Habitat Regulations Assessment (HRA) of the Local Plan formed part of the Examination in Public in 2014/15 which confirmed in the final HRA that the level of growth proposed must be treated carefully as likely significant effect on protected habitats of European importance could not be ruled out.

3.19 Although it has not been necessary for the Neighbourhood Plan to identify further sites, a voluntary

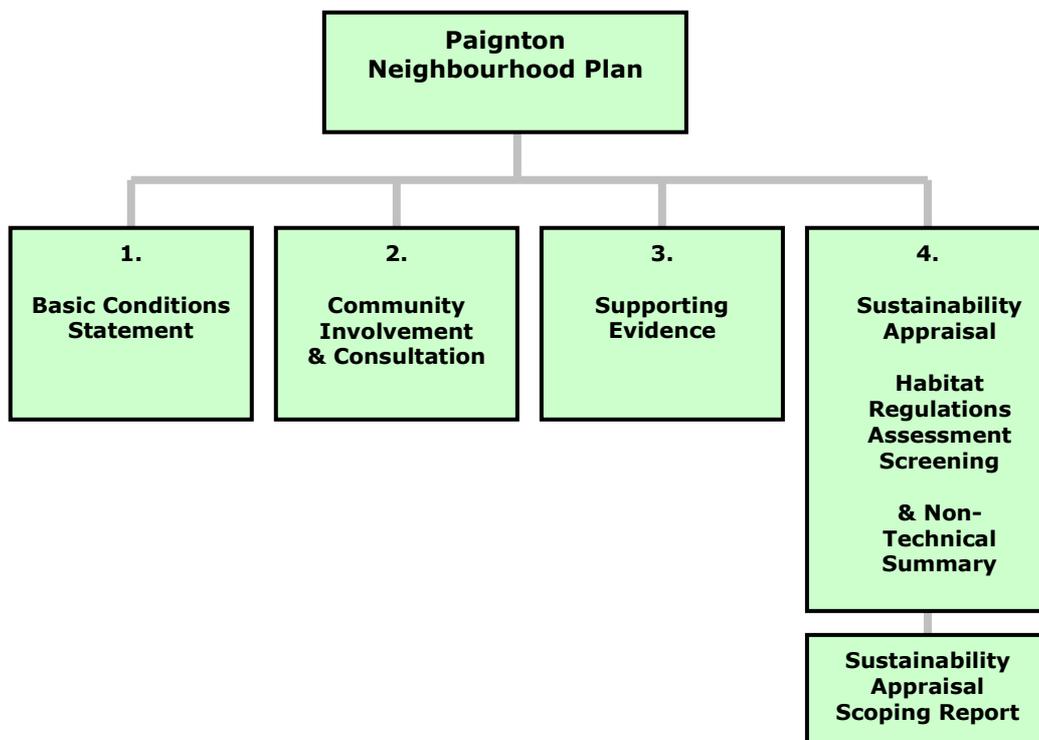
Sustainability Appraisal (incorporating Strategic Environmental Assessment) and HRA 'screening' of the Neighbourhood Plan has been undertaken and all three statutory bodies consulted (Environment Agency, Historic England, and Natural England) to ensure that any likely significant effects have been identified and addressed.

**Evidence Base:**

3.20 The Local Plan and Neighbourhood Plan have been prepared in parallel using the same evidence base with the progress of each plan informing the content of the other as they have evolved.

3.21 Additional documents prepared to accompany the Neighbourhood Plan are shown in Fig. 3.1 below:

**Fig 3.1 The Neighbourhood Plan documents**



## Part 4: Vision and Aspirations

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### Needs and opportunities

4.1 Over many centuries Paignton has grown from a Saxon settlement on the south Devon coast to a family tourist resort at the heart of Torbay, also known as the English Riviera.

4.2 The adjoining towns of Torquay and Brixham provide equally distinctive links to the sea and the Bay's unique setting. Torquay is noted for its fine marina and night time entertainment, Paignton for being the family holiday resort and historic heart of Torbay, and Brixham for its long standing fishing port connection with the sea.

4.3 Attractive natural surroundings and mild climate give the area a very distinctive character with outstanding natural and manmade assets that can be damaged very easily by further development. Securing sustainable development therefore lies at the heart of the Neighbourhood Plan.

4.4 The loss of 5,000 jobs in 2001 dealt a heavy blow to the local economy well before the world wide recession of 2008. Recovery from this in a sustainable way is the community's highest priority.

4.5 The National Index of Multiple Deprivation (IMD) shows conclusively that it is the lack of job opportunities locally, not housing provision, which continues to cause many of Paignton's residents to live within the top 10% of the most deprived areas nationally.

### Community Vision

4.6 From community views expressed during preparation of the Plan, one overriding Aim became very clear:

***To make our town and surroundings more attractive to tourists and an outstanding place to live and work***

4.7 Within this overall Aim, our community wishes to recreate our 'Garden Town' appeal by improving and linking our green spaces and greening the streets and buildings that connect them (97.0% supported).

4.8 Such action in both town and countryside areas will improve the appeal of Paignton to tourists and investors, enhance critically important biodiversity features present in the area and strengthen the quality of community living conditions.

# Part 5: Aim and Objectives

5.1 To achieve the overall Aim, 4 key Objectives emerged from the Stage 1 results. These key Objectives, and proposals that take them forward, were confirmed in Stages 2 and 3 by our community. Details are contained in the **Community Involvement and Consultation** document that accompanies the Neighbourhood Plan (Fig. 3.1 page 13).

5.2 Bringing these all together provides the framework of the Neighbourhood Plan. Part 6 that follows sets out the Policies and Proposals in detail. The percentage figure is of the community support received for the objectives shown

**Figure 5.1 Our Aim and Objectives**



## Our Policies & Proposals

- PNP** *Area Wide*
1. **Area wide: Jobs, homes, environment**
    - a. – Rural Character Area
    - b. – Local Green Space
    - c. – Design Principles
    - d. – Residential Development
    - e. – Commercial Development
    - f. – Towards a sustainable low carbon economy
    - g. – Designing out crime
    - h. – Sustainable transport
    - i. - Surface water
- Town Centre & Seafront*
2. Town Centre
  3. Paignton Harbour
  4. Seafront
  5. Torbay Road
  6. Station Square & Railway
  7. Victoria Square
  8. Crossways, Hyde Road, Torquay Road
  9. Victoria Park
  10. Queens Park
  11. Old Town
  12. Getting around the town centre
  13. Housing opportunities in town centre
  14. Paignton Neighbourhood Plan Core Tourism Investment Area
  15. Flooding & Sea Defences
  16. Victoria Street
  17. Improving the Transport Gateway
  18. Supporting the Retention of Retail Uses
- Western Area*
19. Safeguarding open countryside
  20. Great Parks
  21. White Rock and nearby areas
  22. Western corridor
  23. Yalberton Valley
  24. Collaton St. Mary Village
- Adjoining Areas*
25. Clennon Valley
  26. Clifton with Maidenway
  27. Preston

## Part 6: Policies and Proposals

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6.1 Paignton is a busy seaside town of more than 43,000 residents with many varied attractions and is at the centre of Torbay on the world renowned coastline of the English Riviera. Our plan is to make sustainable use of this unique situation and the assets we have to improve our prosperity, quality of life and care of the environment.

### How will this be achieved ?

6.2 This part of the Neighbourhood Plan sets out the specific Policies and Proposals our community want to see achieved for each location shown in Part 5.

6.3 As required, the policies do not repeat those in the 2012 NPPF and Torbay Local Plan where they continue to apply alongside the Neighbourhood Plan.

6.4 The Policies are arranged by location to aid continuity and implementation, especially when considering planning applications:

- Area Wide Policies (applying to all parts of Paignton)
- Town Centre & Seafront
- Western Area
- Adjoining Areas

### Community support for the policies and proposals

6.5 For each area the following policies and proposals will apply. As supporting information, the percentages shown for each objective come from the views expressed by our community when preparing the Plan.

## Area wide policies

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### Background

6.6 The Local Plan stresses the days of 'predict and provide' are long gone and the importance of getting the balance of new homes, new jobs and

new infrastructure right, to ensure that jobs, not just housing, come forward (*LP para. 3.2.9*). Accordingly, the Neighbourhood Plan has applied the same integrated approach in the policies proposed to ensure the required balance is achieved through the 'plan, monitor and manage' delivery arrangement adopted.

### More jobs

6.7 The Local Plan proposes an additional 5,000-5,500 net growth in jobs over 18 years from a base of 59,000 in 2012 at a target of 275-300 net new jobs every year in Torbay.

6.8 At present (2016), four years into the Local Plan period, jobs in Torbay have steadily dropped to 57,000 instead of having grown to 60,100. The need to assist in giving greater emphasis to net job growth is clear. Further details are contained in the **Supporting Evidence** document that accompanies the Neighbourhood Plan (Fig. 3.1 page 13).

### More homes

6.9 Torbay's resident population in 2011 was 131,100 which grew by only 1,400 between the Census years of 2001 and 2011. Unlike other places, deaths exceed births every year in Torbay and the resident population will reduce if migration from elsewhere does not continue. Latest official estimates indicate that over the last 10 years, between 2006 and 2016, Torbay's population has continued to grow at a modest rate of 200 per annum from 131,900 in 2006 to 133,900 in 2016, and the number of existing homes that have been vacant for 6 months or more has grown by nearly 1,000.

6.10 How much growth from net inward migration will take place is very uncertain. However unless new homes are directly linked to new jobs, they risk being occupied by residents who

have to find work outside Torbay. This would go against the 'golden thread' objective of promoting sustainable development required by the Government's National Planning Policy Framework and balance of land uses required by 2012 NPPF37 especially. The 'sequence' of development will therefore be just as important, if not more so, as the 'pace' of development each year. The Local Plan incorporates a major Review every 5 years from its Adoption in 2015 of the balance being achieved.

6.11 The Neighbourhood Plan review of sites identified in the Local Plan has confirmed that there is a sufficient supply in Paignton as required by the Local Plan pending the next 5-year major review in 2020/21 and beyond. This provides for at least 10 years growth as required by 2012 NPPF47 and the adopted Local Plan. Further details are provided in the **Basic Conditions Statement** and **Supporting Evidence** documents that accompany the Neighbourhood Plan (Fig. 3.1 page 13).

### **Environmental change**

6.12 Challenges the Paignton area must also address include flood risk from inland and coastal water, existing drainage constraints, movement constraints, promoting a low carbon economy, energy efficiency, and safeguarding the area's contribution to biodiversity and food production.

6.13 On current climate change projections to 2080\*, annual rainfall will change little but drier summers and wetter winters are expected, especially along the western side of the UK. The risk of coastal flooding will increase significantly and there will be more intense rain events, inland flooding and severe storms with absolute sea level rise around the UK of between 12 and 76cm for the 1990-2095 period and larger in more southern parts. Seasonal mean and extreme waves are projected to increase to the South West of the UK. An abrupt change to the Atlantic Ocean Circulation (*Gulf Stream*) is very

unlikely this century. [*\*Met Office UKCP09*]

6.14 Of particular importance to securing growth of the local economy is the importance of the area's landscape quality and biodiversity, which the Local Plan HRA has concluded must be safeguarded by the imperative that planning consent for further development is only granted where it is categorically proven that there will be no adverse impacts on the European sites identified (*LP HRA 2015 para. 9.1.6*).

### **In summary**

6.15 There are not enough jobs to meet the objective of the Local Plan. This must be the first priority. The Local Plan sites review confirms that a 5 year supply of sites exists for new homes and there is no backlog pent up/hidden demand (para. 6.8). Pressures beyond 5 years will depend on how many people move into the area from outside Torbay. Without more people from outside, Torbay's population level will drop, because deaths exceed births every year, with mixed consequences for our town.

6.16 Improving our economic prosperity and care for the Riviera environment are the key factors.

### **Objectives:**

- Give priority to employment led growth, not housing led growth (91%)
- Keep the number of additional jobs and homes in 'balance' always (86%)
- Allocate further land for jobs only in sustainable locations (81%)
- Increase the amount of Affordable housing to meet local need (71%)
- Plan for a drop in the resident population (62%)
- Provide more local shops only if the population increases (62%)

- Restrict Houses in Multiple Occupation known as HMO's to areas outside the Core Tourism Investment Area (or tourism areas generally) (80.5%)
- Planning regulations should be rigorously enforced to manage the problem of HMO's (82.6%)
- Other suggestions received as written comments in Stage 2 that are achievable have been incorporated into the plan.

6.17 Accordingly:

### **Policy PNP1 - Area wide**

In all parts of the Paignton Neighbourhood Plan Area a balanced delivery of growth, biodiversity enhancement and more sustainable means of travel will be supported.

Development proposals will be supported which:

- a) provide new employment on sites able to meet infrastructure needs and biodiversity enhancement;
- b) provide new employment in decentralised locations that reduce travel needs, involve new technologies, and will assist moving towards a low carbon economy.
- c) provide housing growth appropriate to meet local needs and the strategic needs set out in the Torbay Local Plan 2015, including affordable housing.
- d) bring back into use existing homes that have been vacant for 6 months or more;
- e) provide additional homes by the conversions of existing buildings, more efficient use of vacant buildings in all use classes, self build; and community-led housing enterprises wherever possible;

*(Policy PNP1 continued next column)*

*(Policy PNP1 continued)*

Development will not be supported where:

- f) the development proposal would result in an adverse impact on a European protected site;
- g) the provision of houses in multiple occupation (HMOs) would adversely affect the tourism offer, worsen concentrations of deprivation, create conditions of community conflict

Protecting Local Identity

The plan seeks to ensure that safe key areas of rural landscape, Local Green Space, and food production are safeguarded and enhanced to ensure an improvement in tourist appeal, enhance biodiversity and community wellbeing. This will be achieved by applying Policy PNP1 (and its subsections) to all development proposals where appropriate.

Achieving Sustainable Development

Sustainable development will be achieved by ensuring a balanced provision of new development through supporting:

- i) job led growth and housing provision being kept in balance by regular (annual) reviews;
- ii) balanced growth of food retail floorspace
- iii) enhancement of local identity, heritage features, renewable and low carbon energy and construction solutions
- iv) foul and surface water drainage and other key infrastructure being required when major development (as defined in the Town and Country Planning Procedure) (England) Order 2015) applications are first submitted, and not being dealt with subsequently by conditions.
- v) encouraging local food growing and production across the Plan area to increase and improve local food production assets and deliver community social and health benefits.

## Subsections to Policy PNP1

### Rural Character Area

6.18 Paignton's rural hinterland is a rich mixture of rolling countryside, landscaped peaks, valleys and stunning views. The combination provides an important habitat for wildlife, promotes community wellbeing and is vital to the economy of the area as a tourist destination and for farming.

6.19 Official National Data for wildlife demonstrates that rural Biodiversity is plummeting: English bird populations have fallen 56% on farmland and 23% in woodland<sup>(1)</sup>; English butterfly populations are down 27% on farmland and 51% in woodland<sup>(2)</sup>.

6.20 Environment Agency investigations demonstrate soil structural degradation to be widespread in SW England, generating enhanced surface-water runoff resulting in surface water pollution, localised flooding and reduced winter recharge rates to aquifers<sup>(3)</sup>.

6.21 In 2000 the average UK farm was 169 acres, by 2010 it was 226 acres – an increase of one third. The average for the whole of Europe is 36 acres. Over the same period 47,000 farms disappeared, a 20% decline. UK farms are bigger than in any other European country except the Czech Republic<sup>(4)</sup>.

6.22 The area of farmland in Torbay decreased 10% between 1995 and 2004<sup>(6)</sup>. Devon's orchards have declined 90% in numbers since 1965<sup>(7)</sup>. In 2006 Torbay had 45 hectares of orchards<sup>(8)</sup>.

6.23 The rural area of Paignton is home to an array of principally important national habitats and species identified in the UK Biodiversity Action Plan (BAP). This includes: farmland, traditional orchards and deciduous (including broadleaved) woodland; farmland birds, butterflies and bats and plants<sup>(9)</sup>.

6.24 Paignton's rural farmland (many habitats), traditional orchards, broadleaved woodland and greenspace are also recognised as habitats of principal importance in Torbay's BAP<sup>(10)</sup>.

6.25 There are nationally and internationally important species present in rural Paignton. The Torbay BAP species of principal importance occurring in the RCA are the threatened Cirl Bunting and Horseshoe Bats (Greater and Lesser)<sup>(11)</sup> (**Appendix 2** page 103).

6.26 Most of the UK's Cirl Bunting (*Emberiza cirlus*) population, i.e. the core range, is in South Devon occupying the farmland strip between Exeter and Plymouth. In 2009 rural Paignton had a fragile number of nesting pairs of rare Cirl Buntings, a bird species of principal importance protected by law<sup>(12)</sup>.

6.27 The Greater Horseshoe Bat (*Rhinolophus Ferrumequinum*) is rare in the British Isles and is confined to south-west England and south Wales<sup>(13)</sup>. Torbay is one of the UK's most important habitats for this mammal. It is a strictly protected and threatened species of Europe-wide importance listed under Annex II of the European Union Habitats Directive<sup>(14)</sup>.

6.28 The Paignton Rural Character Area habitat is part of the Greater Horseshoe Bat sustenance zone and extensive strategic flight paths<sup>(15)</sup>.

6.29 National Planning Policy (2012 NPPF109, 112 and 118) and the adopted Local Plan (Policies SS8, SC4 and C1) recognise the importance of protecting and enhancing such valued landscapes and soils along with enhancement of the natural environment by providing net gains in biodiversity.

6.30 National Planning Policy 2012 (NPPF117) and Local Plan policies (SDP1, NC1) acknowledge the importance of the protection and recovery of priority species populations,

linked to national and local targets and promoting the establishment of coherent ecological networks.

6.31 To create jobs and prosperity National Planning Policy (2012 NPPF28) identifies that Neighbourhood Plans promote the development and diversification of agricultural and other land-based rural businesses.

6.32 Torbay Policy H3 provides an exception for local need based development within the countryside where demonstrably related to a strong local connection.

6.33 In support of these policies and taking into account local evidence, the Neighbourhood Plan identifies in Policy PNP1(a) the Rural Character Area (RCA) of greatest importance to Paignton.

6.34 The RCA contains a diverse blend of Torbay's Landscape Character Types (TLCT)<sup>(5)</sup>, as defined further in Policy PNP19, together with the management strategy that will be applied in these areas when considering development proposals.

### **Local Green Space**

6.35 National Planning Policy also encourages local communities to identify for special protection green areas of particular importance to them (2012 NPPF76).

6.36 Paragraph 6.3.1.37 of the adopted Local Plan has left this to the Neighbourhood Plan to determine.

6.37 From assessment made by the community using the criteria specified, the areas of Local Green Space are designated by this Neighbourhood Plan.

### **Local Food**

6.38 Local food production is an important part of Paignton's local identity, cultural heritage and economy. Protecting and providing diverse spaces for food cultivation such as orchards, allotments and community growing

areas is a key aspect of the town's current and future green infrastructure and food sovereignty.

6.39 Paignton was originally a farming parish noted for the excellence of its food and drink sent all over the country, and famous also for its large plum puddings<sup>(16)</sup>. This rich agricultural heritage gave its name to some of the vegetables and fruit originally grown, bred and developed in the area, such as the large and sweet Paignton Pol Cabbage<sup>(17)</sup> and Paignton Marigold Cider Apple (*Malus domestica Borkh*) which originated in Paignton before 1834<sup>(18)(19)</sup>.

6.40 Growing local food encourages more active, healthy lives and generates community cohesion. Traditional orchards are of principal importance nationally and locally for biodiversity and are places that people can enjoy<sup>(20 & 21)</sup>.

6.41 Local food assets within the Neighbourhood Plan include:

- 1 publically owned 43 acre farm and farmhouse at Little Blagdon, Collaton St. Mary;
- 7 urban allotments;
- 1 community orchard in Goodrington; and
- several hectares of underutilised traditional orchards.

6.42 The local land area for local food provision has declined significantly over several decades.

6.43 National Planning Policies (2012 NPPF35, 69 and 109) recognise that planning can: play an important role in facilitating social interaction and creating healthy, inclusive communities; contribute to and enhance the natural and local environment through the wider benefits of ecosystem services such as food growing; and that conflicts between traffic & cyclists or pedestrians should be minimized. A community aspiration is the wish to encourage support for

food hubs and temporary use of vacant sites for food production.

6.44 Local Plan Policies SS1, SDP3 and SC4 identify that: new development should provide space for community infrastructure; firmly support measures for diverse methods of local food production and the consumption and cultivation of local crops and varieties.

6.45 Accordingly:

### **Policy PNP1 (a)**

#### **Rural Character Area**

Within the designated Rural Character Area (RCA) shown in Policy PNP19, development proposals should have regard to policy C1 of the Torbay Local Plan 2015 and where appropriate, should be accompanied by supporting information, which demonstrates how the proposal will:

- a) value the existing treescape, landscape, and scenic views;
- b) increase biodiversity and coherent ecological networks by means other than off-setting;
- c) achieve small scale food growing and rearing opportunities including improvement of soil quality and structure;
- d) implement the Torbay Green Infrastructure Delivery Plan proposals shown in Figure 6.1 (page 22); and
- e) implement the management strategy of Policy PNP19.
- f) support the provision of new allotments alongside new developments in White Rock, Roselands, South Devon College, Great Parks and Collaton St. Mary where appropriate.

In respect of (c), new and net additional employment opportunities using small-scale agro ecological methods will be strongly encouraged.

### **Policy PNP1 (b)**

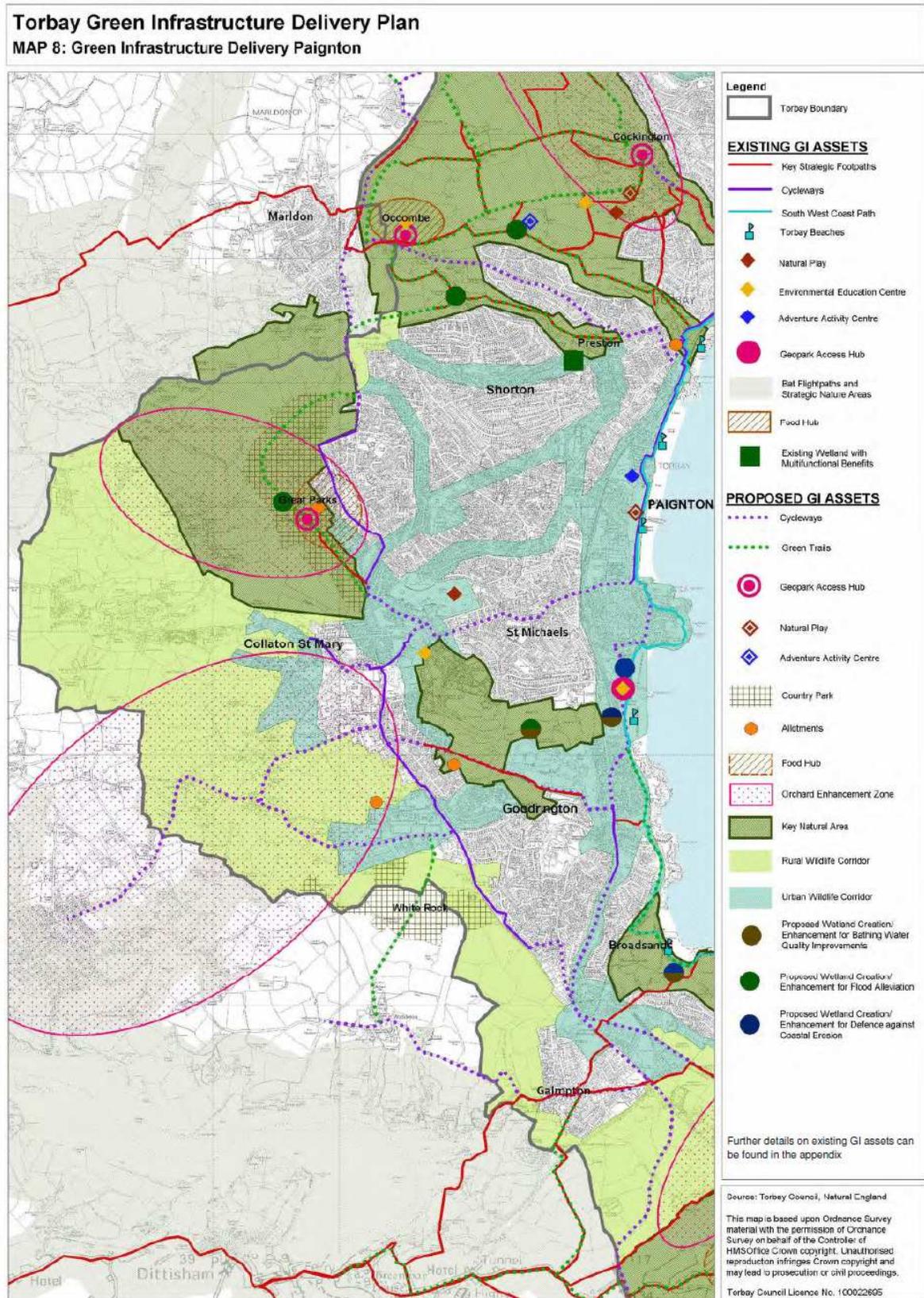
#### **Local Green Space**

The areas designated as Local Green Space in this Neighbourhood Plan are shown on Fig. 6.2 and Table 6.1 (pages 23/24) and in Part 7 of this Plan. Proposals for new developments will only be supported in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to these Local green spaces by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

#### **Traditional orchards in Yalberton Valley**

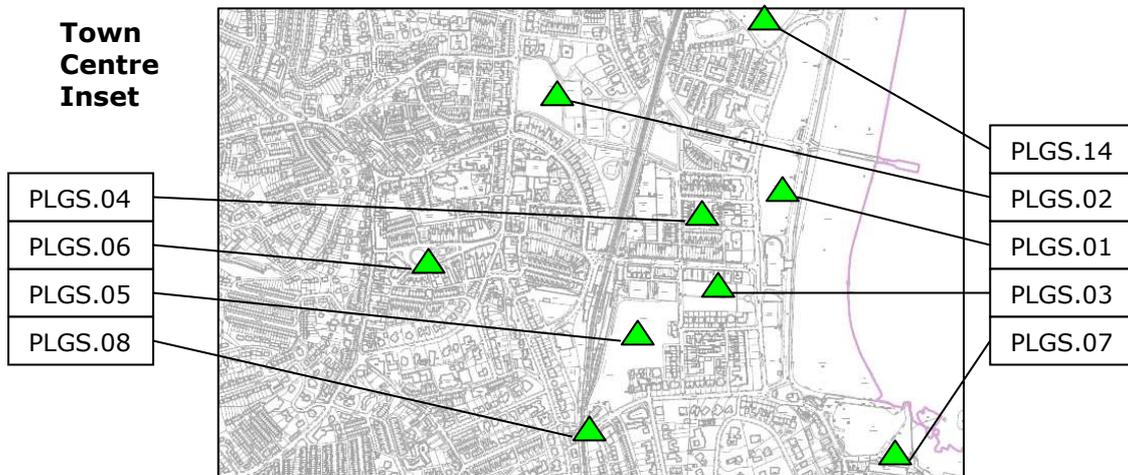
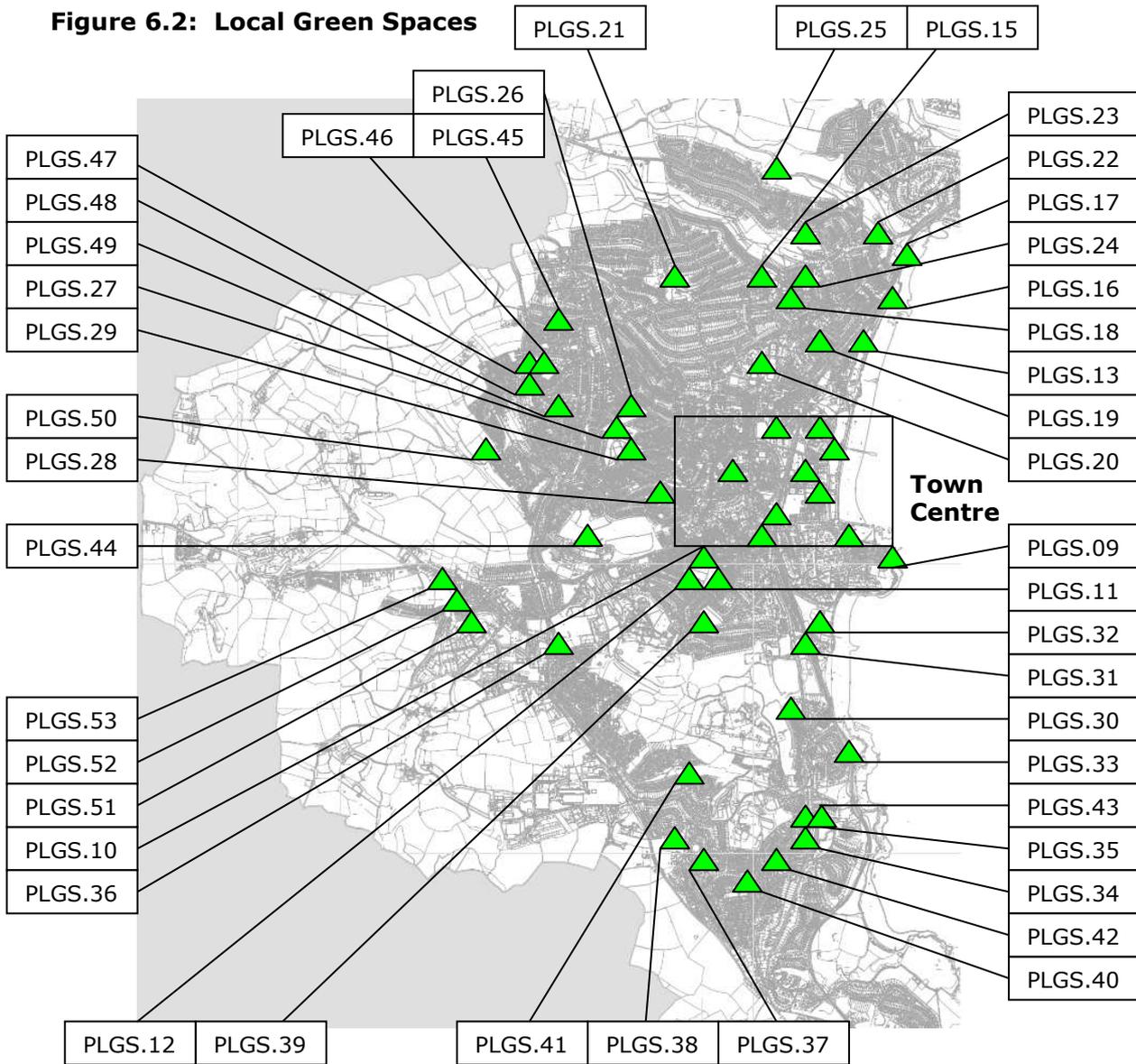


**Figure 6.1 Paignton Area of Torbay Green Infrastructure Delivery Plan**



Source: Torbay Council, Natural England and Torbay Coast & Countryside Trust 2011

**Figure 6.2: Local Green Spaces**



6.28 Further details of each site are given in Table 6.1 below, in Part 7, and in the **Supporting Evidence** document that accompanies the Neighbourhood Plan (Fig. 3.1).

**Table 6.1 Local Green Space locations**

NP Ref	Site name	CP Area				
		PT	Pres	C+M	GR+H	B
PLGS.01	Paignton Green	✓				
PLGS.02	Victoria Park	✓				
PLGS.03	Torbay Park and Gardens	✓				
PLGS.04	Berry Square	✓				
PLGS.05	Queens Park	✓				
PLGS.06	Palace Avenue Gardens	✓				
PLGS.07	Burma Star Garden	✓				
PLGS.08	Whitstone Corner	✓				
PLGS.09	Roundham Head Park	✓				
PLGS.10	St. Michael's Field	✓				
PLGS.11	Oakleigh St. Michael's Allotments	✓				
PLGS.12	Derrell Road Allotments	✓				
PLGS.13	Preston Green		✓			
PLGS.14	Parkfield		✓			
PLGS.15	Coombe Valley Park		✓			
PLGS.16	Hollicombe Cliff Park		✓			
PLGS.17	Hollicombe Park (part of)		✓			
PLGS.18	Wills Avenue Playground		✓			
PLGS.19	Preston Gardens		✓			
PLGS.20	Oldway Mansion Gardens		✓			
PLGS.21	Shorton Valley Woods		✓			
PLGS.22	Hollicombe Allotments		✓			
PLGS.23	Sandringham Gardens		✓			
PLGS.24	Lower Penns Road Allotments		✓			
PLGS.25	Scadson Woods		✓			
PLGS.26	Stanley Gardens			✓		
PLGS.27	Ailescombe Road Allotments			✓		
PLGS.28	Monastery Winner Hill			✓		
PLGS.29	Paignton Cemetery			✓		
PLGS.30	Clennon Valley Allotments				✓	
PLGS.31	Quay West Corner				✓	
PLGS.32	Young's Park (part of)				✓	
PLGS.33	Oyster Bend Field				✓	
PLGS.34	Goodrington Community Orchard				✓	
PLGS.35	Goodrington Village Green				✓	
PLGS.36	Claylands Cross Park				✓	
PLGS.37	Gibson Road Playground				✓	
PLGS.38	White Rock Recreation Ground				✓	
PLGS.39	York Road Allotments				✓	
PLGS.40	Hookhills Playground and Park				✓	
PLGS.41	Lancaster Drive Playpark				✓	
PLGS.42	Cherry Brook Square				✓	
PLGS.43	Goodrington Road				✓	
PLGS.44	Primley Park					✓
PLGS.45	Redwell Road					✓
PLGS.46	Smallcombe Scout Field					✓
PLGS.47	Smallcombe Road Playground					✓

NP Ref	Site name	CP Area				
		PT	Pres	C+M	GR+H	B
PLGS.48	Wild Fox Adventure Playground					✓
PLGS.49	Foxhole Community Playing Field					✓
PLGS.50	Great Parks Play Area					✓
PLGS.51	Snowdonia Close					✓
PLGS.52	Pennine Drive					✓
PLGS.53	Collaton St. Mary Meadow					✓

*Source of Photos in Part 7 by kind permission of S. Moss, M. Parkes, A.Hill*

**Abbreviations used in the above Table:**

- NP** – Neighbourhood Plan
- PLGS** – Paignton Local Green Space
- CP Area** – Community Partnership Area
- PT** – Paignton Town CP Area
- Pres** – Preston CP Area
- C+M** – Clifton with Maidenway CP Area
- GR+H** – Goodrington, Roselands and Hookhills CP Area
- B** – Blatchcombe CP Area

## Design Guidelines

6.46 These guidelines apply to all development proposed within the Neighbourhood Plan Area. They aim to enable development which respects and learns from the past and builds and provides responsibly for the future.

6.47 Development will be expected to reflect local distinctiveness of the area in general and locality of the site in particular, enhance biodiversity, and incorporate advances in sustainable development that helps to move towards a low carbon energy efficient economy.

6.48 Accordingly:

### Policy PNP 1(c)

#### Design Principles

Development proposals, should where possible and appropriate to the scale and size of the proposal:

1. Strengthen local identity by:
  - i) retaining existing natural and manmade features that make the location distinctive and attractive;
  - ii) being in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials;
  - iii) respecting important landscape or townscape vistas. Applicants are encouraged to provide accurate 'montage' photographic comparison information where such issues arise in development proposals.
  - iv) protecting residential amenity in terms of noise, air, or light pollution. Non-complementary uses close to residential properties will not be supported;
  - v) providing an Access and Design Statement

*(Policy PNP1(c) continued next column)*

*(Policy PNP1 (c) continued)*

2. Safeguard biodiversity and geodiversity:
  - vi) Safeguarding biodiversity and geodiversity by ensuring that layout and design will protect existing features of biodiversity value on site and biodiversity connections with related sites; ensure that features of geodiversity value are protected and wherever possible enhanced in their condition and future management;
3. Treescape
  - vii) provide hedgerow habitat on at least one development boundary to enhance biodiversity wherever possible;
  - viii) include features such as bat boxes, bricks or lofts and bird boxes to increase species within the area;
  - ix) include a tree survey to the current British Standard and identify how trees to be retained will be protected during the course of construction.
  - x) include new tree planting. Developers are encouraged wherever possible to plant three new trees for each new dwelling proposed (or in non-residential development one tree for each car parking space or 50m<sup>2</sup> of gross floorspace). Additional tree planting should be on site or close by, contributing to amenity and biodiversity.
  - xi) for biodiversity enhancement, support in particular will be given to tree planting using species included in **Appendix 3** of this Plan (page 106);
4. Local food production capacity
  - xii) protect and increase food growing spaces to reflect the orchard and food production heritage of the area. The protection and enhancement of orchards will be supported and consideration should be given to creating edible hedgerows which serve a biodiversity and recreational function.

**Policy PNP 1(d)****Residential Development**

New residential development should aim to achieve where appropriate and subject to viability:

- i) the highest standards of sustainable construction such as Passivhaus, EnerPHit, and Lifetime Homes standards, subject to meeting other policy and design considerations as defined;
- ii) Homezone objectives should be followed where on-street parking provision is proposed;
- iii) space for solid waste storage within each curtilage, in seagull proof structures sufficient to accommodate two wheelie bins of 240 litre size;
- iv) for each new dwelling, purpose designed cycle parking space that is covered, safe and convenient. Where cycle parking and bin storage are located within a garage, demonstrate that the garage will be of sufficient size to house at least 2 cycles in addition to car parking;
- v) safe wheelchair access and mobility scooter circulation throughout the site layout;

**Policy PNP1 (f)****Towards a sustainable low carbon energy efficient economy**

New development should aim to achieve where appropriate and subject to viability:

- i) the latest developments in sustainable construction and water management technologies that mitigate and adapt to climate change;
- ii) the use of reclaimed materials and natural finishes;
- iii) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development;
- iv) on site renewable energy generation to achieve 20% of subsequent in-use requirement wherever possible. Solar arrays will be encouraged where they do not adversely affect residential amenity, a vista of landscape value, or designated conservation area;
- v) connecting cycleways and footpaths where development involves new road infrastructure;

**Policy PNP 1(e)****Commercial Development**

New commercial development should aim to achieve where appropriate and subject to viability:

- i) the highest standards of sustainable construction such as Passivhaus or EnerPHit; and
- ii) out of sight waste storage in seagull proof structures for not less than two wheelie bins of 1100 litres in size for each commercial unit proposed;

## Policy PNP1 (g)

### Designing out crime

All developments will be expected to show how crime and the fear of crime have been taken into account in the proposals submitted having regard to "Designing out Crime" Guidance. In particular they should have regard to

- 1) *Access and movement* – places with well-defined and well used routes with spaces and entrances that provide convenient movement without compromising security;
- 2) *Structure* – places that are structured so that different uses do not cause conflict;
- 3) *Surveillance* – places where all publically accessible spaces are overlooked;
- 4) *Ownership* – places that promote a sense of ownership, respect, territorial responsibility and community;
- 5) *Physical protection* – places that include necessary, well designed security features;
- 6) *Activity* – places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times;
- 7) *Management and maintenance* – places that are designed with management and maintenance in mind, to discourage crime.

## Policy PNP1 (h)

### Sustainable transport

New development should aim to achieve where appropriate and subject to viability:

- i) electric vehicle charging points;
- ii) comprehensive direct networks for walking, cycling and public transport within and beyond the development;

Where on-site roads are planned schemes will be encouraged to include:

- i) car free areas within the development;
- ii) shared space streets and squares;
- iii) on-street secure cycle storage; and
- iv) dedicated space for car club transport.

### Water risks locally

6.49 National Planning Policy (2012 NPPF94, 99 and 100) and Local Plan Policy (SS14, SDP3, ER1, ER2 and W5) identify that:

- proactive strategies should be adopted locally to mitigate and adapt to climate change, take full account of flood risk, water supply and demand;
- in vulnerable areas risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- account should be taken of advice from the Environment Agency and other relevant flood risk management bodies, e.g. South West Water.

6.50 Environment Agency investigations in South West England demonstrate that soil structural degradation can generate enhanced

surface-water runoff resulting in surface water pollution and localised flooding<sup>(22)</sup>.

6.51 In addition, the key finding of Torbay Council and South West Water's Sewer Capacity Assessment in 2014 was that 'surface water runoff from all new development in the Torbay Local Authority Area must be kept out of the combined sewer network.' The 2014 Sewer Capacity Assessment concluded that the outlying network of sewers 'will not necessarily have sufficient spare capacity to take additional development'<sup>(23)</sup>.

6.52 In addition the 2014 Sewer Capacity Assessment concluded: 'The effects of new hard surfaces, urban creep (surface hardening) and climate change should not be underestimated. A robust strategy for removing surface water from the existing sewer system will be required in order to maintain the current level of service to both the public sewerage network and for surface water management'<sup>(24)</sup>.

6.53 In addition to the issue of urban creep (surface hardening) risk within the existing urban area, investigations by Torbay Council and South West Water in 2014 recognised that the western and northern areas of Paignton is an area of increasing flooding, spills and outflows as a result of insufficient spare capacity in the existing outlying network of combined (surface and foul) sewers.

6.54 To prevent additional harmful polluting episodes, maintain water treatment services and help protect the environment, it is imperative that surface water (rainfall) runoff from all new development in this area of the plan must be kept out of the combined sewer network. Paignton's North and Western Areas were identified in the report for their potential to achieve more than sustainable drainage improvements<sup>(25)</sup>.

6.55 In support of national and local policy and the available evidence, Torbay Council's and South West

Water's recommendations have been adopted and incorporated into the Neighbourhood Plan as an area wide policy.

6.56 Accordingly:

### **Policy PNP1 (i)**

#### **Surface Water**

Developments will be required to comply with all relevant drainage and flood risk policy. Proposals, which achieve more than sustainable drainage improvements and move beyond Sustainable Urban Drainage systems (SUDs) by keeping surface water out of the combined sewer network at source are encouraged.

Where appropriate, achievable and viable the following water management mechanisms should be included:

- a) specific agro-hydrological measures using local topography and geology including bio- retention swales, leaky dams, tree-pit planting, attenuation wetlands and natural water infiltration areas as part of the scheme;
- b) water sensitive scheme-wide redistribution of surface water runoff for non-potable uses including garden irrigation and, except in the case of d), toilet flushing;
- c) strong architectural design in water management including permeable surfaces, raingardens, raingarden planters, micro-ponds, micro-wetlands, green roofs and walls, and rainwater harvesting and reuse; and
- d) the provision of waterless toilet systems is encouraged in all developments within the Rural Character Area defined in Policy PNP19.

#### **References to PNP1 Subsections:**

- (1) Department for Environment Food and Rural Affairs, October 2015, 'Wild Bird Populations in England, 1970 to 2014', *Annual statistical release*, Executive summary.

- (2) Department for Environment Food and Rural Affairs, October 2015, 'Butterflies in the Wider Countryside: England, 1970 to 2014', *Key Points*.
- (3) R.C.Palmer and R.P.Smith, December 2013, 'Soil Structural Degradation in SW England and Its Impact on Surface-Water Runoff Generation', *Soil Use and Management*, vol.29, no.4.
- (4) Eurostat *Statistics Explained* [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Agricultural\\_holdings\\_2000-10\\_YB14.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Agricultural_holdings_2000-10_YB14.png)
- (5) Torbay Council, Devon County Council & Enderby Associates, May 2010, *Landscape Character Assessment of Torbay: Final Report-Part 1, 4 Profiles of Torbay Character Types*, pp.33-42.
- (6) The Torbay Biodiversity Steering Group, 2006, *The Nature of Torbay: A Local Biodiversity and Geodiversity Action Plan 2006-2016*, Main Document, Priority Habitat Action Plans 6.3 Farmland, p31.
- (7) B.Pike, 2013, *The Fruit Tree Handbook* UIT/Green Books, Cambridge. Part Four: 17, Restoring a neglected orchard, p 306.
- (8) Torbay Council, Natural England and Torbay Coast and Countryside Trust, April 2011, *The Torbay Green Infrastructure Delivery Plan: Building a Sustainable Future for Torbay*, 3.3 Local Food, p 18.
- (9) Department for Environment Food and Rural Affairs, December 2015, *Biodiversity 2020: a strategy for England`s wildlife and ecosystem services – Indicators*.
- (10) The Torbay Biodiversity Steering Group, 2006, *The Nature of Torbay: A Local Biodiversity and Geodiversity Action Plan 2006-2016*, Summary Document, 1. Introduction, p 4.
- (11) The Torbay Biodiversity Steering Group, 2006, *The Nature of Torbay: A Local Biodiversity and Geodiversity Action Plan 2006-2016*, Summary Document, 1. Introduction, p 4. and Species: 7.2, p23 and 7.4, p25.
- (12) Stanbury, A., Davies, M., Grice, P., Gregory, R., & Wotton, S. (2010). The status of the Cirl Bunting in the UK in 2009. *British Birds* 103: 702-711
- (13) JNCC (2012), Third Report by the United Kingdom under Article 17, European Community Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC), *Rhinolophus Ferrumequinum* Distribution Map, 1.1.1, p2.
- (14) As reference 13.
- (15) Torbay Local Plan (December 2015), Habitats Regulation Assessment
- (16) Devon County Council, Historic Paignton, [www.devon.gov.uk](http://www.devon.gov.uk).
- (17) As reference 16.
- (18) National Fruit Collection (NFC) fruit (undated) unpublished characterisation by staff at NFC, Brogdale [www.nationalfruitcollection.org.uk](http://www.nationalfruitcollection.org.uk)
- (19) M.Smith (1971), National Apple Register
- (20) Department for Environment Food and Rural Affairs, December 2015, *Biodiversity 2020: a strategy for England`s wildlife and ecosystem services – Indicators*.
- (21) The Torbay Biodiversity Steering Group, 2006, *The Nature of Torbay: A Local Biodiversity and Geodiversity Action Plan 2006-2016*, Summary Document, 1. Habitat: Farmland 6.3, p13.
- (22) R.C.Palmer and R.P.Smith, December 2013, 'Soil Structural Degradation in SW England and Its Impact on Surface-Water Runoff Generation', *Soil Use and Management*, vol.29, no.4.
- (23) Torbay Council and South West Water (July 2014), *Torbay 2032 An Assessment of Future Sewer Capacity in Torbay*.
- (24) As reference 2 above.
- (25) As reference 2 above.

## Town Centre & Seafront

6.57 Following views received from our community, the overall objectives for the Town Centre and Seafront area are to:

- Make more of the tourism and retail offer (90%), and
- Improve the points of arrival and connectivity (87%)

6.58 Our local economy benefits from tourism through jobs and income for our community. The town centre and seafront area has opportunities for sustainable improvements that will enhance our prosperity, quality of life, and care of the environment.

6.59 Key proposals of the Plan directed at these aims are:

### Recreating our Garden Town

6.60 While important to the whole plan area, this has special significance for the historic Town Centre that continues to be our Town's heart.

### Our Vision

6.61 We want to recreate our 'Garden Town' improving and linking our green spaces and greening the streets and buildings that connect them (97.0%).

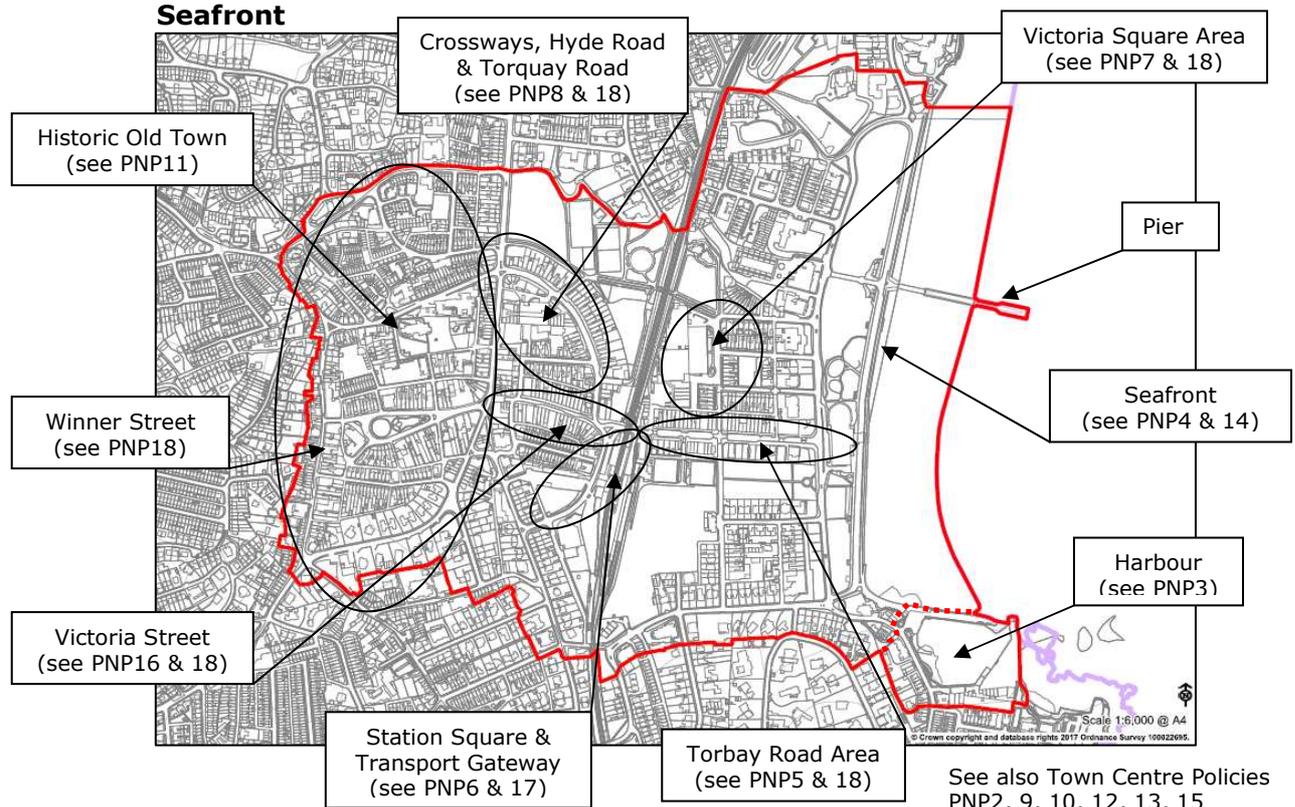
### The Challenge

6.62 Accommodating new needs within a finite space of heritage importance requires particular care.

### Objectives:

- We want to create a vibrant, well designed Town Centre (97.6%)
- We need to take account of the flood risk in our Town Centre in all the plans that we develop (94.2%)
- We need bold but sensitive change to make things happen in the Town Centre (93.6%)
- We want future retail growth to be in our Town Centre - not out of town (92.3%)

**Figure 6.3 Town Centre and Seafront**



- We need to make it easier to get around our Town on foot, cycle and in a car as well as by public transport (91.2%)
- We want residential accommodation in the Town Centre so it is “alive” after the shops close and so we can reduce development on greenfield sites (78.3%)
- Incorporate a Design Guide to improve the townscape, protection of heritage assets, and treatment of unattractive features (77%)

6.63 Accordingly:

### **Policy PNP2 -Town Centre**

Development within the Town Centre area shown on the Town Centre boundary as shown in the Torbay Local Plan 2012-2030 will be expected, where appropriate, viable and deliverable to support the re-creation of the Garden Town by improving and linking green spaces, greening the streets and buildings that connect them and permeability to the seafront and historic Old Town.

Subject to other policies in the Neighbourhood Plan, proposals that embrace this theme will be positively supported where they:

- improve the vibrancy, cultural experience, appearance, and layout of the area;
- take full account of flood risk;
- focus retail use within the Town Centre and promote retail growth;
- make it easier to move around by all forms of transport according to the 'hierarchy of sustainability' set out in policy TA1 of the Torbay Local plan;
- increase residential accommodation within the area;
- protect heritage assets and remove unattractive features which have a negative impact upon the character of the area;
- enhance the provision of urban wildlife corridors and biodiversity links within the area, and with adjoining areas; and
- meet the relevant Design Guide criteria set out in Policy PNP1(c).

### **Town Centre Victoria Street**



## Paignton Harbour

6.64 The Harbour is not as well used by tourists as at Torquay or Brixham. Attracting more tourists to the Harbour area is a key objective of the Plan. The threat of climate change and existing flood risk also need to be considered.

### Objectives:

- Attract tourists to the Harbour area as a key objective of the Plan (82%)
- Improve the Harbour with a theme that is sensitive to its heritage and 'quaintness' (90%)
- Improve the Harbour sensitively with a mixed use development, including accommodation, which adds value to the tourist offer (84.3%)
- Make more use of the Harbour for water sport (70%)
- Ensure that developer contributions are used to support improvements to the Harbour
- Enhance existing off-street parking for greater tourist use (71.0%)

6.65 Accordingly:

### Policy PNP3 – Paignton Harbour

Improvement of the Harbour and frontage to the harbour shown on the Town Centre and Seafront inset plan (Fig. 6.3 page 31) will be encouraged and development proposals supported subject to other policies in this plan where they will:

- a) retain the heritage features and 'quaintness' of the harbour;
- b) continue the mix of traditional uses as a working harbour, including commercial and residential accommodation;
- c) attract more tourists;
- d) improve existing on and off-street parking for greater use by tourists, to include provision for bicycles, motor cycles and electric vehicle charging points for low emission vehicles;
- e) enable more use of the harbour for water sports;
- f) enhance the presence of wildlife; and where appropriate developer contributions will be used to improve harbour facilities and resilience to flood risk.

## Paignton Harbour



## Seafront

6.66 The beaches, greens, pier and facilities along the seafront are critical elements of Paignton's tourism offer. In addition, the greens have a long standing use by residents for sports and pastimes throughout the year. As with the Harbour, the threat of climate change and existing flood risk also need to be considered.

### Objectives:

- Protect Paignton Green as an open space for future generations (96%)
- Improve the public realm on the seafront (90.2%)
- Upgrade the shelters to improve the tourism offer (86%)
- Make improvements to the Vue/Flagship building, particularly to improve the view on approach from Torbay Road (82.8%)
- If in the long term an alternative site can be found for the multiplex cinema we should support the cinema relocating (71.5%)
- If the multiplex relocates we should find an alternative use for the Vue part of the building to maximise the benefit that the existing building can provide with its unrivalled views (71.5%)

6.67 In support of the 100 year covenant that applies to Paignton Green for the benefit of Paignton residents, all of the Greens meet the criteria for designation as Local Green Space in accordance with 2012 NPPF76 (PNP1(b), page 21).

6.68 Accordingly:

### Policy PNP4- Seafront

Improvement of the Seafront shown within the Town Centre and Seafront inset plan (Fig. 6.3 page 31) will be encouraged including upgrading the public realm and public shelters to provide enhanced seating, weather protection and information facilities that improve the tourism offer.

Development proposals will be supported that make improvements to the Vue/Flagship building, particularly to improve the aspect from Torbay Road by large canopy tree planting to achieve greening of the area.

In the long term, relocation of the multiplex cinema will be supported, provided that any alternative use would maximise the benefit the existing building can provide with its unrivalled views.

If the Vue building is demolished and not replaced the released space will be supported for use as a new greenway link to the seafront.

## Torbay Road

6.69 This key route has vibrancy and attractions of critical importance to our tourism offer. Opportunities identified for enhancement include:

### Objectives:

- Bring the Picture House back to life as a tourist attraction (81% & 95.6%)
- Make greater use of the wide pavement for outdoor cafés (60% & 73.2%)
- Encourage the sympathetic improvement of the walkway canopies (94% & 91.2%)
- Better link to the seafront (82.4%)
- Explore the option for pedestrianisation (69%)

## Canopy along Torbay Road



6.70 Accordingly:

### Policy PNP5 – Torbay Road

Enhancement of the Torbay Road Area from the railway crossing in the west to the seafront in the east shown on the Town Centre and Seafront inset plan (Fig. 6.3 page 31) will be encouraged and development proposals supported that:

- a) bring the Picture House back to life as a tourist attraction (see Fig 6.4 page 36);
- b) provide better pedestrian links to the seafront; and
- c) explore the option for pedestrianisation.

Schemes will be expected to include where appropriate, achievable and subject to viability:

- d) improvement and extensions to the walkway canopy locations that are sympathetic to the heritage and greening of the area; and
- e) landscaped links to enhance the green infrastructure network and urban wildlife corridors of the existing road and adjoining areas between the level crossing and seafront.

Food and drink developments fronting onto wide pavements on the southern side will be encouraged to make greater use of the route during hours of opening in a manner that does not impede ease of pedestrian movement.

## Station Square, level crossing and railway station (Improving the 'Town Centre Gateway')

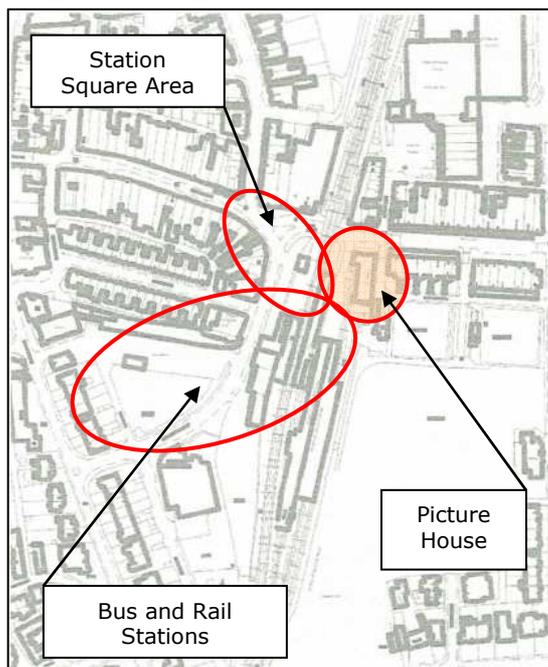
6.71 Heavy rail, steam rail, bus, taxi, long distance coach stop, and public parking facilities all meet at this critical point centrally located between the main shopping area of Victoria Street and tourist route of Torbay Road.

6.72 It is an area also used by many to sit in the sun or rest a while.

### Objectives:

- Make better use of the Station Square Area (91.4%)
- Reconfigure this area to reduce congestion and make it more attractive and enjoyable (90.1%)
- Open out the area to create a shared space that better showcases the Picture House and Steam Railway (85.3%)
- Make greater use of the Steam Railway as a Tourist 'gateway'/attraction (91% & 92.1%)

**Figure 6.4 Station Square Area**



6.73 Accordingly:

### Policy PNP6 – Station Square 'Gateway'

Improvement of the Station Square Area shown on the inset plan (Fig. 6.4 this page) will be encouraged and proposals supported where they will:

- enhance the public realm;
- showcase the Picture House and Steam Railway as tourist attractions;
- enhance the provision of transport interchange facilities; and
- provide financial contributions that enable implementation to be achieved.

Subject to other policies in the plan, improvement of the area will be supported that betters the function, amenity and public enjoyment by design detail that will:

- open out the area, reduce congestion, encourage low vehicle speeds, create a pedestrian-friendly environment, discourage inappropriate parking, retain heritage features, increase public seating provision, improve street furniture and signage, and incorporate quality planting to green the area;
- enhance the provision of existing interchange facilities at Station Square, the level crossing, station approaches to surrounding streets and paths with the aim of improving access for all, especially the elderly and persons with mobility limitations;
- provide space for additional modes of transport that include park-and-ride facilities to connect with outer Paignton, nearby on-street provision for Car Club providers to serve the area, and secure additional cycle parking facilities in the area.

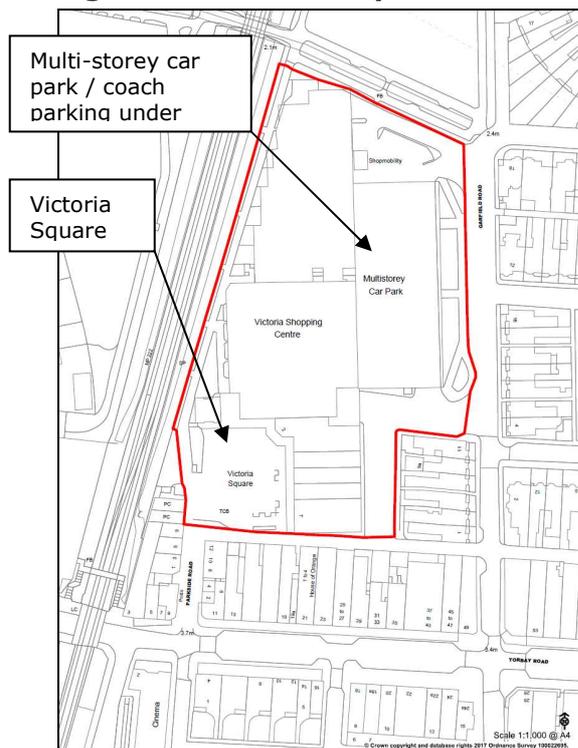
## Victoria Square (Lidl Square)

6.74 Tourist accommodation providers in the locality wish to develop extra 'themed' holidays and retain the primary use of this area, not its re-use for general housing or conversions into Housing in Multiple Occupation (HMO's). If replacement of the multi-storey car park is necessary, the site has the potential to provide options for alternative or additional use:

### Objectives:

- Be open to any idea that would improve the use and look of this area (86.5%)
- If the car park and Lidl site become available, consider putting a Victoria Centre on it, and be open to what use could be made of it (85.6%)
- Encourage 'themed markets' on Victoria Square (78%)
- Retain the existing number of multi-storey car park spaces (72%)
- Support equivalent replacement of any off-street car parking lost (70%)

**Figure 6.5 Victoria Square Area**



6.75 Accordingly:

### Policy PNP7 – Victoria Square

Opportunities to improve the Victoria Square Area shown on the inset plan (Fig. 6.5 this page) will be encouraged and development proposals supported that where appropriate:

- improve the use and amenity of the area;
- include parking provision to adopted standards
- encourage 'themed markets' on the square;
- retain public open space, trees, amenity areas, or pedestrian links that contribute to the greening the town centre;
- connect to and enhance the green infrastructure network and urban wildlife corridors of the adjoining areas, especially between the square and seafront;
- include provision for electric vehicle charging points for low emission vehicles recharging and parking space for cycles and motor cycles for use by residents and tourists alike.

## Crossways (including abutting Hyde Road) and Torquay Road

6.76 As a point of arrival by road, the area provides a thriving scene of business frontages. The main exception being a high level of vacant space at Crossways shopping centre which our community has indicated could provide scope for change. The food supermarket closed in 2012. The centre has an overhead multi-storey car park and incorporates an important pedestrian link between Torquay Road, Hyde Road, and beyond.

6.77 Ideally, the centre will continue to provide space for growth of new retail opportunities that will add vitality and attraction to the experience of tourists and residents. If this ceases to be possible, alternative opportunities would be supported that enable the centre to adapt or be redeveloped to breathe new life into the area.

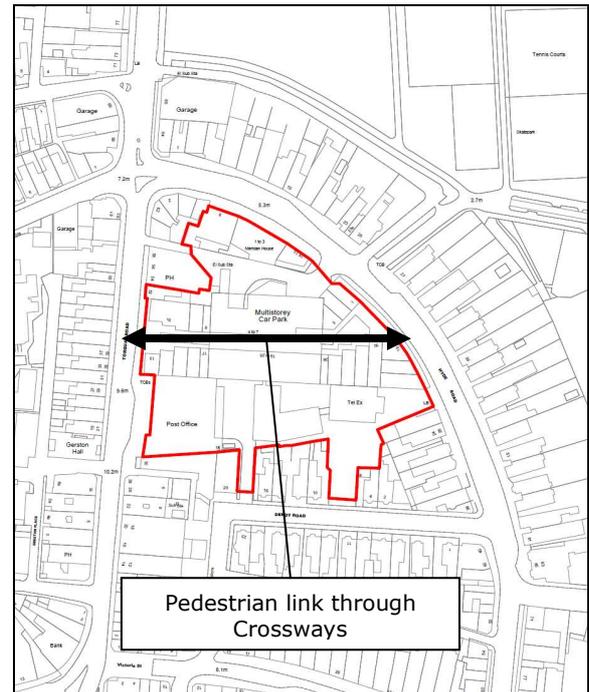
### Objectives:

- Develop Crossways as a multi-use site including residential accommodation and retail (71.5%)
- If one is needed, identify Crossways as the priority town centre location for a supermarket (55%)
- Retain the primary and secondary role of Hyde Road (and Torquay Road) as a shopping street (84%)

### Hyde Road frontage



**Figure 6.6 Crossways, Hyde Road, Torquay Road Area**



6.78 Accordingly:

### **Policy PNP8 – Crossways, Hyde Road, and Torquay Road**

Development proposals in the Crossways, Hyde Road, and Torquay Road Area shown on the inset plan (Fig 6.6 this page), will be supported that:

- retain the secondary retail frontages along Hyde Road and Torquay Road;
- enable reoccupation of the existing Crossways shopping centre for retail use, or redevelopment for retail or mixed use at ground floor level with residential accommodation above; and
- retain a pedestrian link between Torquay Road and Hyde Road in a manner that contributes towards improvement of the pedestrian network and green infrastructure links.

## Victoria Park

6.79 The public park is well used and an attractive key route through the town centre area to the seafront. It is not supported by the community as an option for supermarket development and will be a protected area because:

- Loss of space from the public park would conflict directly with the National Planning Policy Framework (2012 NPPF74)
- The need for further supermarket provision has not been made
- A supermarket in this location would be too far divorced from the town centre retail offer and not add vitality and viability to the existing provision
- Other priority locations for such provision, if required, exist at Crossways or Victoria Square.

6.80 Protection of the park will include support for any enhancement that is not to the detriment of the park in terms of its open space appearance, use for open space recreation, or means of pedestrian connection that it provides.

### Objectives:

- Keep the current size and accessibility of the park as an Urban Green Space
- Keep as public open space and protected (96%)
- Support any enhancement of the Park only if it is not to the detriment of:
  - use for open space recreation (95%)
  - its open space character (94%)
  - means of pedestrian connection (93%)

6.81 During preparation of the Plan, over 5,500 local residents also petitioned to retain the Park. The Neighbourhood Plan designates the Park as protected Local Green Space

under the provisions of 2012 NPPF76 (PNP1(b), pages 21, 23 and 69).

6.82 Accordingly:

### Policy PNP9 – Victoria Park

Proposals for new developments within the designated Local Green Space of Victoria Park shown on the inset plan in Part 6 (PLGS.02 page 68) will only be supported in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to these Local green spaces by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The following Improvements to the Local Green Space will be supported:

- i) its use for open space recreation, amenity and enjoyment;
- ii) its open space character; and
- iii) its means of pedestrian connection

## Victoria Park



## Queens Park

6.83 The existing Park area consists of space in public and private use. Both are critically important to the provision of facilities in the town centre and the contribution made to the landscape.

Objectives:

- Retain Queens Park for open space sport and recreation use and the contribution that it makes to the town centre 'Garden Town' landscape (82.7%)

### Queens Park Club House



### Queens Park



6.84 Accordingly:

#### Policy PNP10 – Queens Park

Proposals for new developments within Queens Park shown on the inset plan in Part 6 (PLGS.05 page 69) will only be supported in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to these Local green spaces by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Improvements to the Local Green Space will be supported that:

- a) increase the area of open space available on site;
- b) expand the field spaces used for sport and recreation in the park;
- c) large canopy tree planting to enhance the contribution of the Park to the Garden Town landscape; and
- d) deliver enhanced green and blue infrastructure from the park to its environs and the seafront.

## Old Town

6.85 Winner Street, Palace Avenue, and neighbouring areas form attractive examples of Paignton's historical and architectural heritage with potential for appeal to further tourism through positive action.

### Objectives:

- Rename and market the areas of Winner Street, Palace Avenue and the area between Palace Avenue and Cecil Road as the "Old Town" and market it as that (82.4%)
- Make this area of the town more accessible and easier to find (94.3%\*)
- Make the enhancement and regeneration of this area a priority (74.3%\*)
- If possible develop a Heritage Centre to share the history of our town (88.5%\*)
- Support the maximum use of the Palace Theatre as a key facility (96%)
- Protect Palace Gardens from inappropriate development (96%)
- Encourage the use of Palace Gardens for 'themed' markets and events (59%)
- Encourage specialty shops in Winner Street for tourists and residents (93%)
- Encourage sympathetic improvements to shop and building fronts (94%)
- Remove street eyesores that detract from the visual appearance (83%)
- Improve footpath connectivity with the transport hub and seafront (83%)
- Promote new forms of transport connections such as 'bus links' with Winner Street that would add tourist footfall to the area (77%)
- Support more use of the highway area for themed events (62%)

6.86 Accordingly:

### Policy PNP11 – Old Town

Improvement of the Old Town area shown on the inset plan (Fig. 6.7 page 42) will be encouraged and proposals supported where they will:

- a) enhance the public realm;
- b) encourage regeneration where sympathetic to heritage features and uses in the area; and
- c) provide financial contributions where appropriate that enable implementation to be achieved.

Subject to other policies of the plan, improvement of the area will be supported that better the function, amenity and public enjoyment by design detail that will:

- d) retain shop and building fronts of importance to the area. Replacement frontages should conserve or enhance the character and appearance of the area having regard to Policy PNP1(c). Where possible, historic features such as building lines, window patterns and material should be reinstated;
- e) enable 'Old Town' signage and historic information at key interchanges for tourists and other users of the area to make it easier to find and enjoy;
- f) improve pedestrian, cycle and public transport connections and access from the transport hub and seafront;
- g) support use of the highway and Palace Avenue Gardens for local markets and events;
- h) encourage specialty shops in Winner Street and improvement of residential amenity in Well Street;
- i) support provision of a Heritage Centre use within the area;
- j) support use of the Palace Theatre and Palace Avenue Gardens as key facilities.

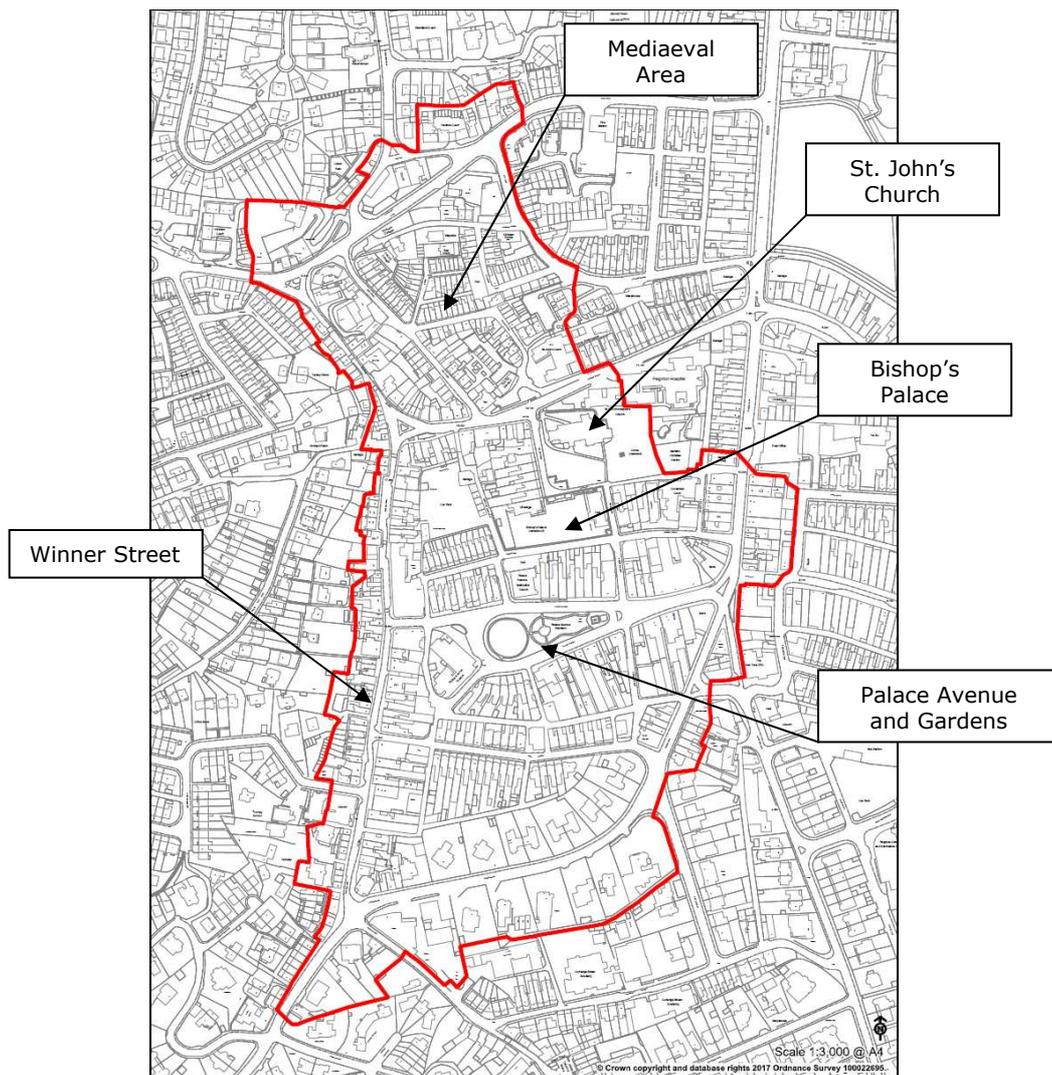
**Palace Avenue**



**St. John's Church**



**Figure 6.7 Old Town**



## Getting Around

6.87 Scope exists for further deliverable improvement in the short term and not all space in the vicinity of Great Western Road is of a shape that fosters ease of use. Further improvement is possible in the longer term:

### Objectives:

In the short term:

- Promoting transport connectivity between all the forms of transport (90%)
- Improved signage for visitors to necessary transport connections (88%)
- Improved surface connections for users with disabilities (88%)
- Review the way traffic uses the Town Centre and how it interacts with pedestrians (87.8%)
- Small scale changes that collectively improve pedestrian connection (86%)
- De-clutter the town centre and make it easier to move around on foot (81.8%)
- Target funds resulting from development to resolve some of these issues (86.6%)
- Ensure that parking within the town supports the viability of the Town Centre
- Plan public transport to better meet users' needs

In the longer term:

- Evaluate the possibility of providing a Transport Hub if possible onto one site – to bring different forms of transport closer together (66%)

6.88 Accordingly:

## Policy PNP 12 – Getting Around

Improvement of the Town Centre and seafront area shown on the inset plan (Fig. 6.3 page 31) will be encouraged and proposals supported where they will:

- a) make it easier to use sustainable transport; and
- b) provide financial contributions where appropriate that enable implementation to be achieved.

Subject to other policies of the plan, improvement of the area will be supported that better the function, amenity and public enjoyment by design detail that will:

- c) improve integrated transport connections having regard to the hierarchy of sustainability;
- d) improve pedestrians connections and the way that traffic uses in the area interact with pedestrians;
- e) provide safe, continuous, separated cycling and pedestrian pathways to schools, employment and tourist sites;
- f) complete Paignton's missing links in the National Cycle Route Network in support of Local Plan Policy SS6;
- g) help public transport better meet user needs;
- h) de-clutter the town centre to make it easier to move around;
- i) improve transport connectivity and signage for visitors;
- j) improve surfaces for pedestrians, including disabled people;
- k) ensure that town centre parking for cycles, motorcycles and cars supports town centre viability;
- l) bring different forms of transport closer together wherever possible.

## Housing opportunities within the town centre

6.89 Retaining and expanding the appeal of the town centre as a place to live will help to meet future housing needs and ensure continued vitality and vibrancy in the town centre beyond shopping hours.

### Objectives:

- Support retention of residential areas within the town centre as part of ensuring the area remains in use throughout the whole day (94%)
- In a sensitive way provide housing at the Harbour as part of a mixed development (circa 84.3%)
- Victoria Square, as part of a larger development, could provide housing (54.8%)
- Crossways as part of a mixed retail/accommodation development could provide housing (59.5%)
- A reconfigured Station Lane could provide housing as well as additional retail and a transport hub (59.5%)
- The property next to the old Woolworths Store which was the Gerston Hotel could, with the façade retained intact provide accommodation with a retail mix (58.0%)

Note: 79.7% disagreed with use of Queens Park for residential.

6.90 Accordingly:

### **Policy PNP13 – Housing opportunities within the Town Centre and Harbour area**

To retain and increase the provision of homes within the Torbay Local Plan town centre boundary and harbour area the following will apply:

- a) development will be supported that retains residential accommodation as part of ensuring the area remains in use throughout the day;
- b) additional housing provision identified in the Local Plan and Table 8.1 of this Plan will be supported in the following locations, subject to the development meeting the other policies of this Plan that apply:
  - i) Paignton Harbour;
  - ii) Crossways;
  - iii) Station Lane;
  - iv) Station Square (former Gerston Hotel);
  - v) Victoria Square;
- c) proposals must comply with existing relevant Flood Risk policy and where appropriate proposals should be supported by site specific flood risk assessment able to show the development will be safe for its lifetime and with necessary flood resilience measures incorporated; basement flats will not be supported in areas of flood risk.

## Core Tourism Investment Area

6.91 The tourism industry is vital to the economy of Paignton and its importance cannot be minimized.

### Objectives:

- Refocus the previous Principal Holiday Accommodation Area into a Core Tourism Investment Area (circa 76% & 80.4%)
- Within the Core Tourism Investment Area there should be some flexibility to allow failing businesses to become something other than Holiday Accommodation if the change proposed would support and not detract from the Area's function (circa 63.7%)
- Where a use away from Tourism is permitted, buildings should be restored to their historic form by the removal of unsightly features considered to undermine the viability of the development (circa 63.7%)
- Houses in Multiple Occupation known as HMO's should be restricted to areas outside the Core Tourism Investment Area (and tourism areas generally) (80.5%)
- Planning regulations should be rigorously enforced to manage the problem of HMO's (82.6%)

### Paignton Shoreline



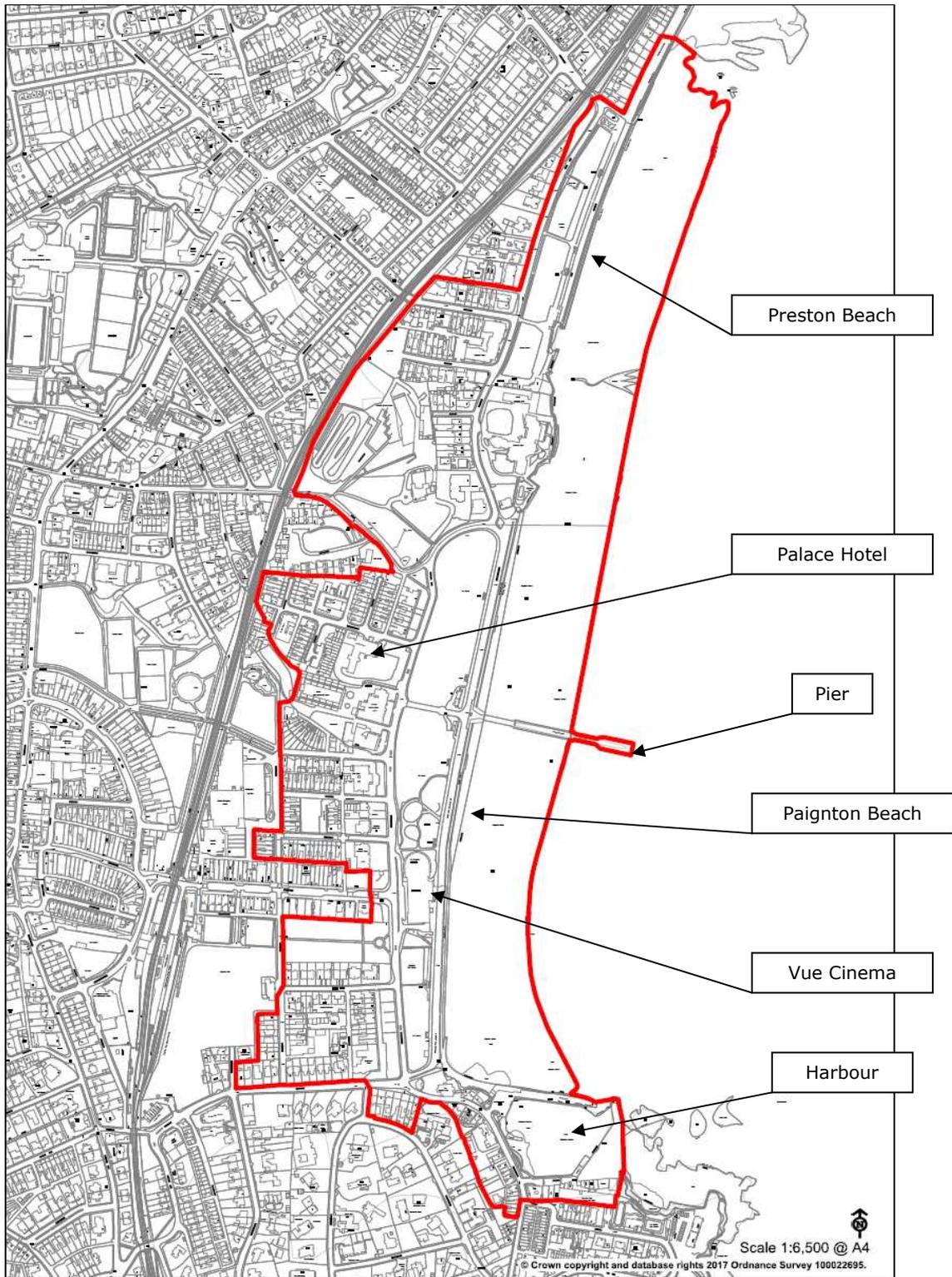
6.92 Accordingly:

### Policy PNP14 – Paignton Neighbourhood Plan Core Tourism Investment Area

To improve tourism opportunities in the seafront Core Tourism Investment Area shown (Fig. 6.8 page 46) further investment in tourist accommodation will be actively supported and:

- a) Houses in Multiple Occupation known as HMO's will not be supported within the Core Tourism Investment Area in accordance with Policy PNP1(f);
- b) Within the Core Tourism Investment Area there will be flexibility to allow change of use from holiday accommodation where it can be evidenced there is no reasonable prospect of continuing use for tourism purposes and the change proposed would support and not detract from the Area's function;
- c) Applications for a change from tourism use should, where appropriate and necessary include information on proposals for the restoration of the building, to include the removal of any unsightly features considered to affect the character of the area. Evidence of neglect of properties will not be a reason supported for change of use of holiday accommodation that could otherwise be used for tourism purposes.

**Figure 6.8 Neighbourhood Plan Core Tourism Investment Area**



## Flooding and Sea Defences

6.93 The effect of climate change and the risk of flooding is of particular importance across different parts of the area.

6.94 The Town Centre area has flood risk from coastal water in addition to risk from inland waterways and the Victorian combined foul and surface water drainage network.

### Objectives:

- We need protection from rising sea levels probably by building a sea wall (83.7%)
- We need to keep the river courses in a good state of repair to minimise flooding risks
- A regularly updated flood risk assessment is needed that includes assessing the capacity and state of the existing town centre sewer network (94.6%)
- Encourage energy conservation and measures that help adapt to, and fund, the impact of flood risk and climate change (90%)

6.95 Accordingly:

### Policy PNP15 – Flood and Sea Defences

To reduce the risk of flooding within the Town Centre Area defined by the inset plan (Fig. 6.3 page 31) development proposals must comply with all existing Flood Risk policy requirements.

Proposals to remove buildings, structures, or other physical features that act as a brake on areas liable to flood from the sea, inland water flow, or drainage network, will not be supported unless alternative compensating proposals are submitted and agreed;

Where appropriate new developments will be required to demonstrate how surface water will be managed to achieve the reduction of the amount of surface water entering the combined sewer network including water harvesting for use within the development, and by temporary storage solutions so that surcharging of the ground and sewer network is reduced during periods of intense rainfall;

The removal of hard surface areas and their replacement with soft surface landscaping will be encouraged in all developments to increase natural drainage and thereby increase capacity in the combined sewer network for additional development proposed in the Town Centre; and

Where appropriate, development proposals in locations at risk of flooding from seawater will be required to make financial contributions towards the strengthening of sea defences in accordance with Torbay Council CIL regime or S106 Obligation.

## Victoria Street

6.96 Already mainly pedestrianised, and our prime shopping street, further deliverable improvements are possible.

### Objectives:

- Keep existing street trees and public seating capacity (96%)
- Encourage more use of vacant floors at upper levels (90%)
- Encourage removal of weeds and unsympathetic building repairs (85%)
- Improve crossings / uneven surface problems (82%)
- More open air markets and similar attractions in the street (81%)
- More use of the street surface for outdoor café seating areas (62%)

### Upper floors Victoria Street



6.97 Accordingly:

### Policy PNP16 – Victoria Street

To support and enhance the vitality and viability of the Victoria Street area (Fig. 6.3 page 31), development proposals will be supported that, where appropriate:

- a) retain existing street trees and public seating capacity in the area;
- b) make more efficient use of vacant floors at upper levels, in particular, to facilitate the delivery of residential units in accordance with PNP1(e);
- c) include proposals for the enhancement of existing buildings;
- e) make more use of the street for open air markets and similar attractions; and
- f) include greater use of the street surface for food and drink outlets fronting onto the pedestrianised area during hours of opening where there would be no detriment to pedestrian accessibility and ease of movement.

## Improving the transport 'Gateway'

6.98 Local residents and tourists alike need easy access to conveniently located facilities when using central transport facilities in particular. This need will grow as more is made of the tourism and retail offer.

### Objectives:

- Provision of Public Toilets (92%)
- Incorporate a principal tourist information office in a central position linked to the transport gateway

### Paignton Bus Station



### Paignton Railway Station



6.99 Accordingly

### Policy PNP17 – Transport 'Gateway' improvement

As part of improving the tourism and retail offer, support will be given within the transport gateway area (Figs. 6.3 and 6.4 pages 31 and 36) to:

- a) the provision of additional public toilet facilities easily accessed by travellers, residents, and tourists who use transport facilities in the vicinity of the bus and railway stations, and that remain open all day; and
- b) the provision of a principal tourist information office close to the transport gateway in a central position for use by visitors.

Both facilities to be open for use all year round.

### Paignton Steam Railway Station



### Railway and adjacent Picture House



## Independent Traders

6.100 Despite national trends, the town centre is noted for having many independent traders who provide local services that maintain vibrancy and vitality of the area.

Objective:

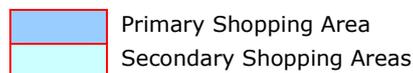
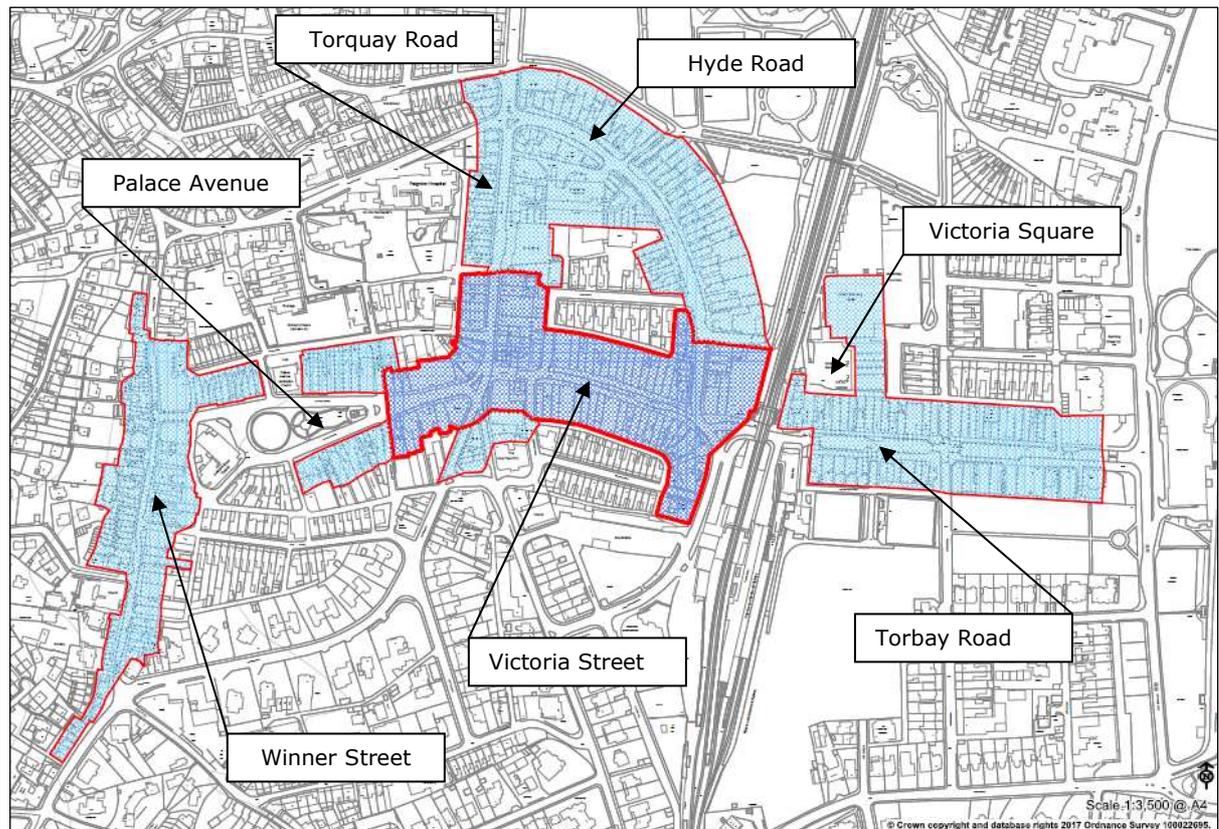
- Support the former Business Improvement District (BID) and provision of independent traders as an attraction to tourists (76%)

6.101 Accordingly:

### Policy PNP18 – Supporting the Retention of Retail Uses

The locations shown for the provision of primary and secondary retail facilities within the Town Centre Area shown on the inset plan (Fig. 6.9 this page) will be retained. Any change of use from A1 retail, requiring planning permission, within this area will only be supported where evidence has been provided that the use is no longer viable unless it supports other policies in the Neighbourhood Plan for wider town centre regeneration.

**Figure 6.9 Town Centre Shopping Areas**



## Western Area

6.102 The western side of Paignton is a very important area. It contains attractive countryside, areas of great landscape value, important natural habitats, wildlife and ecology, food production areas, tourist accommodation, and the inherent potential for increased tourist opportunities. It also contains a major employment area, an expanding college campus, and significant possibilities for sustainable development if managed carefully.

6.103 Following the views received from our community, the additional objectives for the western side are:

- To protect local identity and enhance the contribution it makes towards overall prosperity and Paignton's role as a 'seaside and garden town' on the English Riviera;
- To encourage 'balanced' development so that unintended and unsustainable consequences do not arise.

6.104 The first above includes maintaining and enhancing the attractive and inviting arrival experience of the Paignton and Torbay tourist gateway.

### Safeguarding open countryside

6.105 Our 'English Riviera' environment provides our unique identity, attracting tourists from far and wide, producing a significant source of local income. It is essential to food production, wildlife and biodiversity. We are the resident custodians, and how we treat the environment is important to our future generations.

6.106 The Neighbourhood Plan contains a diverse blend of four of the nine Torbay Landscape Character Types (Table 6.2 below). Two of these make up the fundamental identity of Paignton's Rural Character Area (Fig. 6.10 page 53):

- Type 1: Rolling Farmland; and
- Type 3: Secluded Valley.

6.107 The 'Rolling Farmland' landscape is subdivided into 8 distinct geographical areas and the 'Secluded Valley' is subdivided into 5 distinct geographical areas. Each has been named, its sensitivity to change assessed and a management strategy identified to secure retention and restoration where needed (Fig. 6.10 and Table 6.2 page 53).

### Objectives:

- Restricting development in our open countryside is still justified (87%)
- Building for local need is more important than loss of countryside (17%)
- Parts of our countryside are no longer worth keeping (8%)
- Other suggestions received as written comments in Stage 2 that are achievable

6.108 Accordingly:

### **Policy PNP19 – Safeguarding open countryside**

The countryside is a finite resource and it is important to ensure that any further development in the countryside does not damage its quality and the relationship between urban and rural areas.

In the Rural Character Area shown on the inset plan (Fig. 6.10 page 53) where it is essential to retain the existing rural and landscape character, including its amenities, during the period of the Plan development proposals will be supported where they are in conformity with the National Planning Policy Framework, Policy C1 of the Torbay Local Plan and PNP1,

It is important to maintain and enhance our Rural Character Area and its relationship to the adjoining Area of Outstanding Natural Beauty (AONB).

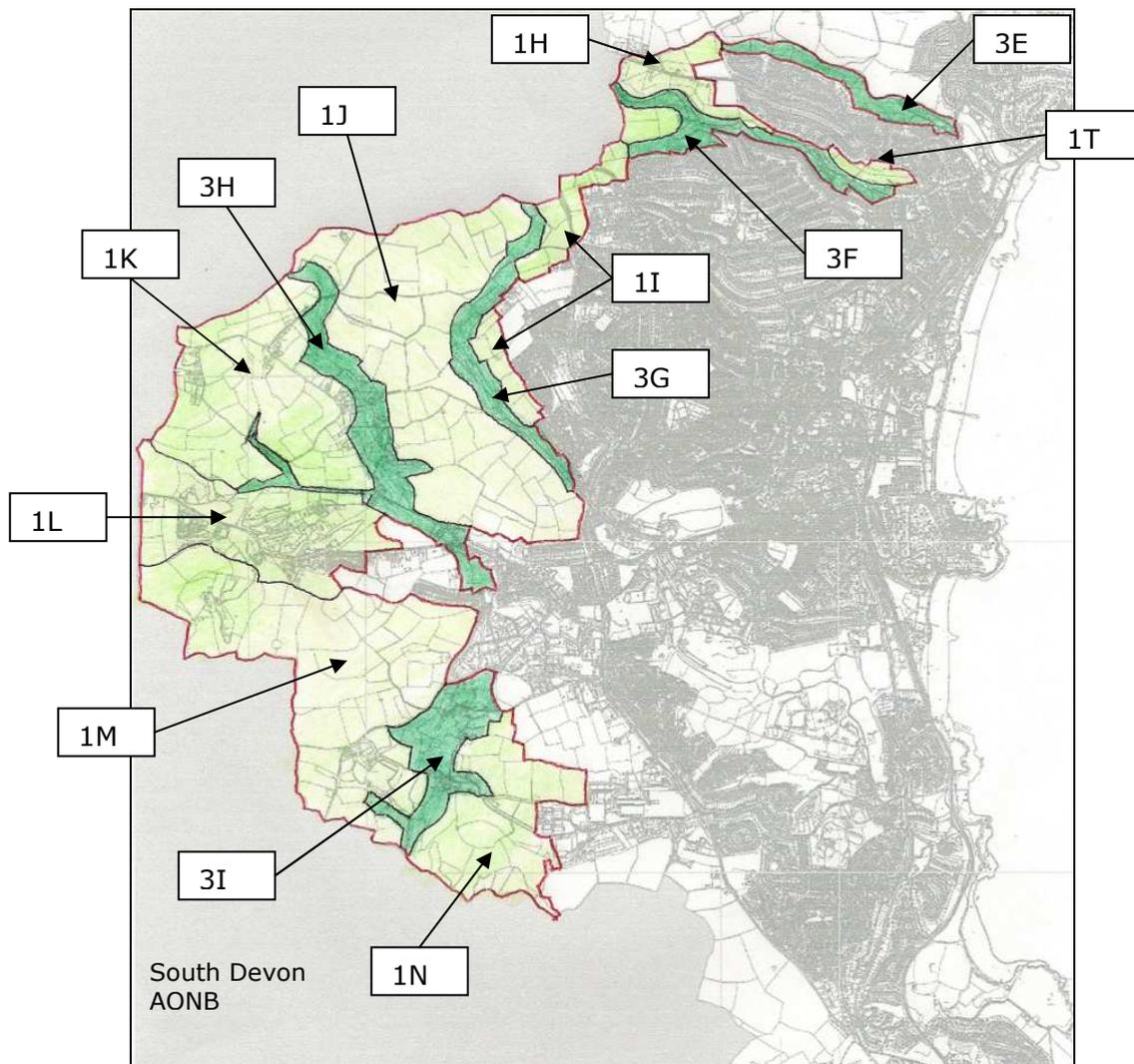
**View looking south east from Westerland Valley**



**View looking north west from Yalberton Valley**



**Figure 6.10 Paignton's Rural Character Area and Management Strategy**



**Table 6.2 Paignton's Rural Character Area and Management Strategy**

Sub-area		Overall Sensitivity	Management Strategy
Rolling Farmland			
1H	Occombe Cross	Highly Sensitive	Conserve
1I	South Marldon/Great Parks	Highly Sensitive	Conserve
1J	The Blagdons	Highly Sensitive	Conserve
1K	Barton Pines	Highly Sensitive	Conserve / Enhance
1L	Blagdon Barton	Less Sensitive	Restore
1M	West Yalberton	Highly Sensitive	Conserve
1N	East Yalberton	Moderately Sensitive	Enhance
1T	Preston Park	Moderately Sensitive	Conserve
Secluded Valley			
3E	Hollicombe Valley	Highly Sensitive	Conserve
3F	Occombe Valley	Highly Sensitive	Conserve
3G	Upper Clennon Valley	Highly Sensitive	Conserve
3H	Blagdon Valley	Highly Sensitive	Conserve
3I	Yalberton Valley	Moderately Sensitive	Enhance

Source: Based on Part 2 Landscape Character Assessment of Torbay for Torbay Council by Enderby Associates May 2010.

## Great Parks

6.109 This area is identified in the Local Plan for a final phase of development subject to habitat protection being achieved.

6.110 The Torbay Green Infrastructure Delivery Plan (see Fig. 6.1 above) proposes enhancement of the adjoining Westerland Valley. A Masterplan to guide the final Phase of Great Parks has been produced with community input (2013) and further habitat measures are required to comply with Local Plan Policy SS2 before development can be approved.

### Objectives:

- Assess the scope for a country park in the Westerland Valley (76%) (only 49% felt that enhanced community facilities are required to serve the Great Parks area).
- A Westerland Valley Country Park should link, via cycle ways and bridle paths, to proposed Blagdon and Yalberton Valley Country Parks, forming a westerly country trail around Paignton and Torbay.

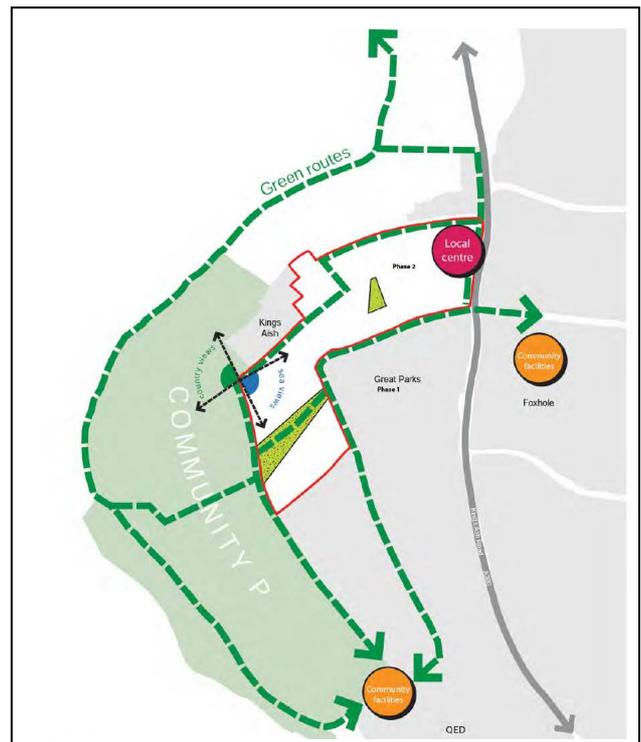
6.111 Accordingly:

### Policy PNP20 – Great Parks

Completion of development proposals in the Great Parks area shown on the inset plan (Fig. 6.11 this page) will be supported in accordance with the Masterplan produced in 2013, subject to the required further habitat safeguards being achieved to ensure no likely significant effects on protected species in the area.

Further proposals that enable local initiatives to boost market gardening, agroforestry, orchards, allotment spaces, horticulture and separated cycling facilities in the area will be supported.

**Fig. 6.11 Great Parks Vision summary**



## White Rock and nearby areas

6.112 Proposals through recent planning applications have identified new opportunities for mixed use development:

- at White Rock over 350 new homes and 36,800 sq.m. gross of employment floorspace, plus local centre facilities, open space, and student accommodation;
- at Yannons Farm and Holly Gruit of 315 new homes and 5,600 sq.m. gross of employment floorspace, plus local centre and open space.

6.113 To these, the Local Plan has identified further land in the vicinity for employment development and redevelopment opportunities at Devonshire Park. Collectively they provide the main location for new jobs that may require new space and access over the Local Plan period. The campus of South Devon College is in the vicinity and the location overall fosters:

- positive promotion and expansion of 'cluster' working of knowledge driven high technology industries;
- an integrated approach to the treatment of the development 'edge' with the nearby countryside and enhancement of the local identity together with buildings that reflect the latest Built Environment standards reflected in the South Devon College's lead on environmental issues;
- An opportunity to always develop alternative energy supplies e.g. water turbines.

6.114 The combined effect will place considerable demands on the road network, drainage and sewerage, landscape quality and protected habitat.

6.115 Key issues are:

### Business Development

- new units encouraged only when there are none available for conversion, rent or sale and units in keeping with the scale of neighbouring housing areas;
- landscaped to fit in with land contours;

### Environment

- ensuring that overdevelopment along Brixham Road does not result in excessive noise, atmospheric, or light pollution;
- a landscaping plan that would see the introduction of green roadside verges, cycle ways, coupled with sufficient trees to offset the increase in carbon dioxide;
- development regard for biodiversity and mitigation sites for wildlife by ensuring they are listed;

### South Devon College

- a need for green space to accommodate sporting facilities;
- more land to develop horticultural and land based courses;
- a bus lay-by outside the college entrance to reduce danger at Long Road;
- a footbridge over Brixham Road or underpass connecting to Roselands.

### Objectives:

- Priority should be given to new technology developments (e.g., hi-tech engineering, research, energy conservation) (69%) (only 20% felt that more employment land should be given over to build new homes)
- All new buildings should be environmentally friendly and set the standard in energy efficiency (2012 NPPF95) and renewable energy (2012 NPPF97) (*Stage 2 additional community comments*)

- A supply of allotments within the allocation and support community-led garden schemes and orchards (*Stage 2 additional community comments*)
- Improvement of connectivity of ecological and wildlife assets with areas beyond Torbay (*Stage 2 additional community comments*)

6.116 Accordingly:

**Policy PNP21 – White Rock and nearby areas**

To secure job led growth and improved economic prosperity in a sustainable manner support will be given in the White Rock and nearby areas northward to development proposals that where appropriate:

- a) secure the provision of new employment opportunities to keep pace with new home opportunities already achieved;
- b) involve new technology developments such as high-tech engineering, research, renewable energy, energy efficiency and energy conservation;
- c) enhance the facilities and operation of South Devon College;
- d) include landmark planting on prominent hilltops together with improved connectivity of local ecological and wildlife assets with areas beyond Paignton; and
- e) add allotments and orchard spaces for community use.

**Energy Centre White Rock**



**Former Nortel Site White Rock**



## **Western Corridor (Kings Ash Road / Brixham Road)**

6.117 The Paignton section of the western Corridor travels due south from 'Churscombe Cross' for several miles to 'Windy Corner' at Churston Common (Fig. 1.2 page 9). At its northern end, Churscombe Cross intersects with the B3060 at Marlton Hill. At its southern end, at Windy Corner, it joins the A379 Dartmouth Road.

6.118 The major bottleneck that creates traffic congestion and long queues in this area is at Tweenaway Cross, even though recent improvements have been made to the junction. With current traffic volumes, there is significant congestion for long periods of the day. Unsatisfactory provision exists in the area for safe, enjoyable active travel by commuters, schoolchildren, cyclists and tourists.

6.119 Further significant improvement of the traffic capacity of the intersection is required to accommodate the additional traffic generated by the new jobs and homes proposed.

6.120 There may be the need to 'partner' some of the developments the route will serve with pockets of land along other parts of the route in Torquay if this becomes a more sustainable solution when the Strategic Environmental Assessment is reviewed every 5 years as part of the Local Plan procedures.

### **Objectives:**

- Further development should only take place if there are developer contributions that meet the road improvement costs (65%)
- Provide safe, continuous, cycling and pedestrian pathways that link key locations that include school positions, community facilities, employment locations and strategic longer links across open countryside to Totnes working with local landowners, Devon County Council

and other authorities. (*Stage 2 additional comments*)

6.121 Accordingly:

### **Policy PNP22 – Western Corridor**

To support Active Travel in the Western Corridor area as shown on Fig 1.2 on page 9 where appropriate, viable and achievable development proposals should provide or contribute to the provision of the following:

- a) the provision of safe, continuous, separated cycling and pedestrian pathways to all schools and employment sites in the area;
- b) the delivery of a Western Area park-and-ride facility connecting with central Paignton to accord with policy PNP6 criteria g);
- c) the establishment of a strategic, continuous, separate cycling and pedestrian pathway across open countryside to Totnes working with local landowners, Devon County Council and other involved authorities;
- d) establishing a well connected green infrastructure network on both sides and middle of the Western corridor and the routes it serves by additional street tree planting and new public seating at selected points;
- e) space for the secure parking of at least two community car club cars in all major developments and one in each residential local centre; and
- f) other necessary highway and associated infrastructure.

## **Yalberton Valley to Blagdon Valley**

### Protected Area designation

6.122 Yalberton Valley is a secluded green valley located about 3.5kms south west of Paignton Town Centre and runs approximately 2kms north east of Stoke Gabriel (Fig. 1.2 page 9). The Valley straddles the boundary between the area of South Hams District Council (SHDC) and Torbay Unitary Authority.

6.123 Yalberton stream was re-classified a river by the Environment Agency in 2006 due to its flood profile. The waters rise in the hills around Collaton St. Mary and flow into the River Dart. At its widest ridge point the Valley is approximately 1km.

6.124 The lower part of the Valley includes the Mill Pool at Stoke Gabriel and River Dart and lies within the South Hams area and has been designated at national level as an Area of Outstanding Natural Beauty (AONB).

6.125 The upper part of the Valley containing the hamlets of Higher and Lower Yalberton lie within Torbay Unitary Authority and where countryside and conservation designations require change.

6.126 The Neighbourhood Plan recognises the importance of the upper part of the Valley as an area also needing protection for the valuable contribution it makes to local character and tourism opportunities. Scope for this area as an entity includes:

- The farming industry, agriculture and food production exists throughout the whole length and breadth of the valley. There is a long established history of farming and numerous farming families throughout the valley, which must be protected and preserved against prejudicial development for the future benefit of the whole of the community and Torbay in general;
- Safeguarding the area because of its beauty, historic significance, recreational value, tranquillity and richness of its ecology and wildlife;
- A working partnership with SHDC and wildlife agencies to review all wildlife sites within the Valley and to arrive at any further appropriately comprehensive designation. (An independently commissioned study in 2007 established that the Valley is home to an abundance of protected wildlife (flora and fauna).);
- An opportunity to protect the area as one of significant geographical importance within the English Riviera UNESCO Global Geopark – the significance of the Valley’s caves, historic lime kilns, and underground karst system is acknowledged by professionals who are aware of its significance. This could include registration with Devon RIGS (Regionally Important Geographical Sites).

### Areas for Conservation

6.127 The upper part of the Valley contains 10 listed buildings, including 2 of national monument status – one of which is ‘King William’s Cottage’. To preserve the historical nature of the area:

- A submission for Conservation Area designation in terms of these buildings and the environs was submitted to Torbay Council with an understanding that it would be processed in 2012. A decision is still awaited;
- Appropriate protection is further required for an attractive and unspoilt ‘Devon Green Lane’ (known locally as Lidstone Lane or Whitehill Lane) that runs from Lower Yalberton to Byter Mill, Stoke Gabriel;
- In partnership with SHDC, there is a need to define and rationalise any existing and new Local Wildlife Sites

within the Torbay section of Yalberton and Blagdon Valley.

6.130 Accordingly:

### Orchard and Food Production

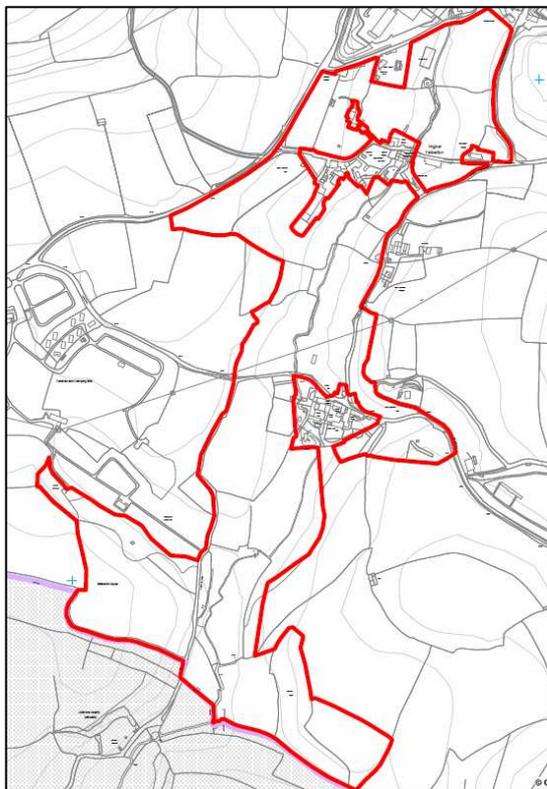
6.128 The Yalberton to Blagdon Valley area is home to a nationally acknowledged cider making firm. There are both productive and under used historic orchards within Yalberton Valley.

6.129 Additionally, there are productive areas of farming and horticulture. The whole area is interlinked within an extensive network of species-rich mature traditional hedges and a large number of mature and veteran trees.

### Objectives:

- The whole Valley has 'Country Park' potential for tourists and locals. (72%)
- Continued community support for the Global Geopark

**Figure 6.12 Yalberton Valley**



### **Policy PNP23 –Yalberton to Blagdon Valley**

Improvement of the Yalberton to Blagdon Valley area shown on the inset plan (Fig. 6.12 this page) will be encouraged and proposals supported where they will:

- a) enhance tourism and attraction of the area to visitors;
- b) provide financial contributions where appropriate that enable implementation of the following measures to be achieved.

Subject to other policies of the plan, improvement of the area will be supported that better the function, amenity and public enjoyment by design detail that will:

- c) enhance the landscape character in accordance with PNP19;
- d) enhance biodiversity and safeguard the Valley's caves, lime kilns and underground karst system in support of Torbay Local Plan Policy NC1;
- e) protect the unspoilt 'Devon Green Lane' known as Lidstone Lane or Whitehill Lane that runs from Lower Yalberton to Byter Mill, Stoke Gabriel, to the south;
- f) enhance buildings, orchards, and structures of heritage importance in the area;
- g) encourage small scale food growing, rearing and horticulture and protection of the Valley's extensive network of species-rich mature traditional hedges and large number of mature and veteran trees;
- h) enable separated cycling facilities through and into the area with 'pinch points' where possible at either end of Long Road to discourage vehicles of more than 3.5 tonnes in total weight.

## **Collaton Village and its environs**

6.131 The village of Collaton St. Mary leading from the South Hams into Torbay is a unique entrance that must be ring-fenced and preserved, to be kept so that the experience can be enjoyed by villagers and tourists both now and in the future. What follows is intended to make this a reality.

6.132 Collaton St. Mary is the entrance to Torbay from Cornwall and South Hams and any development must enhance and protect the tourist appeal. Such development must also be limited and:

- within social capacity, and with slow growth so as not to lose, damage, or destroy the village identity and surrounding environment;
- within economic capacity, by providing sufficient local jobs to ensure a stable economy, together with adequate transport facilities;
- within environmental capacity that includes sufficient drainage facilities that prevents water damage to Collaton, Yalberton and Stoke Gabriel properties, sewerage provision that does not cause overflow problems, and roads that can cope with both current and future requirements;
- expanded school facilities would be needed with provision for a car park and pick-up/drop off zone incorporated;
- youth and playspace provision would be needed and could be included in a Village Centre, Village Hall, and open area. In the event of a growing number of children and youths moving into the area, there would be a need for a community building which could also include the necessary medical practices to enhance village facilities.

6.133 Support would be given for retention of the holiday parks by not turning the area from green field vistas,

in particular the higher ground in the area, into housing estates which would greatly reduce the number of tourists wanting to come to the area, thereby reducing the economic benefits generated. Currently dangerous road junctions need to be resolved such as Newbarn Farm, Stoke Road / Parkers Arms, and Blagdon Inn (also used for access to holiday chalets and gym/pool facilities).

6.134 The present Zebra crossing on the Totnes Road between Stoke Road and Borough Road should be traffic light controlled, as many drivers are going too fast and with restricted views do not see pedestrians in time. This crossing is much used by parents taking their children to and from school.

6.135 The provision of a Parish Council for Collaton St. Mary is an ambition in particular to ensure and advance openness and transparency, and cooperation between local residents and Torbay Council in order to work towards and establish an acceptable and sustainable core strategy for the long term future of the community.

Objectives:

- The local identity of Collaton St.Mary must not be lost (84%)
- Facilities our community indicated were currently considered to be lacking can be accommodated in organic growth and are:-
  - local jobs (60%)
  - local shops (59%)
  - medical facilities (56%)
  - youth facilities (55%)
  - bus frequency (52%) (only 44% felt other community facilities were lacking. Only 23% considered that local school facilities were lacking)

6.136 A Masterplan for the area was adopted in 2015 that draws attention to the need for further protected habitat assessment before any consent for development can be given. Similarly Local Plan Policy SS2 requires a bespoke mitigation plan to be submitted and approved before any consent can be granted.

6.137 Flooding and sewerage constraints in the area will also require comprehensive assessment before development is able to proceed.

**The Church of St. Mary, Collaton Village**



6.138 Accordingly:

**Policy PNP24 –Collaton St. Mary Village**

Growth of Collaton St. Mary has been sporadic and piecemeal over many decades. Foul and surface water disposal and flooding have become a significant problem. Any further development beyond the currently developed areas will only be supported where the proposals are in accordance with the adopted masterplan for the area. Development proposals for residential development where appropriate should include details of how:

*(PNP24 continued next column)*

*(PNP24 continued)*

- a) the village identity will be re established by the creation of a village centre, and green space for local activities and necessities, such as part of the Ocean Garage area;
- b) prominent landscape and other local features that give the area its identity and character will be protected;
- c) employment and other facilities required to meet local needs will be supported;
- d) the use of existing brownfield sites (also referred to as previously developed land) has been prioritised;
- e) the needs of local residents have been considered; and
- f) allotments and orchard spaces for community use have been incorporated.

Residential development proposals where appropriate will be required to demonstrate:

- i) that sufficient capacity exists to accommodate the additional development and not cause any risk of flooding to existing properties.
- ii) there is infrastructure in place to provide for, and service, such growth and development;
- iii) any supporting Transport Statement or Transport Assessment avoids major road development, or new commuter routes, or change to or widening of the existing road network in the village, and prevents 'rat-runs' from arising except for strategic improvements to the A385 proposed by policy SS6 of the Torbay Local Plan 2012-2030;

## Adjoining Areas

6.139 Locations adjoining Paignton Town Centre and the Western Area also provide attractions and opportunities for making more of the tourism offer and improvements to facilities for local residents.

6.140 In particular our community has identified objectives and safeguards in the adjoining areas of:

- Clennon Valley
- Clifton with Maidenway
- Preston

### Clennon Valley

6.141 At the top of Clennon Valley sits the renowned Paignton Zoo within an attractive woodland setting (Fig. 1.2 page 9). A variety of further tourist attractions and local recreation facilities sit within open spaces and tree covered areas lower down the Valley.

6.142 At Goodrington beach, where the valley meets the sea, there is a further range of tourist facilities, including the steam railway that operates between Paignton Town Centre through Kingswear and ferry to Dartmouth.

6.143 From time to time, flooding occurs along the valley floor as water flows towards the sea and from overtopping at Goodrington seafront.

Objectives:

- Keep all natural landscape features that give the valley its local identity;
- Support retention and enhancement of all existing tourist facilities, especially those of Paignton Zoo;
- Ensure facilities within the valley that also serve local needs are not lost and are enhanced at every opportunity;
- Encourage re-use of the former open storage site at Claylands in a manner that will blend with and

complement the natural landscape setting;

- Support additional tourist facilities being provided where they will be flood and weather resilient.

6.144 Accordingly:

### Policy PNP25 – Clennon Valley

Within the area of Clennon Valley and Goodrington Seafront shown on the inset plan (Fig. 1.2 page 9), development proposals will be supported that:

- a) retain and enhance the natural landscape character of the valley, biodiversity and waterway flowing through;
- b) safeguard footpaths and facilities used by local residents;
- c) improve provision of facilities for tourists that widen the tourism offer;
- d) provide facilities that will be resilient to flood risk; and
- e) widen the provision of all weather tourist attractions.

### Clennon Valley



## Clifton with Maidenway

6.145 Most of the Clifton with Maidenway area grew intensively as a suburb during the first half of the 20<sup>th</sup> century on ground rising from the Town Centre.

6.146 Primley Woods at the southern end features prominently within views inland and from the sea. A former Marist chapel has also provided a visual reference point from the sea for more than 120 years. Apart from an allotment area there are few local amenities and a need for a community centre.

### Objectives:

- Make use of redevelopment opportunities as they arise to achieve the provision of a local community centre;
- The former Paignton Police Station provides an opportunity for housing or employment redevelopment;
- Ensure changes to existing dwellings do not lead to houses of multiple occupation that are not of a good standard or well managed;
- Protect Monastery Woods, Primley Woods, the recreation ground off Marldon Road and the allotment site. More community use of the cemetery could also be explored;
- Improve the play area in Stanley Gardens (just outside the border of this area).

### Clifton with Maidenway roof tops



6.147 Accordingly:

### Policy PNP26 – Clifton with Maidenway

Within the Clifton with Maidenway area shown on the inset plan (Fig. 1.2 page 9), development proposals will be supported that:

- a) retain and improve existing community facilities;
- b) enable the provision of a community centre to be achieved;
- c) protect and enhance existing landscape features;
- d) make use of opportunities to improve the range and quality of housing provision.

## Preston

6.148 Contours, woodland areas and seascape give Preston its distinctive character and identity inland and from the sea. Preston seafront, the Green, and district shopping centre provide a range of facilities for local residents and tourists.

6.149 Set inland are the grand buildings and extensive grounds of Oldway Mansion, built as the home of the world famous Singer family in the 19<sup>th</sup> century. Making more of Oldway as a major tourist attraction with local safeguards has important community support. Other opportunities have also been identified.

### Objectives:

- Retain toilet facilities at the north end (Seaway Lane) (93%)
- More use should be made of Preston Gardens (91%)
- Improve the seafront with a recreation and sports focus (88%)
- Create a permanent barbeque area on the Seafront (88%)
- Continue to focus the seafront areas to tourism use (88%)
- Increase community facilities in the top part of Preston (83%)
- Create a reef break at Hollicombe Beach to provide surfing opportunities (83%)
- Have a café in Preston Gardens to encourage more use.(77%)
- Create a community café in the top part of Preston (73%)
- Develop Hollicombe beach and park to provide mixed use of café, hotel, other use with improved public gardens and beach (73%)
- Do not build on land at Sandringham Gardens and Preston Down Road (91% & 75%)

6.150 Accordingly:

### Policy PNP27 – Preston

Improvement of the Preston area shown on the inset plan (Fig. 1.2 page 9) will be encouraged and proposals supported where they will:

- a) enhance the public realm;
- b) enhance tourism facilities and community uses;

Subject to other policies of the plan, improvement of the area will be supported that better the function, amenity and public enjoyment by design detail that will:

- c) support appropriate and viable reuse of Oldway Mansion (including the Rotunda) and Parkfield House (including the Stables);
- d) improve the seafront area shown on the inset plan (Fig.6.8 page 46) with uses that support:
  - i) public toilet facilities at Seaway Lane;
  - ii) a barbeque area on the seafront;
  - iii) creation of surfing opportunities where possible
- e) enable mixed use café, hotel and other tourist facilities where appropriate at Hollicombe;
- f) support provision of a community café, allotments and orchard space for community use where appropriate in the top part of Preston.

## Part 7: Community Partnership Areas

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7.1 This part of the Neighbourhood Plan draws together the policies for each of the 5 Community Partnership areas for ease of reference by applicants for planning consent and other investors. Together they cover the whole of Paignton set out geographically from the Town Centre & Seafront area outwards in the following order:

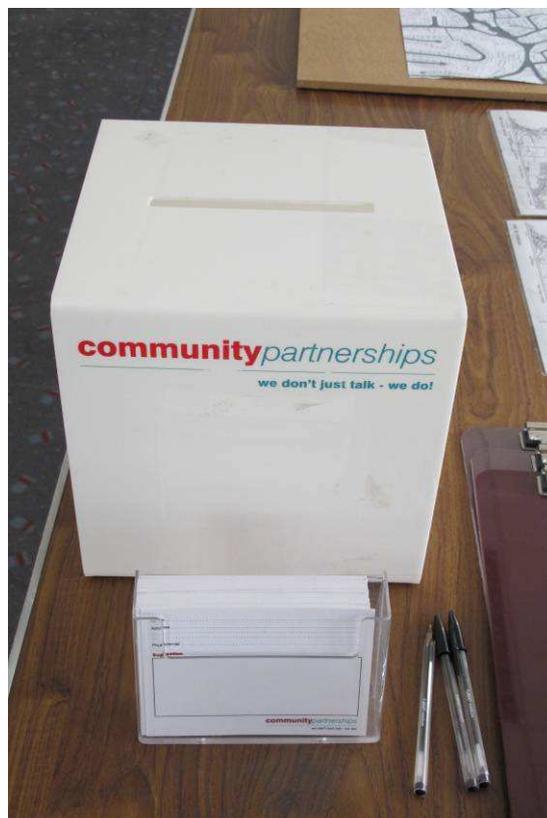
- Paignton Town
- Preston
- Clifton with Maidenway
- Goodrington, Roselands and Hookhills
- Blatchcombe

7.2 Each part also includes a summary description of the Community Partnership Area in respect of:

- Population Characteristics
- Economic Circumstances
- Land Use
- Property Condition
- Moving around
- Environmental conditions
- Condition of Community Assets
- Climate Change.

7.3 This part of the Plan also includes reference to other proposals of relevance where they are of help to the context of the area, in particular sites already identified for net growth of jobs and homes in the Local Plan subject to the conditions that apply of required habitat enhancement and sewerage provision in particular.

### Community Partnerships



## Paignton Town

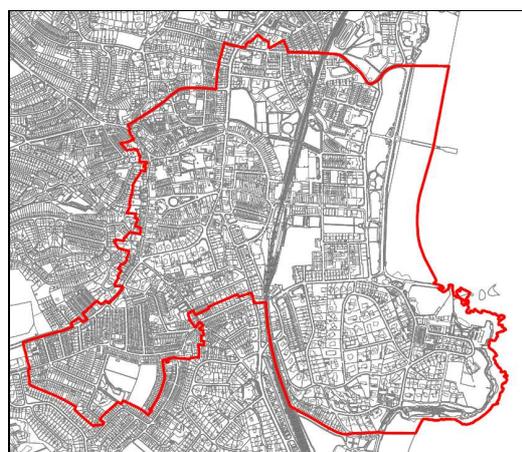
7.4 The Paignton Town Community Partnership area has the same boundary as the Roundham with Hyde Electoral Ward of Torbay Council (Fig. 7.1 this page).

7.5 The key features of the area are:

- A population of 7,600 (2011);
- Within top 10% of most deprived communities;
- Good mix of land uses and scope for job growth;
- Many heritage assets of local and tourist importance;
- Limited scope for vehicular traffic circulation change;
- Scope for improving the public realm and greening future development locations;
- Community assets under threat from reducing public funds;
- Areas vulnerable to coastal flooding and sewer limitations.

7.6 The following policies in Part 6 of the Neighbourhood Plan apply to the Community Partnership area as shown below:

**Figure 7.1 Paignton Town Community Partnership Area**

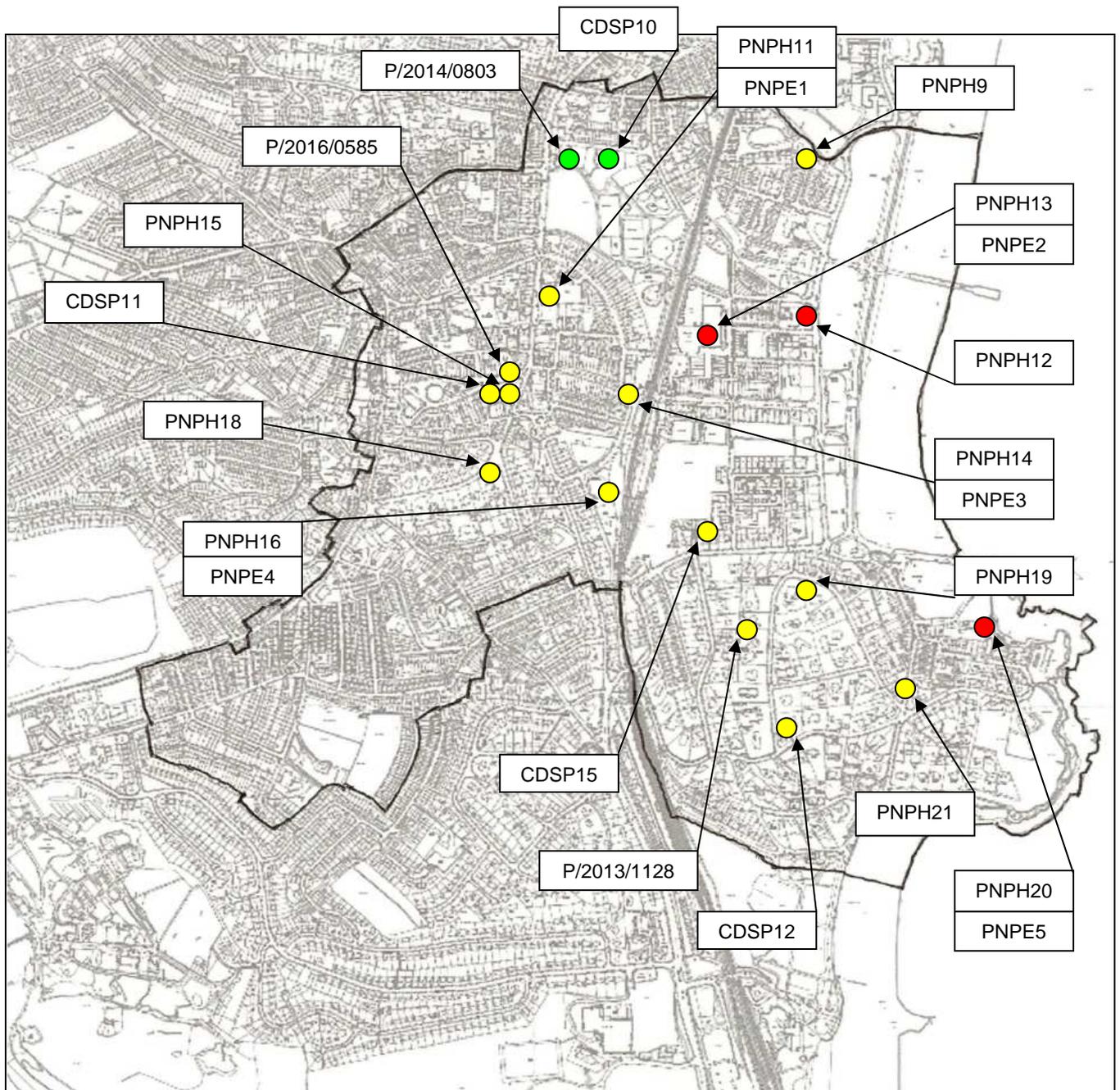


7.7 The assumed phasing of sites identified in the Local Plan for net job growth and additional housing is shown in Part 8 of this Plan (Table 8.1 pages 93-94) and the location of each site shown in Fig. 7.2 (page 67).

7.8 Alongside these locations, 12 sites have been identified as Local Green Space as shown in Policy Maps PLGS.01 to PLGS.12 on the following pages (pages 68-70). For these locations the Local Green Space policy applies as shown in Policy PNP1 and PNP1(a) (pages 18 and 21).

Policy	Page	Policy Map
• PNP1- Area wide	18	Whole Plan Area
• PNP1 Subsections PNP1(a) to (i)	19 to 29	Whole Plan Area
• PNP2 - Town Centre	32	Local Plan Inset Map
• PNP3 - Paignton Harbour	33	Fig. 6.3 page 31
• PNP4 - Seafront	34	Fig. 6.3 page 31
• PNP5 - Torbay Road	35	Fig. 6.3 page 31
• PNP6 - Station Square 'Gateway'	36	Fig. 6.4 page 36
• PNP7 - Victoria Square	37	Fig. 6.5 page 37
• PNP8 - Crossways, Hyde Road & Torquay Road	38	Fig. 6.6 page 38
• PNP9 - Victoria Park	39	PLGS.02 page 68
• PNP10 - Queens Park	40	PLGS.05 page 69
• PNP11 - Old Town	41	Fig. 6.7 page 42
• PNP12 - Getting Around)	43	Fig. 6.3 page 31
• PNP13 - Housing Opportunities within Town Centre	44	Local Plan Inset Map
• PNP14 - NP Core Tourism Investment Area	45	Fig. 6.8 page 46
• PNP15 - Flood & Sea Defences	47	Fig. 6.3 page 31
• PNP16 - Victoria Street	48	Fig. 6.3 page 31
• PNP17 - Transport 'Gateway' improvement	49	Fig. 6.4 page 36
• PNP18 - Supporting the Retention of Retail Uses	50	Fig. 6.9 page 50
• Local Green Spaces PLGS.01 to PLGS.12	18, 21	Pages 68-70

**Figure 7.2 – Identified sites Paignton Town (Roundham with Hyde)**



*Footnote: See Part 8 Table 8.1 (pages 93-94) for the phasing assumed for each site.*

# Paignton Town - Designated Local Green Space

## PLGS 01 – Paignton Green North, Central and South



## PLGS 02 - Victoria Park, Torquay Road



## PLGS 03 – Torbay Park and Gardens, Esplanade Road



## PLGS 04 – Berry Square, off Kernou Road

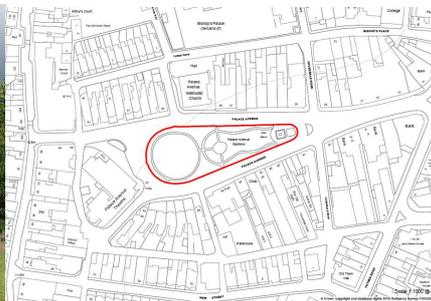


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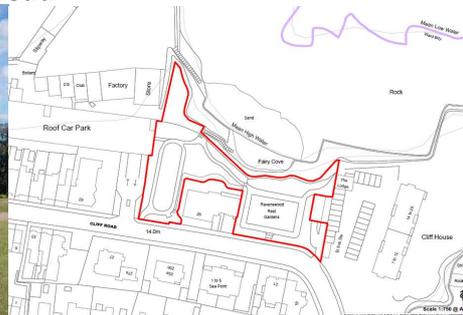
**PLGS 05 – Queens Park**



**PLGS 06 – Palace Avenue Gardens**



**PLGS 07 – Burma Star Garden, Cliff Road**



**PLGS 08 – Whitstone Corner, Whitstone Road**

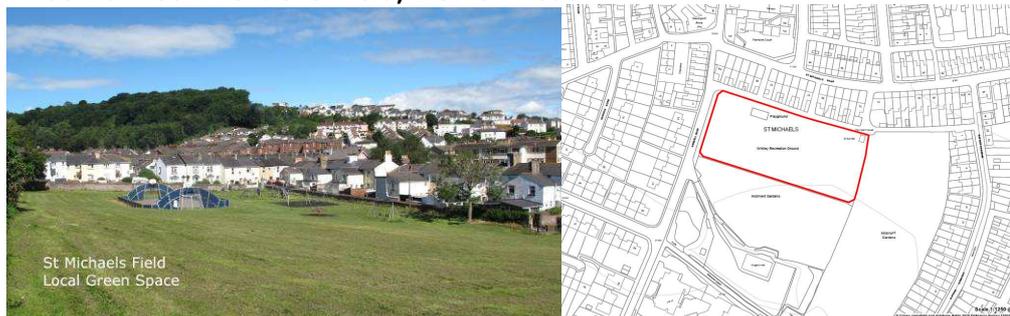


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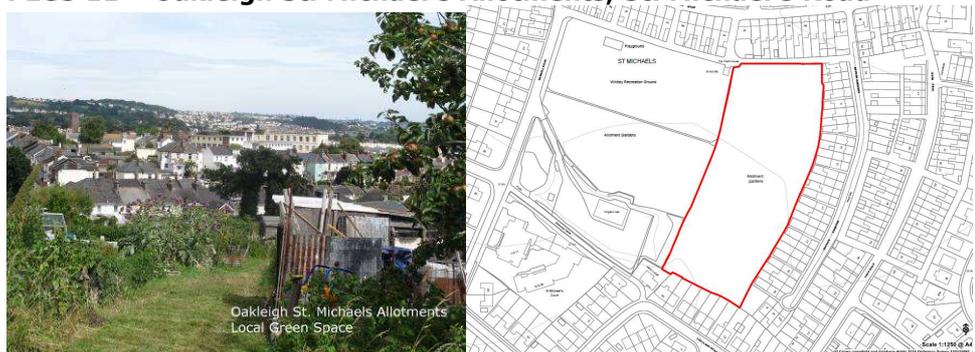
**PLGS 09 – Roundham Head Park**



**PLGS 10 – St. Michael's Field, Derrell Road**



**PLGS 11 – Oakleigh St. Michael's Allotments, St. Michael's Road**



**PLGS 12 – Derrell Road Allotments, Derrell Road**



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## Preston

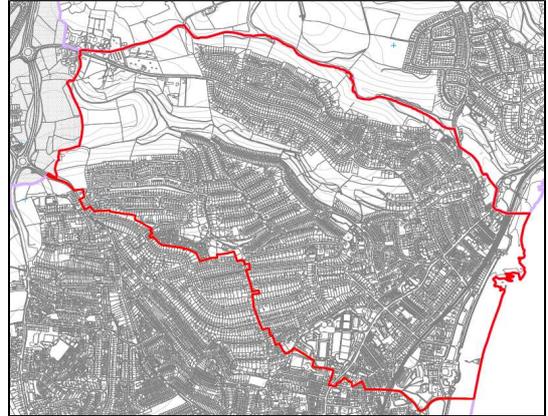
7.9 The Community Partnership area has the same boundary as the Preston Electoral Ward of Torbay (Fig. 7.3).

7.10 The key features of the area are:

- A population of 10,300 (2011);
- Parts within top 10% of most deprived communities;
- Wide range of building styles from seafront to western edge;
- Major heritage asset of Oldway with significant tourist potential;
- Limited scope for vehicular traffic circulation change;
- Significant treescapes and biodiversity assets present;
- Limited community facilities exist in the western half;
- Seafront vulnerable to coastal flooding and sewer limitations.

7.11 The following policies in Part 6 of the Neighbourhood Plan apply to the Community Partnership area as shown below:

**Figure 7.3 Preston Community Partnership Area**

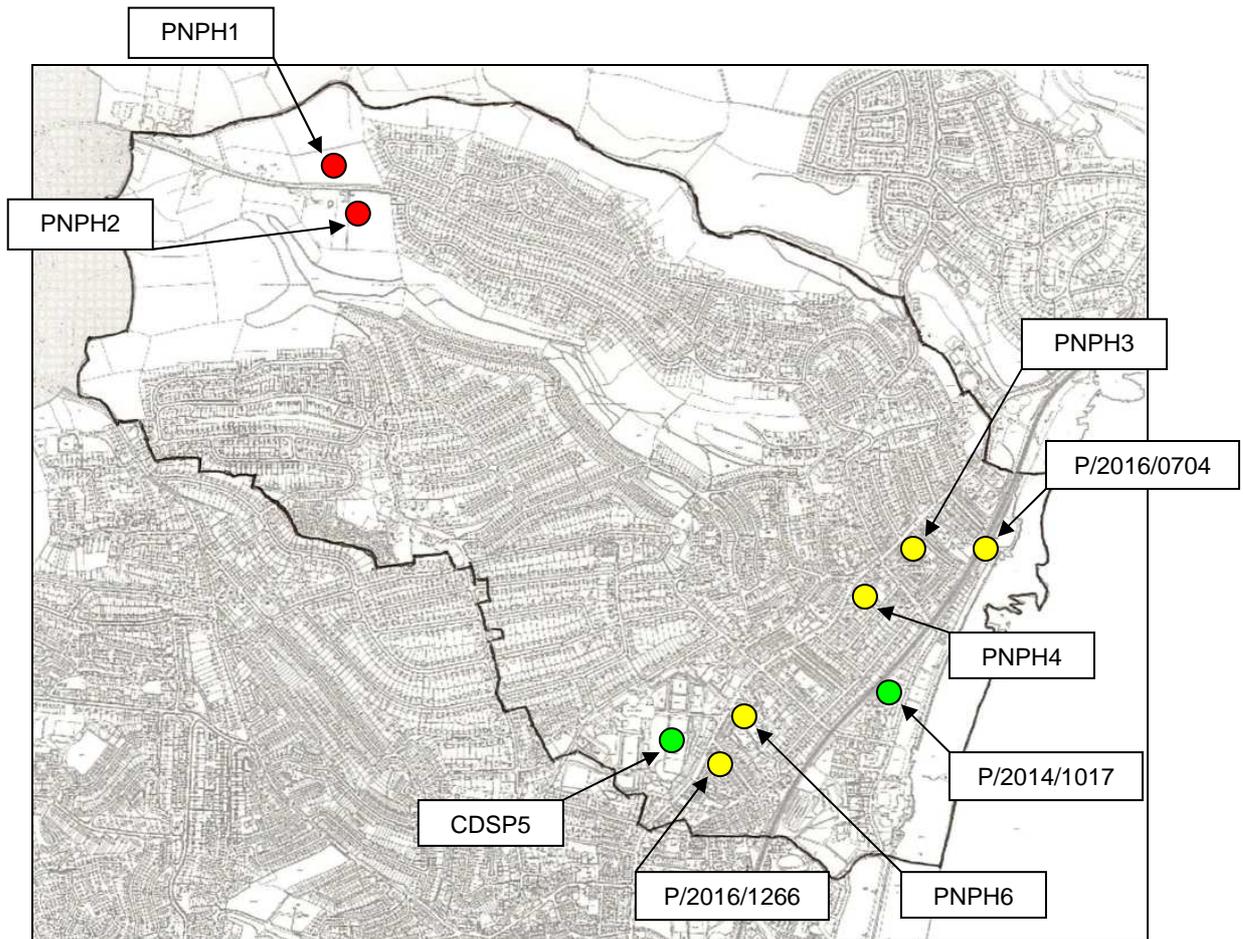


7.12 The assumed phasing of sites identified in the Local Plan for net job growth and additional housing is shown in Part 8 of this Plan (Table 8.1 pages 93-94) and the location of each site is shown in Fig. 7.4 (page 72).

7.13 Alongside these locations, 13 sites have been identified as Local Green Space as shown in Policy Maps PLGS.13 to PLGS.25 on the following pages (pages 73 to 75). For these locations the Local Green Space policy applies as shown in Policy PNP1 and PNP1(a) (pages 18 and 21).

Policy	Page	Policy Map
<ul style="list-style-type: none"> <li>• PNP1- Area wide</li> <li>• PNP1 Subsections PNP1(a) to (i)</li> <li>• PNP14 – NP Core Tourism Investment Area (north part)</li> <li>• PNP19 – Safeguarding open countryside</li> <li>• PNP27 - Preston</li> <li>• Local Green Spaces PLGS.13 to PLGS.25</li> </ul>	<p>18 19 to 29 45 51 64 18, 21</p>	<p>Whole Plan Area Whole Plan Area Fig. 6.8 page 46 Fig. 6.10 page 53 Fig. 7.3 this page Pages 73-75</p>

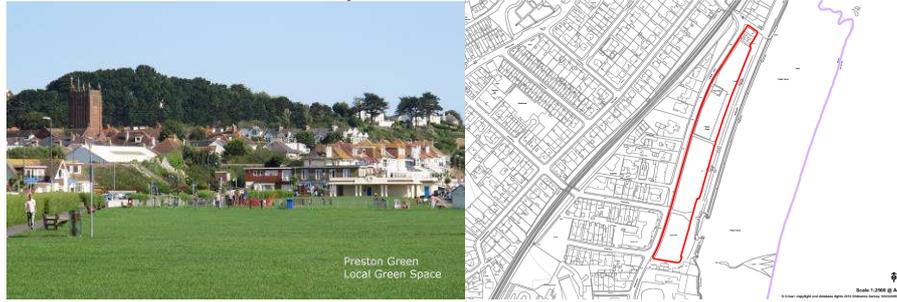
**Figure 7.4 – Identified sites Preston**



*Footnote: See Part 8 Table 8.1 (pages 93-94) for the phasing assumed for each site.*

## Preston - Designated Local Green Space

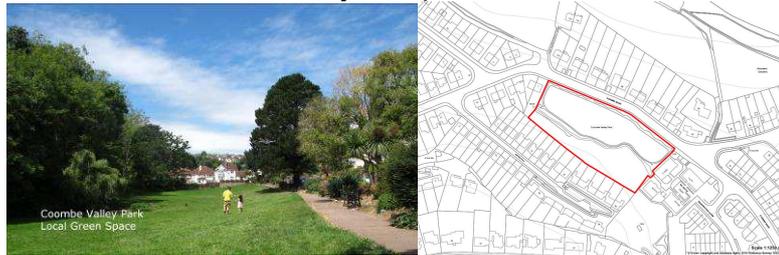
### PLGS 13 – Preston Green, Marine Drive



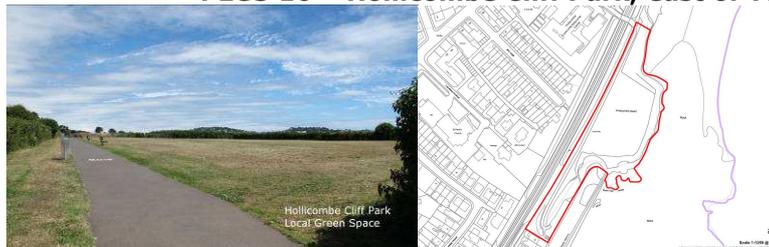
### PLGS 14 – Parkfield, Lower Polsham Road



### PLGS 15 – Coombe Valley Park, Coombe Road



### PLGS 16 – Hollicombe Cliff Park, east of Torquay Road



### PLGS 17 – Hollicombe Park (part of), Torquay Road



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**PLGS 18 – Wills Avenue Playground**



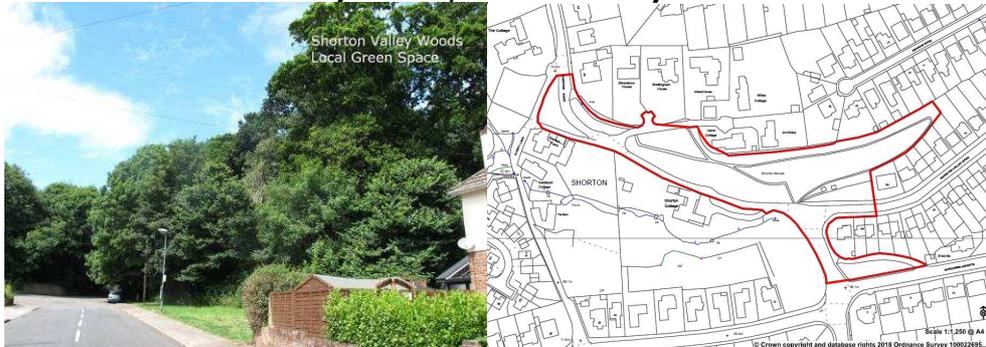
**PLGS 19 – Preston Gardens, Torquay Road**



**PLGS 20 – Oldway Mansion Gardens, Oldway Road / Torquay Road**

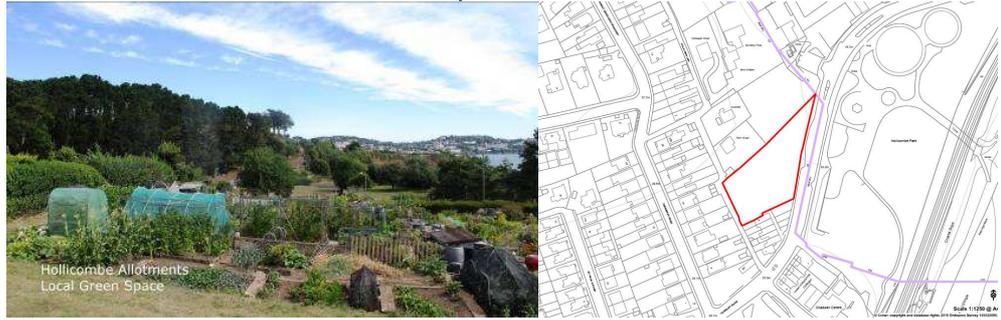


**PLGS 21 – Shorton Valley Woods, Shorton Valley Road**



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**PLGS 22 – Hollicombe Allotments, Hollacombe Lane**



**PLGS 23 – Sandringham Gardens**



**PLGS 24 – Lower Penns Road Allotments**



**PLGS 25 – Scadson Woods, Duchy Drive**



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## Clifton with Maidenway

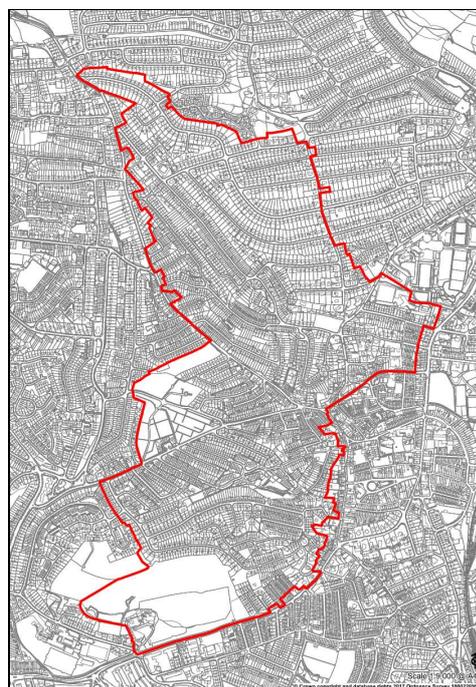
7.14 The Community Partnership area has the same name and boundary as the Electoral Ward of Torbay (Fig. 7.5 this page).

7.15 The key features of the area are:

- A population of 7,100 (2011);
- An established urban suburb with limited space for net job growth;
- Principally inter-war building styles on sloping terrain with limited local facilities;
- A wide mixture of property condition and amenity space;
- Limited scope for vehicular traffic circulation change;
- Key locations of treescape and seaviews present;
- Limited community facilities exist throughout the area;
- Vulnerable to risk of urban creep by covering over soft landscaped areas.

7.16 The following policies in Part 6 of the Neighbourhood Plan apply to the Community Partnership area as shown below:

**Figure 7.5 Clifton with Maidenway Community Partnership Area**

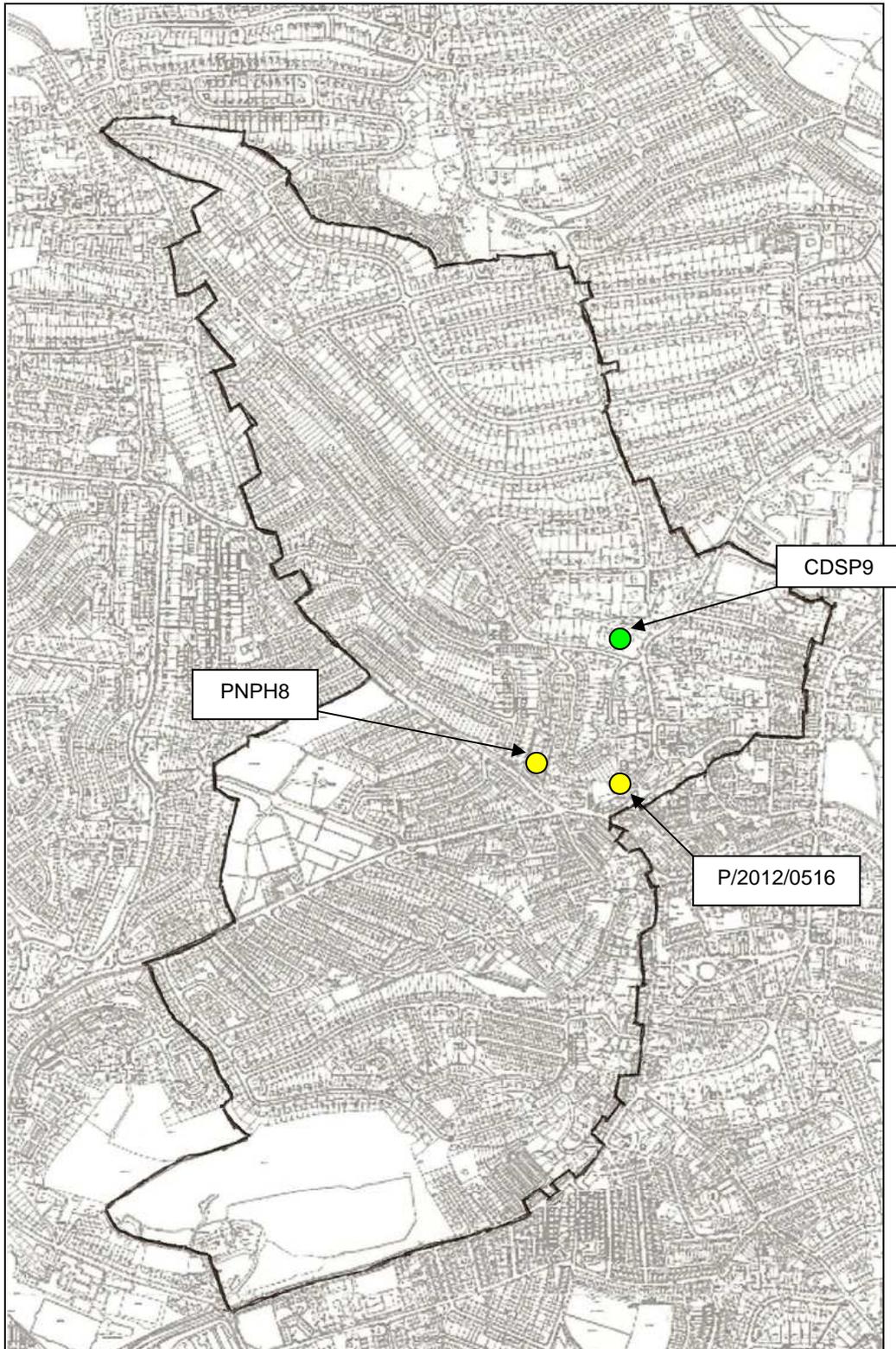


7.17 The assumed phasing of sites identified in the Local Plan for net job growth and additional housing is shown in Part 8 of this Plan (Table 8.1 pages 93-94) and the location of each site is shown in Fig. 7.6 (page 77).

7.18 Alongside these locations, 4 sites have been identified as Local Green Space as shown in PLGS.26 to PLGS.29 on the following page (page 78). For these locations the Local Green Space policy applies as shown in Policy PNP1 and PNP1(a) (pages 18 and 21).

Policy	Page	Policy Map
<ul style="list-style-type: none"> <li>• PNP1- Area wide</li> <li>• PNP1 Subsections PNP1(a) to (i)</li> <li>• PNP26 – Clifton with Maidenway</li> <li>• Local Green Spaces PLGS.26 to PLGS.29</li> </ul>	<p>18 19 to 29 63 18, 21</p>	<p>Whole Plan Area Whole Plan Area Fig. 7.5 this page Page 78</p>

**Figure 7.6 Identified sites Clifton with Maidenway**



*Footnote: See Part 8 Table 8.1 (pages 93-94) for the phasing assumed for each site.*

## Clifton with Maidenway - Designated Local Green Space

### PLGS 26 - Stanley Gardens, off Marlton Road and Barton Road



### PLGS 27 - Ailescombe Road Allotments



### PLGS 28 - Monastery, Winner Hill



### PLGS 29 - Paignton Cemetery, Colley End Road



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## Goodrington, Roselands & Hookhills

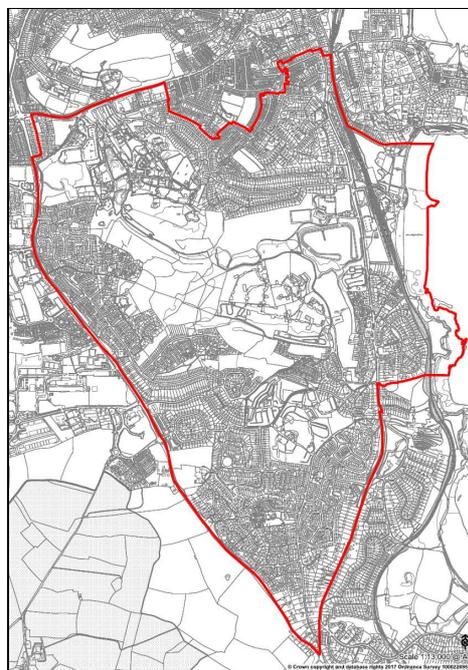
7.19 The Community Partnership area includes the whole of Goodrington with Roselands Electoral Ward of Torbay and the area of Hookhills that forms part of Churston with Galmpton Ward (Fig. 7.7 this page).

7.20 The key features of the area are:

- A population of 7,100 (2011);
- A mix of seafront and inland zoological tourist economy;
- Clennon Valley forming the central land form of the area;
- Older properties generally on the north side of the Valley and more post war housing to the south;
- Relatively modern vehicular traffic network;
- Major areas of landscape, and natural habitats present;
- Good level of community facilities exist throughout the area;
- Goodrington seafront and Valley vulnerable to flooding.

7.21 The following policies in Part 6 of the Neighbourhood Plan apply to the Community Partnership area as shown below:

**Figure 7.7 Goodrington, Roselands and Hookhills Community Partnership Area**

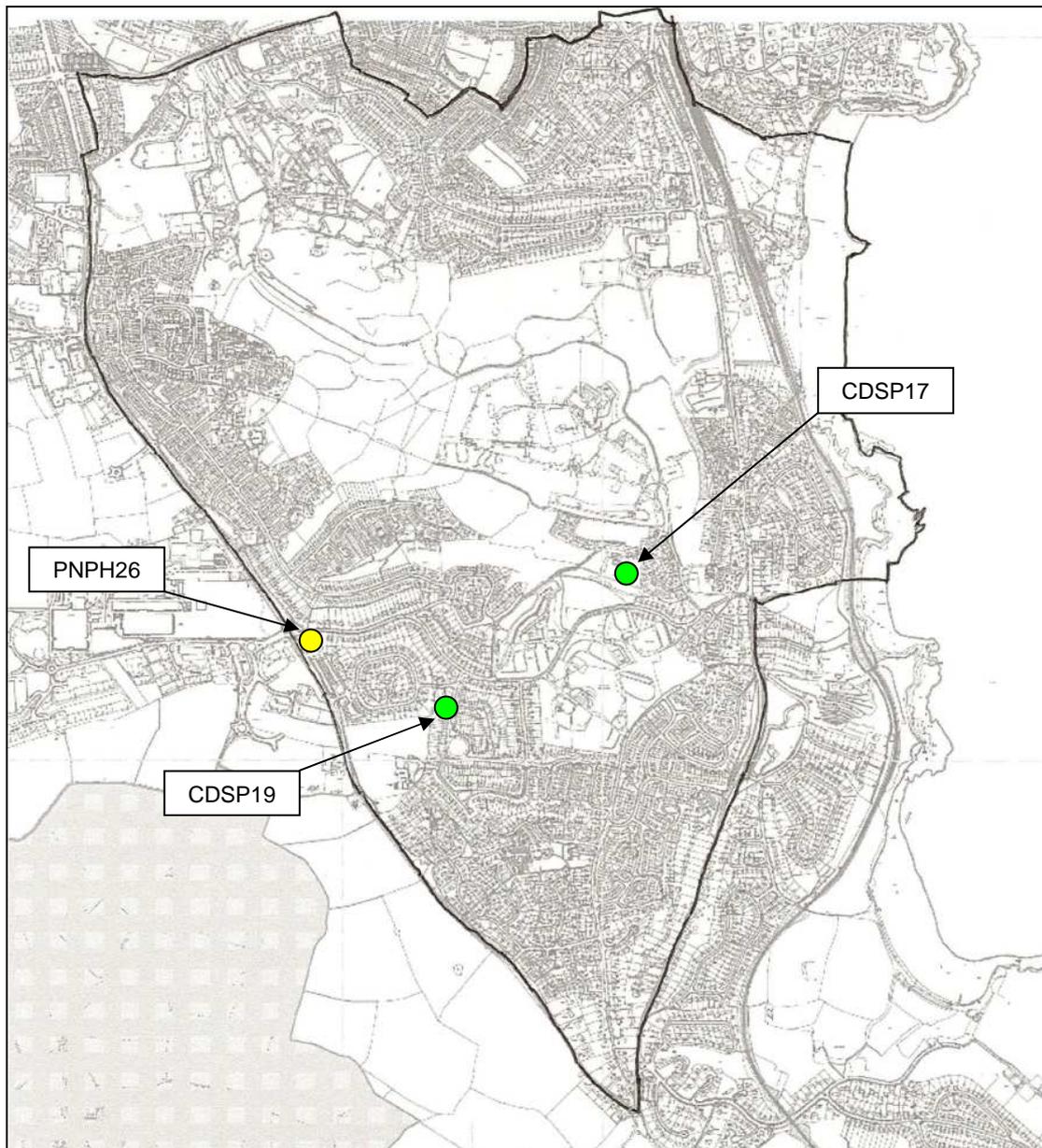


7.22 The assumed phasing of sites identified in the Local Plan for net job growth and additional housing is shown in Part 8 of this Plan (Table 8.1 pages 93-94) and the location of each site is shown in Fig. 7.8 (page 80).

7.23 Alongside these locations, 14 sites have been identified as Local Green Space as shown in PLGS.30 to PLGS.43 on the following pages (pages 81 to 83). For these locations the Local Green Space policy applies as shown in Policy PNP1 and PNP1(a) (pages 18 and 21).

Policy	Page	Policy Map
<ul style="list-style-type: none"> <li>• PNP1- Area wide</li> <li>• PNP1 Subsections PNP1(a) to (i)</li> <li>• PNP25 – Clennon Valley</li> <li>• Local Green Spaces PLGS.30 to PLGS.43</li> </ul>	<p>18 19 to 29 62 18, 21</p>	<p>Whole Plan Area Whole Plan Area Fig. 1.2 page 9 Pages 81-83</p>

**Figure 7.8 – Identified sites Goodrington, Roselands and Hookhills**



*Footnote: See Part 8 Table 8.1 (pages 93-94) for the phasing assumed for each site.*

# Goodrington, Roselands & Hookhills - Designated Local Green Space

## PLGS 30 – Clennon Valley Allotments, Dartmouth Road



## PLGS 31 – Quay West Corner, Dartmouth Road



## PLGS 32 – Young’s Park



## PLGS 33 – Oyster Bend Field, east of Oyster Bend



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### PLGS 34 – Community Orchard, Goodrington Road



### PLGS 35 – Goodrington Village Green, Grange Road



### PLGS 36 – Claylands Cross Park, Brixham Road



### PLGS 37 – Gibson Road Playground



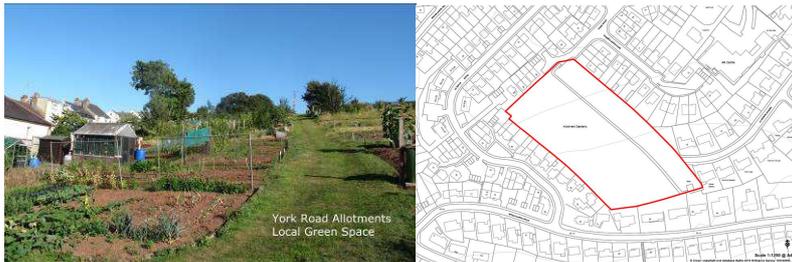
### PLGS 38 – White Rock Recreation Ground, Brixham Road



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**PLGS 39 – York Road Allotments**



**PLGS 40 – Hookhills Playground and Park**



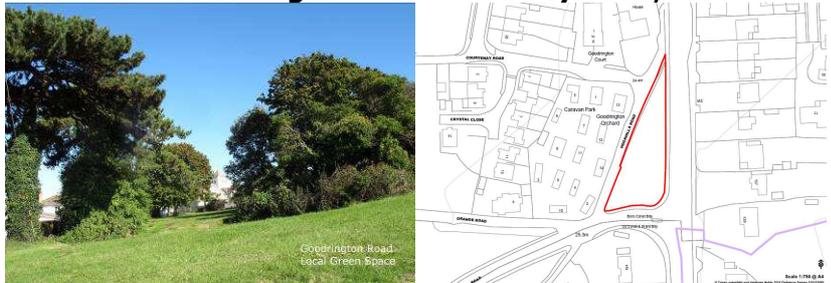
**PLGS 41 – Lancaster Drive Playpark**



**PLGS 42 – Cherry Brook Square, Cherry Brook Drive**



**PLGS 43 – Goodrington Road Amenity Area, Hookhills Road**



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## Blatchcombe

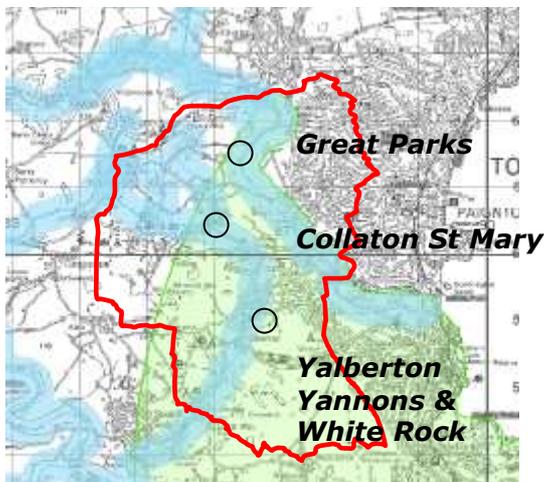
7.24 Blatchcombe Community Partnership area has the same name and boundary as the Electoral Ward of Torbay (Fig. 7.10 this page).

7.25 It is the largest in Paignton by size and population. In 2011 there were just over 11,000 residents.

7.26 More than half the area is countryside of great landscape value to residents and tourists alike and falls within the Special Area of Conservation that protects Greater Horseshoe Bats of National and European importance.

7.27 Maintaining the appeal of the area to the tourist economy of Torbay is of paramount importance, together with ensuring that flooding problems and sewerage constraints which exist are not made worse by further development.

**Figure 7.9 Sensitive habitat**

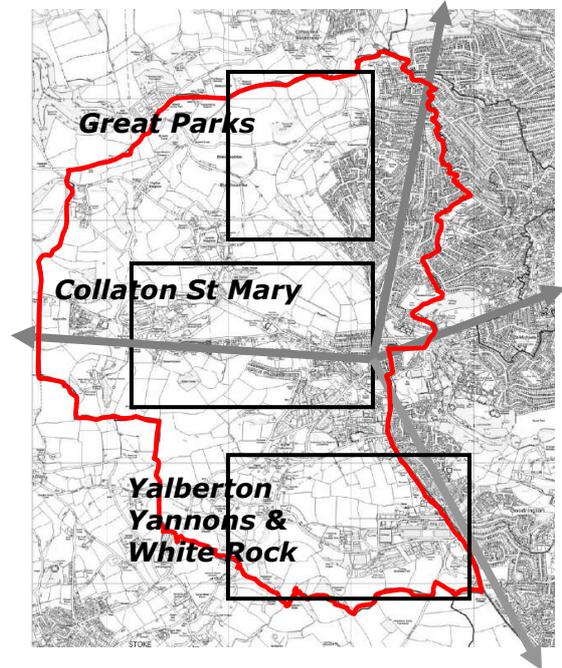


Greater Horseshoe Bat flight paths (blue) and feeding area (green)  
Source: Natural England South Hams SAC

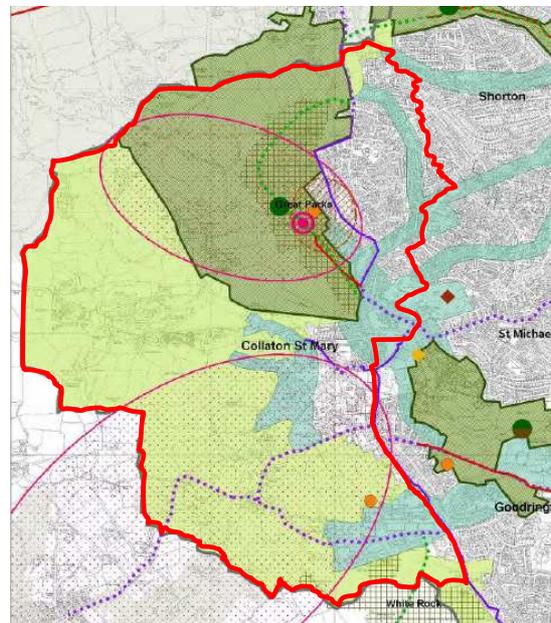
7.28 The Neighbourhood Plan gives particular support to the proposals of the Torbay Green Infrastructure Delivery Plan produced in 2011 by the Council, Natural England and Torbay Coast and Countryside Trust (Figs.6.1 and 7.11 pages 22 and this page). It contains proposals of fundamental

importance to the future wellbeing and sustainability of the Blatchcombe area.

**Figure 7.10 Blatchcombe Community Partnership Area**



**Fig 7.11 Blatchcombe and the Green Infrastructure Delivery Plan**



Source: Torbay Green Infrastructure Delivery Plan 2011 [see also Fig.6.1 page 23]

7.29 The following policies in Part 6 of the Neighbourhood Plan apply to the Community Partnership area as shown below:

Policy	Page	Policy Map
<ul style="list-style-type: none"> <li>• PNP1- Area wide</li> <li>• PNP1 Subsections PNP1(a) to (i)</li> <li>• PNP19 – Safeguarding open countryside</li> <li>• PNP20 – Great Parks</li> <li>• PNP21 – White Rock and nearby areas</li> <li>• PNP22 – Western Corridor</li> <li>• PNP23 – Yalberton to Blagdon Valley</li> <li>• PNP24 – Collaton St. Mary Village</li> <li>• Local Green Spaces PLGS.44 to PLGS.53</li> </ul>	<p>18 19 to 29 51 54 56 57 59 61 18, 21</p>	<p>Whole Plan Area Whole Plan Area Fig. 6.10 page 53 Fig. 6.11 page 54 Fig. 1.2 page 9 Fig. 1.2 page 9 Fig. 6.12 page 59 Fig. 7.9 page 84 Pages 88-90</p>

7.30 In addition:

**Other proposals**

7.31 Great care is needed to ensure that further growth in the area does not cause main communication routes to be improved in a manner that results in the loss of visual features which give the area its distinctive street scene appeal and local identity.

7.32 This applies especially to the two key communication routes bisecting the area. From west to east, Totnes Road (A385/A3022) provides the main route that connects Paignton to business links with Plymouth. From north to south, Kings Ash Hill and Brixham Road (A380/3022) operate as the outer by-pass to inner urban routes (Fig. 7.9 page 84).

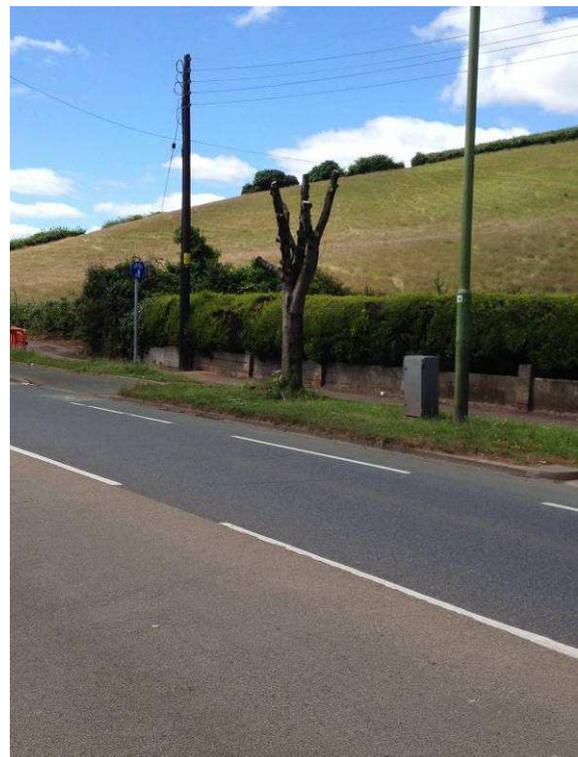
7.33 Recent junction improvements and highway widening have started to change the landscape adversely and have introduced large expanses of tarmac, street furniture and boundary wall treatments that are not in keeping and tree loss (photo right).

7.34 Alongside the Local Plan and this Neighbourhood Plan, further detail is provided by the following that applies to Blatchcombe in guiding future development.

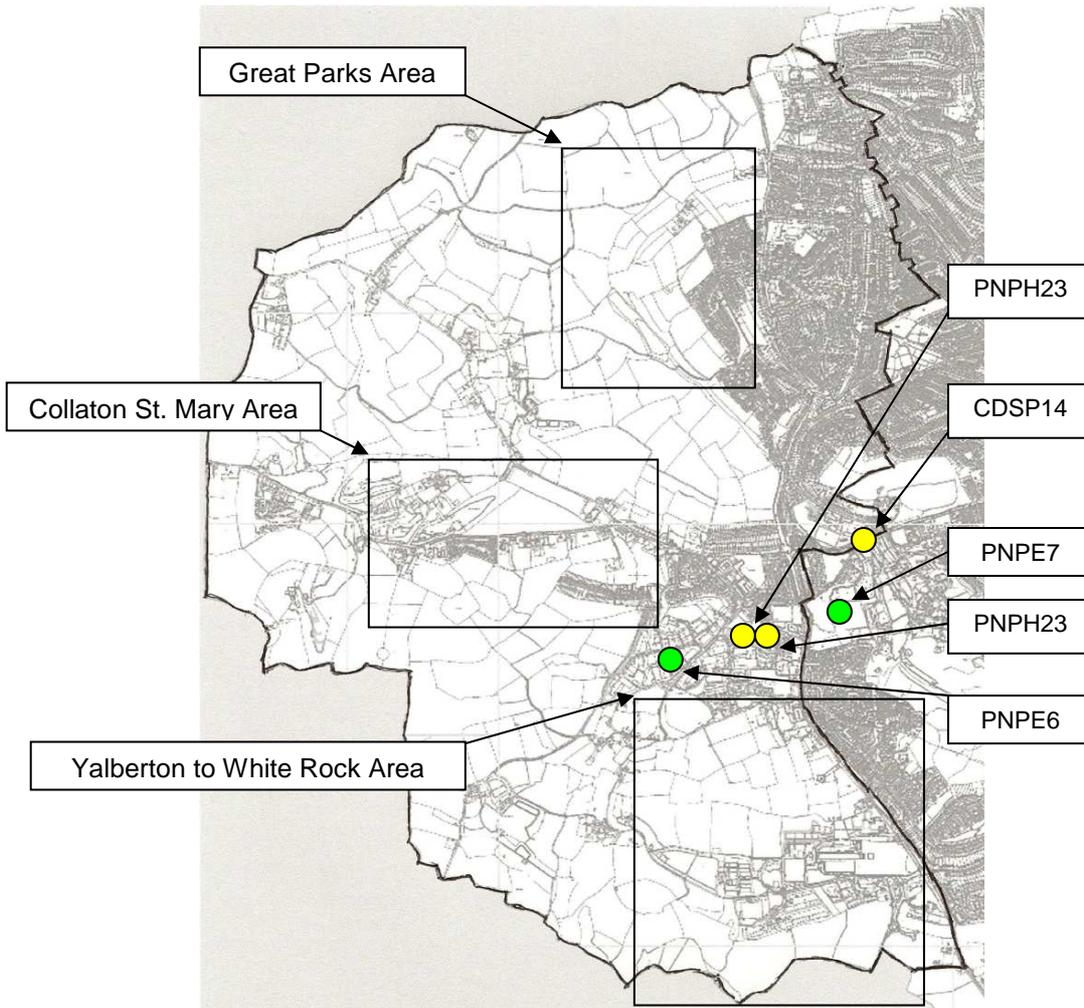
7.35 The assumed phasing of sites identified in the Local Plan for net job growth and additional housing is shown in Part 8 of this Plan (Table 8.1 pages 93-94) and the location of each site is shown in Figs. 7.12 to 7.15 (page 86-87).

7.36 Alongside these locations, 10 sites have been identified as Local Green Space as shown in PLGS.44 to PLGS.53 on the following pages (pages 93-94). For these locations the Local Green Space policy applies as shown in Policy PNP1 and PNP1(a) (pages 18 and 21).

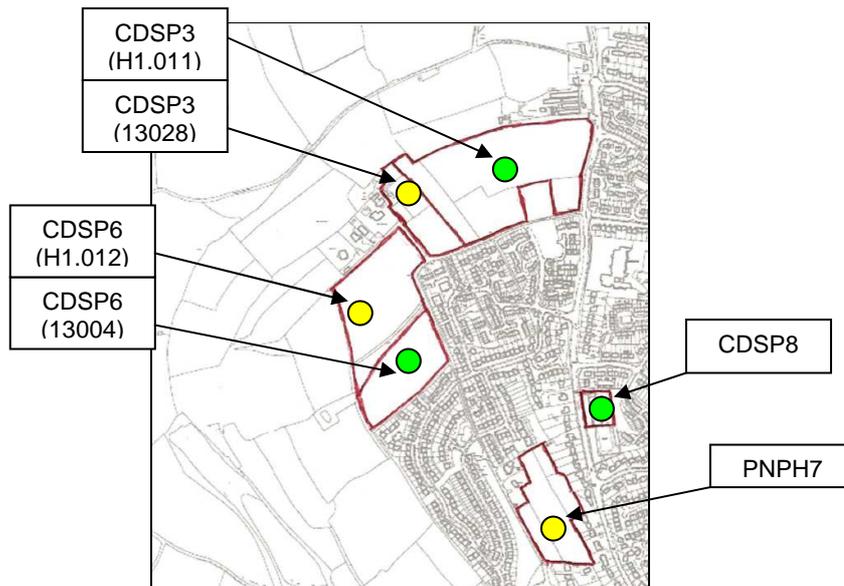
**Gradual tree loss example Kings Ash Road 2016**



**Figure 7.12– Identified sites Blatchcombe**

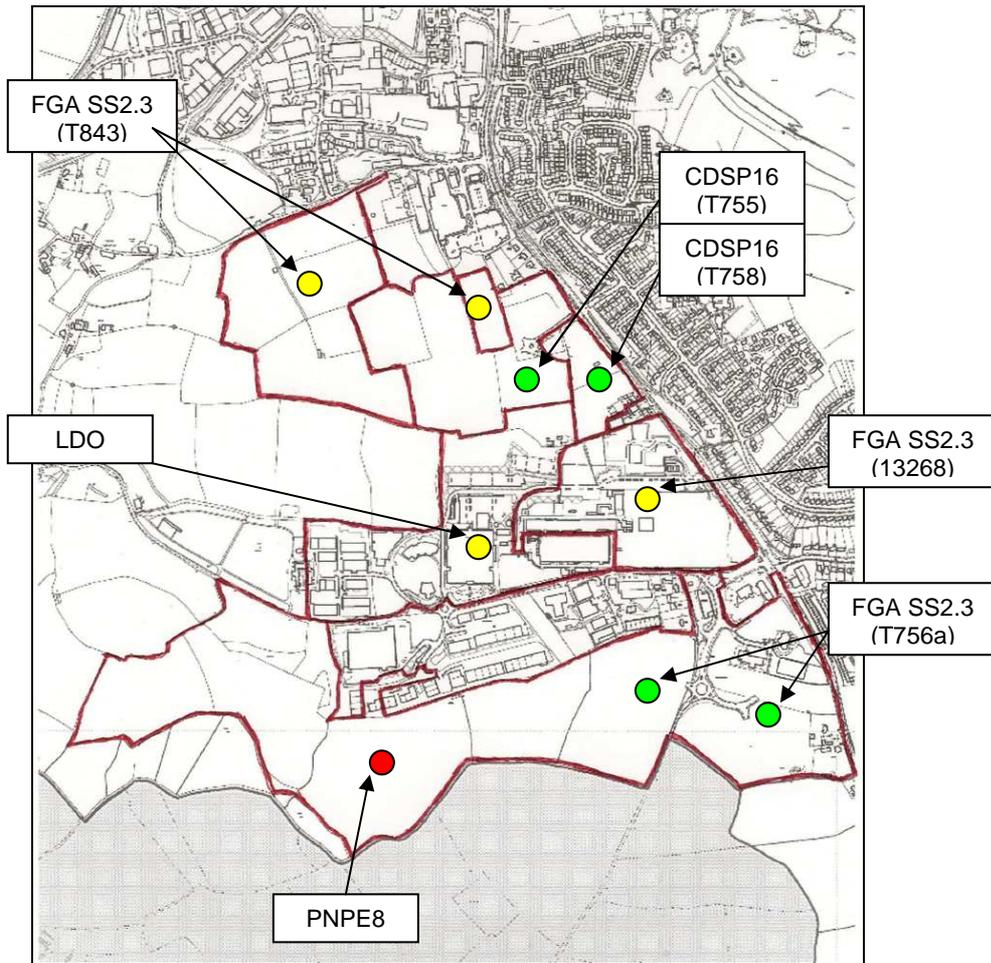


**Figure 7.13 Identified sites Great Parks Area**

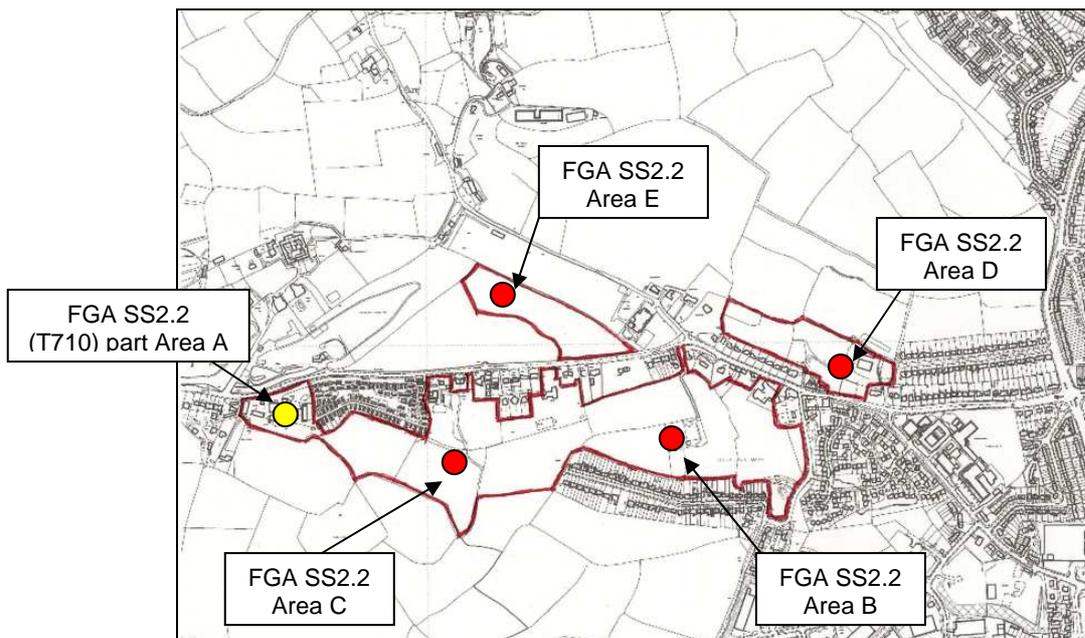


*Footnote: See Part 8 Table 8.1 (pages 93-94) for the phasing assumed for each site.*

**Figure 7.14 Identified sites Yalberton to White Rock Area**



**Figure 7.15 Identified sites Collaton St. Mary Area**



*Footnote: See Part 8 Table 8.1 (pages 93-94) for the phasing assumed for each site.*

# Blatchcombe - Designated Local Green Space

## PLGS 44 – Primley Park, south of Westleat Avenue



## PLGS 45 – Redwell Road Playground



## PLGS 46 – Smallcombe Road Scout Field, Redwell Lane



## PLGS 47 – Smallcombe Road Playground and Park, Jasmine Grove



All plans shown are at varying scales.  
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**PLGS 48 – Wild Fox Adventure Playground, Smallcombe Road**



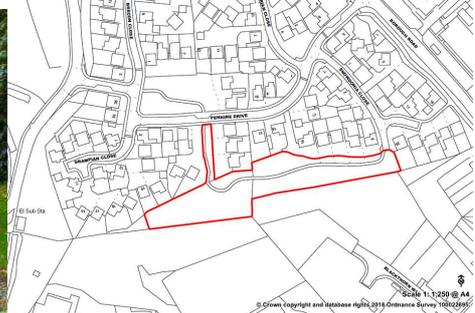
**PLGS 49 – Foxhole Community Playing Field, off Belfield Road**



**PLGS 50 – Great Parks Play Area, Trelissick Road**



**PLGS 51 – Snowdonia Close**



All plans shown are at varying scales.  
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### PLGS 52 – Pennine Drive Amenity Area



### PLGS 53 – Collaton St. Mary Water Meadow, Stoke Road



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## Part 8: Delivery

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8.1 This part of the Plan highlights the overall delivery strategy, who will be responsible for delivering the identified policies and projects, how they may be funded and the phasing of those projects. It also sets out monitoring procedures to follow the delivery of the Plan. A composite Policies Map is shown at **Appendix 4** (page 108).

### The Delivery strategy

8.2 The delivery strategy of this Neighbourhood Plan is the same as the adopted Torbay Local Plan of “plan, monitor and manage” for net growth of jobs and homes within Torbay’s remaining environmental capacity. As with the Local Plan, it is not a strategy of “predict and provide”.

8.3 The Local Plan strategy, and this Neighbourhood Plan, apply through to 2029/30 and features two key aspects:

- i) to plan “in tandem” for 5,000-5,500 net growth of jobs (from a total of 59,000 in 2012) plus 8,900 additional homes based on 7,550 for an assumed return to net inward migration and household size reduction, plus 1,350 to stimulate net job growth;
- ii) to monitor progress annually, with 5 year major Reviews in 2020/21 and 2025/26, or earlier if justified, because the objectively assessed need includes a number of key economic, demographic and habitat impact assumptions with significant uncertainties.

8.4 If net job growth exceeds expectation, the plan enables an increase in pace of housing provision within Paignton’s remaining environmental capacity. Conversely, if net job growth is less successful, the Local Plan enables revision of housing growth downwards to ensure sustainable balance is maintained

*(Local Plan paragraphs 1.1.15 and 7.5.17-18).*

8.5 The first five year major review of the Local Plan (in 2020/21) will be against a range of matters and information identified at paragraph 7.5.17 of the Local Plan, i.e. demographic trends, economic performance, market and social signals, land availability, monitoring data, infrastructure, landscape and biodiversity.

8.6 However, the review context will remain as set by the strategic policies approved to ensure that sustainable balance is maintained between achieving net growth in job numbers, provision of additional homes, and environmental capacity.

### Delivery of the Neighbourhood Plan

8.7 This Neighbourhood Plan has been prepared to operate as an extension of the adopted Local Plan for Torbay.

8.8 **Responsibility** for delivering planning decisions in accordance with the Neighbourhood Plan rests with the Council as the local planning authority in consultation with the community where required.

8.9 **Funding** of development and infrastructure provision will rest with individual developers and agencies responsible for their respective services working together with developers.

8.10 **Phasing** of the Neighbourhood Plan falls into two parts:

- i) phasing of sites identified in the Local Plan for job growth and additional homes;
- ii) phasing of policies and proposals of the Neighbourhood Plan.

8.11 From the review undertaken of all Local Plan sites, there is no need to

identify further job or housing sites to those shown in Part 7 of this Neighbourhood Plan as they will more than meet the Local Plan requirement, even if net job growth had not declined.

8.12 The likely phasing of housing site delivery has also been reviewed. The conclusion reached of the more likely delivery sequence is shown in Table 8.1. Further details are contained in the **Basic Conditions Statement** and **Supporting Evidence** documents that accompany the Neighbourhood Plan (Fig. 3.1 page 13).

8.13 The policies and proposals of the Neighbourhood Plan have effect throughout the Plan period.

8.14 **Monitoring** progress of the Neighbourhood Plan will form part of the annual monitoring of the development plan (Local Plan) by the Council, and in consultation with the community where there is need to make adjustment to ensure the outcome sought by the 4 key objectives and detailed proposals is being achieved.

8.15 The results of the Sustainability Appraisal and Habitat Regulations Assessment Screening of the Neighbourhood Plan has identified

those items that will form the baseline against which the Neighbourhood Plan will be monitored to comply with on-going requirements, as shown in Table 8.2. Further details are contained in the **Sustainability Appraisal and Habitat Regulations Assessment** document that accompanies the Neighbourhood Plan (Fig. 3.1 page 13).

8.16 Consideration of Habitat Regulation Assessment has been influenced by the Judgment of the European Court of Justice, case C-323/17, which on 12 April 2018 interpreted that it is not appropriate at the screening stage to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site being considered.

8.17 The Council as the local planning authority has assessed the post examination version of the Neighbourhood Plan in light of this Judgment. No sites are allocated for development by the Neighbourhood Plan and the assessment confirmed that the Plan policies will not affect the integrity of any of the European sites identified and the conservation objectives of the sites will be sustained.

**Table 8.1 Housing sites phasing conclusions**

From 1/4/2015		5yr Review 2020/21	5yr Review 2025/26				
LP/NP Site Ref	Location	Period Year	4-8 2015/20 5yrs*	9-10 2020/22 2yrs	11-15 2022/27 5yrs	16-18 2027/30 3yrs**	4-18 2015/30 15yrs**
<b>Town Centre &amp; Seafront (SPD2)</b>							
CDSP10	<b>Former Library, Courtland Rd</b>		38				38
PNPH11	<b>Crossways Shopping Centre</b>				150		150
PNPH14	<b>Corner of Hyde Rd / Torbay Rd</b>				50		50
<b>SHLAA Deliverable Urban</b>							
P/2014/0803	<i>2 Courtland Rd</i>		15				15
CDSP11	<i>10 Palace Avenue</i>			9			9
P/2013/1128	<i>Montana, 10 Belle Vue Rd</i>			6			6
PNPH9	<i>Lyndhurst, Lower Polsham Rd</i>			12			12
PNPH15	<i>4 Palace Ave</i>			6			6
PNPH18	<i>Silverlawns, 31 Totnes Rd</i>			19			21
PNPH19	<i>Angleside House, Cleveland Road</i>			24			24
PNPH21	<i>20 Roundham Rd</i>			10			10
<b>SHLAA Constrained Urban</b>							
PNPH12	<i>Lighthouse, Esplanade Rd</i>					20	20
PNPH13	<i>Victoria Square MSCP</i>					60	60
PNPH16	<i>Station Lane</i>				30		30
PNPH20	<i>Paignton Harbour</i>					40	40
<b>Non Identified 6+</b>							
CDSP12	<i>Seaford Hotel, 2-4 Stafford Rd</i>		9				9
CDSP15	<i>Seaford Sands Hotel, 17 Roundham Rd</i>		14				14
P/2016/0585	<i>13-17 Palace Avenue</i>			32			
<b>North &amp; West (SPD3)</b>							
<u>SDP3.1</u>	<b>Preston Down Rd</b>						0
PNPH1	<i>Land at Preston Down Rd North</i>					50	50
PNPH2	<i>Land at Preston Down Rd South</i>					50	50
<u>SDP3.2</u>	<b>Great Parks (Phase 2)</b>						0
CDSP3	<i>Phase 2 (H1.011)</i>		60	60	65		185
CDSP3	<i>Luscombe Rd (north) (P/2004/1989)</i>				47		47
CDSP6	<i>Phase 2 (P/2012/1074)</i>		60	24			84
CDSP6	<i>Phase 2 (H1.012)</i>			20	100		120
PNPH7	<i>Luscombe Rd (south) P/2014/0938</i>				68		68
<u>SDP3.3</u>	<b>Totnes Rd</b>						0
FGA SS2.2	<i>Motel / Area A</i>			42			42
FGA SS2.2	<i>Area B</i>					130	130
FGA SS2.2	<i>Area C (excl. Motel /Area A)</i>					178	178
FGA SS2.2	<i>Area D</i>					70	70
FGA SS2.2	<i>Area E</i>					40	40
<u>SDP3.4</u>	<b>Yannons / H. Gruit / Devonshire Park</b>						0
CDSP16	<i>Yannons Farm (T755)</i>		194				194
CDSP16	<i>Park Bay / Holly Gruit (T758)</i>		37				37
FGA SS2.3	<i>Yalberton (T843) (P/2014/0983)</i>			65	127		192
FGA SS2.3	<i>Devonshire Park (P/2014/0947)</i>			70	185		255
<u>SDP3.5</u>	<b>White Rock</b>						0
CDSP18	<i>(T756a) P/2011/0197 onward</i>		175	70	100		345
LDO	<i>Student Accommodation</i>			50	70		120
<b>Non Identified 6+</b>							
							0

From 1/4/2015			5yr Review 2020/21	5yr Review 2025/26			
LP/NP Site Ref	Location	Period Year	4-8 2015/20 5yrs*	9-10 2020/22 2yrs	11-15 2022/27 5yrs	16-18 2027/30 3yrs**	4-18 2015/30 15yrs**
CDSP8	<i>Kings Ash House (P/2012/1223)</i>		14				14
<b>Elsewhere in SPD1</b>							
CDSP5	<i>Oldway Mansion and Fernham (T742)</i>		46				46
CDSP9	<i>Former Divisional Police HQ (T744)</i>		14				14
CDSP14	<i>Totnes Road Service Station, adj 141</i>				14		14
CDSP17	<i>Marine Pk, Goodrington (T706)</i>		39				39
CDSP19	<i>R/O 10-16 &amp; 18-20 Gibson Rd (T866)</i>		6				6
P/2012/0516	<i>Parkhill House, 1 Southfield Rd</i>				12		15
P/2014/1017	<i>Roseville, Marine Gardens</i>		8				8
P/2016/0704	<i>Preston Sands Hotel, 10-12 Marine Prd</i>				10		10
P/2016/1266	<i>Half Moon PH, 188 Torquay Road</i>				10		10
PNPH3	<i>Vauxhall Garage, Torquay Rd</i>				20		20
PNPH4	<i>Land at 4-6 Eugene Rd</i>				6		6
PNPH5	<i>Modern Motoring, Torquay Rd</i>				6		6
PNPH6	<i>63 Manor Rd</i>				8		8
PNPH8	<i>Land r/o Quarry Terrace, Marldon Rd</i>				8		8
PNPH23	<i>Land at Intek House (T705)</i>				12		12
PNPH23	<i>50% of Depot, Borough Rd (T826)</i>					40	40
PNPH26	<i>Alan Kerr Garage, Brixham Rd</i>				10		10
PPs	Excess windfalls (5 or less)***		46				46
<b>Paignton SDP1 – NP Total</b>			775	519	1,108	688	3,080

Excluding approved windfalls of 52 per year

1,294

Adopted LP 2015 Requirement

729	481	1,070	645	2,925
1,210				

Broad Location  
Developable

Deliverable

\* PH21 approved by LP Inspector as at 1/4/2015

\*\* Subject to 5 yr Review in 2020/21 and 2025/26 of progress of net job growth and housing need assumed in LP

\*\*\* Excess windfalls (5 or less) above normal allowance (see **Supporting Evidence** document)

Site reference key:

**CDSP:** Committed housing site identified in adopted Local Plan (Appendix C)

**PNPH:** Potential housing site identified in adopted Local Plan (Appendix C) subject to consideration in Neighbourhood Development Plan

**FGA:** Future Growth Area identified in adopted Local Plan Policy SS2

All other sites listed are planning application approvals (including PPs shown)

Colour key:

Approved 5 year supply period 4-8

NPPF 'Deliverable' and 'developable' period 4-15

Broad locations for not before 2<sup>nd</sup> Local Plan Major 5 yr Review in 2025/26

**Table 8.2 Future Monitoring of the Neighbourhood Plan**

Sustainability Objective		Indicator	Baseline	Target
A	Enable net growth of full time jobs in appropriate locations	Total employed and self employed jobs (full time equivalent).	59,000 (2012) within Torbay LP para. 7.5.17	As adopted Local Plan trajectory. (Policy SS1)
B	Address areas of highest employment need in Town Centre	Retail premises vacant within defined town centre and seafront	Retail premises vacant at 1 April 2016	Less than 15% of premises vacant.
C	Reduce vacancy rates of retail and business premises	Retail premises vacant within defined town centre and seafront	Retail premises vacant at 1 April 2016	Less than 15% of premises vacant.
D	Retain and enhance the tourism role of Paignton in facilities available	Annual visitor numbers attributable to Paignton.	Number as from 1 April 2015	An annual increase.
E	Address the lack of community facilities in C+M and St. Michael's	Increase in facilities achieved within C+M and St. Michael's	Facilities present on 1 April 2015	A dedicated meeting place
F	Retain and improve access to Green Infrastructure	Designated Rural Character Area and Local Green Space.	As existed 1 April 2015	No loss or detriment to designated space.
G	Improve community cohesion in the Town Centre and Seafront areas	Number of residential premises rated as occupied within the defined area	As existed 1 April 2015	An increase in number occupied.
H	Address deprivation in the living environment of the Town Centre	Changes to designated Local Green Space.	As existed 1 April 2015	No loss or detriment to designated space.
I	Reduce crime and the fear of crime	Planning applications supported by Police consultation.	As from 1 April 2015	No applications receive an adverse response.
J	Provide the needed level and type of housing stock	Units deliverable and developable on sites identified by Local Plan.	As at 1 April 2015	As Part 8 of Neighbourhood Plan.
K	Enable improved energy efficiency of new and old homes	Residential units granted building regulation approvals that include energy efficiency proposals.	Number approved per year quarter from 1 April 2015	An increase in units approved on the previous year quarter.
L	Support opportunities for renewable energy	Planning consents granted for renewable energy proposals.	Number approved per year quarter from 1 April 2015	An increase in units approved on the previous year quarter.
M	Address sewer capacity issues	Planning applications that accord fully with the consultation response from South West Water or the Environment Agency.	Planning applications from 1 April 2015	No applications that receive an adverse consultation response.
N	Preserve and enhance the designated Conservation Areas	Planning applications that accord fully with the consultation response from Historic England.	Planning applications from 1 April 2015	No applications that receive an adverse consultation response.
O	Protect and enhance the natural landscape and biodiversity	Planning applications fully supported by the consultation response from Natural England or Royal Society for the Protection of Birds.	Planning applications from 1 April 2015	No applications that receive an adverse consultation response.

[Baseline year figures and sources to be added]

## Appendices

Appendix 1 – Glossary of Terms

Appendix 2 – Protected Species and Sites of Importance

Appendix 3 – Trees for biodiversity

Appendix 4 – Neighbourhood Plan Policies Map

## **Appendix 1 Glossary of Terms**

The following definitions apply where the term shown is used in the Neighbourhood Plan. They do not duplicate those contained in Appendix A of the Torbay Local Plan though some duplication has been included for ease of reference. Where there is any difference found between the two documents, the definitions as set out below are those that apply to the Neighbourhood Plan. The NPPF references are of NPPF 2012.

<b>Term</b>	<b>Definition</b>
Active Travel	Movement on foot, bicycle, or other modes of transport using muscle movement as the sole or primary energy source. Note: <i>Giving priority to pedestrian and cycle movements</i> (NPPF35).
Affordable Housing	Housing for rent or purchase within the income level of local residents.
Agroecological	Farming within environmental constraints primarily to deliver net gains in biodiversity (NPPF109 & NPPF118), enhanced ecosystem services (NPPF109), and soil quality and structure (NPPF109) using only natural methods of animal husbandry, cultivation and fertility improvement.
Amenity value	Pleasantness of zones within the Neighbourhood Plan area as determined by local residents.
Appropriate Assessment	A second stage assessment that is necessary and undertaken when a proposal may have 'likely significant effects' on species protected by the European Habitats Directives as transposed into UK law.
Article 4 Direction (PNP1-f)	An order approved by the Council as Local Planning Authority that removes the right to development that is permitted without the need to submit an application for planning consent.
Car Club	A vehicle sharing scheme for local residents, using parking spaces identified on-street as an arrangement to reduce traffic (NPPF 30), cut local greenhouse gas emissions (NPPF17, 35, 93 & 98) and help facilitate sustainable travel for all (NPPF 29 & 30).
Community led	Leadership by residents of the Neighbourhood Area who are not part of the Council.
Community-led Housing Enterprises	Community-led solutions to housing need which let residents within the Plan area take a stake in their home or co-op and keep the homes permanently affordable.
Community Partnership Area	An informal local arrangement of residents, business representatives and representatives of other organisations in a part of the Neighbourhood Plan area who meet regarding matters of mutual interest.
Core strategy	A former type of statutory development plan now replaced by a Local Plan produced in accordance with the range and depth of subject matter set out in the National Planning Policy Framework 2012.
Community Supported Agriculture (CSA)	A system of farming that creates a partnership between the farmer / producer and the consumer. In CSA the risks and benefits of farming are shared between the farmer and consumer – it helps to guarantee a market for the farmer and helps people reconnect with, and sometimes get involved with, where their food comes from. There are many models of CSA; one example is where the consumer pays an annual membership fee to cover the farming costs and receives a regular share of the harvest.

Term	Definition
Departure proposal	An application for planning consent that does not accord with the policies defined in the statutory Development Plan (see Development Plan below).
Development land allocation	Definition set out in the Town and Country Planning Local (Local Planning) (England) Regulations 2012. This states (in relation to local plans) that "a site allocation policy is a policy which allocates a site for a particular use or development". Also, part 4(9)(c) of the Regulations states that the adopted policies map must illustrate geographically the application of the policies in the adopted development Plan.
Development Plan	The statutory plan that applies to an area which in planning law requires all planning decisions to be taken in accordance with the development plan unless 'material planning considerations' indicate otherwise. A Development Plan is required to be produced and adopted in accordance with Town and Country Planning legislation. See also Supplementary Planning Document (SPD).
Development Plan Document (DPD)	The term includes the 'adopted' Local Plan and Neighbourhood Plans when 'made'. It does not include non-statutory documents such as Masterplans, Planning Guidance or any other Supplementary Planning Document (SPD). See also Supplementary Planning Documents.
Devon Green Lane	A general name given principally to an ancient unmetalled road in Devon that has existed for a very long time.
Ecosystem services	<p>The benefits people obtain from ecosystems. These include provisioning services such as food and water; regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services such as nutrient cycling that maintain the conditions for life.</p> <p>Reference: UK National Ecosystem Assessment, Understanding nature's value to society, (2011): <i>Synthesis of the Key Findings</i>, UNEP-WCMC, Cambridge.</p>
Energy Efficiency	An ecological approach to design and behavioural change involving optimal insulation, draught-proofing, energy management, and the use of healthy materials to reduce total energy use before, during and after deployment to support the move to a low carbon future (NPPF 95).
EnerPHit	The Passivhaus Institutes energy performance standard and design process for retrofitting of the existing housing stock which requires specific technical standards for Airtightness, Annual Specific Space Heat (or cooling) Demand, Specific Heat Load and Annual Specific Primary Energy Demand. Only retrofits in certain climates, including central Europe and the UK, can be certified to the EnerPHit standard. Note: Supporting energy efficiency improvements to existing buildings (NPPF 95).
English Riviera	Alternative name for the Torbay area used to describe its similar coastline to the northern Mediterranean from southeast France to northwest Italy.
Equivalent replacement	A relocation or replacement in the same place that in all respects is as good as or better than the use or facility that previously existed.
European obligations	These are obligations specified in European Directives and as transposed into UK law. They include a range of social, economic, and environmental matters.
Existing state	Assumed to remain unchanged during the time period covered by the Plan.

Term	Definition
Garden Town	Paignton settlement with enhanced natural surroundings and a greener, healthier built environment, tackling climate change, and providing meaningful jobs in convivial communities.
Greening	The planting of herbaceous plants, shrubs and trees in circular, horizontal, vertical and oblique positions at multiple sites within the landscape, public realm and built environment.
Greenspaces	Space that is not covered in an impervious layer such as tarmac and includes planted areas of soils and landscape.
Hierarchy Of Sustainability	Transport policy delivery where healthy active travel is endorsed rather than more unhealthy, polluting and carbon intense modes of passage according to the following rankings: <ol style="list-style-type: none"> <li>1. walking</li> <li>2. cycling</li> <li>3. public transport</li> <li>4. motor vehicles</li> </ol>
Habitat Regulation Assessment	The assessment of impact of land use plans or proposals on European protected sites, required by the Habitats Directive and legislation transposed into UK law.
Home Zone Design	A home zone is a <a href="#">living street</a> (or group of streets) <sup>(1)</sup> , encouraged by the UK Government <sup>(2)</sup> , as part of residential areas which are designed <sup>(3)</sup> primarily to meet the needs of pedestrians, cyclists, children and residents and where the speeds and dominance of motor vehicles is reduced <sup>(4)</sup> .  Notes: <sup>(1)</sup> South Gloucestershire Council, March 2013, <i>Living Streets: A guide to the design of informal home zones in new developments for South Gloucestershire</i> ; <sup>(2)</sup> Department for Transport, November 2005, <i>Home Zones: Challenging the future of our streets</i> ; <sup>(3)</sup> Institute of Highway Incorporated Engineers' (IHIE), June 2002, <i>Home Zone Design Guideline</i> ; and <sup>(4)</sup> <i>Minimising traffic conflicts &amp; establishing home zones</i> (NPPF35).
Independent Traders	Locally owned, locally run private businesses employing local residents using mainly local supply chains to deliver local products. In contrast to multiple traders with 9 or more outlets over the country as a whole.
Infrastructure	Physical elements of roads, sewers, other utility services. It does not extend to works identified as necessary to prevent, avoid, mitigate or in any way compensate for 'likely significant effect' on protected species.
Landmark Planting	The planting of biodiverse trees on the tops of hills and contours to deliver net gains in biodiversity (NPPF109 & NPPF118), help control the flow of water, protect the soil (NPPF109), and safeguard Paignton's local identity.
Landscape	An area as perceived by people, whose character is the result of the action and interaction of natural and/or human factors ( <i>European landscape convention, 2000</i> ).
Land use designation	Where a piece of land is identified for specific use. (See also Development Land Allocation.)

Term	Definition
Lifetime Homes	Ordinary homes designed to incorporate <a href="#">16 Design Criteria</a> that can be universally applied to new homes at minimal cost. Each design feature adds to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life. Notes: Good design to make places better for people (NPPF56); & Developments designed to consider the needs of people with disabilities by all modes of transport (NPPF35).
Local	Located within the boundary area of the Paignton Neighbourhood Plan.
Local Amenity Value	Characteristics that influence and enhance a persons' appreciation of a particular area or feature. These values are derived from the pleasantness, aesthetic coherence and cultural, environmental and recreational attributes of an area.
Local Green Space [LGS]	Land identified by the community in the Neighbourhood Plan as being of special importance to them in accordance with the National Planning Policy Framework (NPPF76).
Local shops	Retail shops that meet day to day needs in close proximity to the population served without needing to rely on transport to reach them.
Mega-Farms (aka Factory Farms)	Large capital intensive agri-industrial holdings with high densities of livestock husbanded under restricted conditions with no outside access and zero-grazing.
Natural change	The difference in population number between the number of live births and deaths for the given period. It does not include the difference between residents moving into or out of an area known as net-migration. Thus overall population change = Births +/-Deaths + Net Migration.
Net growth	The level of growth that results after account is taken of losses as well as gains.
Net inward migration	Inward migration occurs when the number of incomers exceeds those who leave. Net-outward migration is the opposite. The calculation does not include births/deaths.
Objectively Assessed Need (OAN)	The change in population that would normally arise if there was no plan and the demographic change in population continued as before, sometimes referred to as the 'policy-off' position. Full Objectively Assessed Need (FOAN) is the change expected in population and related requirements in the 'policy-on' situation.
Passivhaus (Standard)	The Passivhaus Institutes energy performance standard and design process for any building which requires specific technical standards for Airtightness, Annual Specific Space Heat (or cooling) Demand, Specific Heat Load and Annual Specific Primary Energy Demand. Note: <i>Supporting the move to a low carbon future</i> (NPPF17 & 95).
Population Projection	The future population that would result if what has been the actual position in the previous period of time continues unchanged into the future period of time identified. Different from a 'prediction' that estimates what the outcome may be if the previous circumstances did not continue and other circumstances were taken into account.
Primary and Secondary Retail Areas	Means Class A1 (Use Classes Order) shops predominate in the former and Class A2, A3 and compatible D1 and D2 uses in the latter.
Public realm	A local area freely accessible to all members of the public at all times of the day.

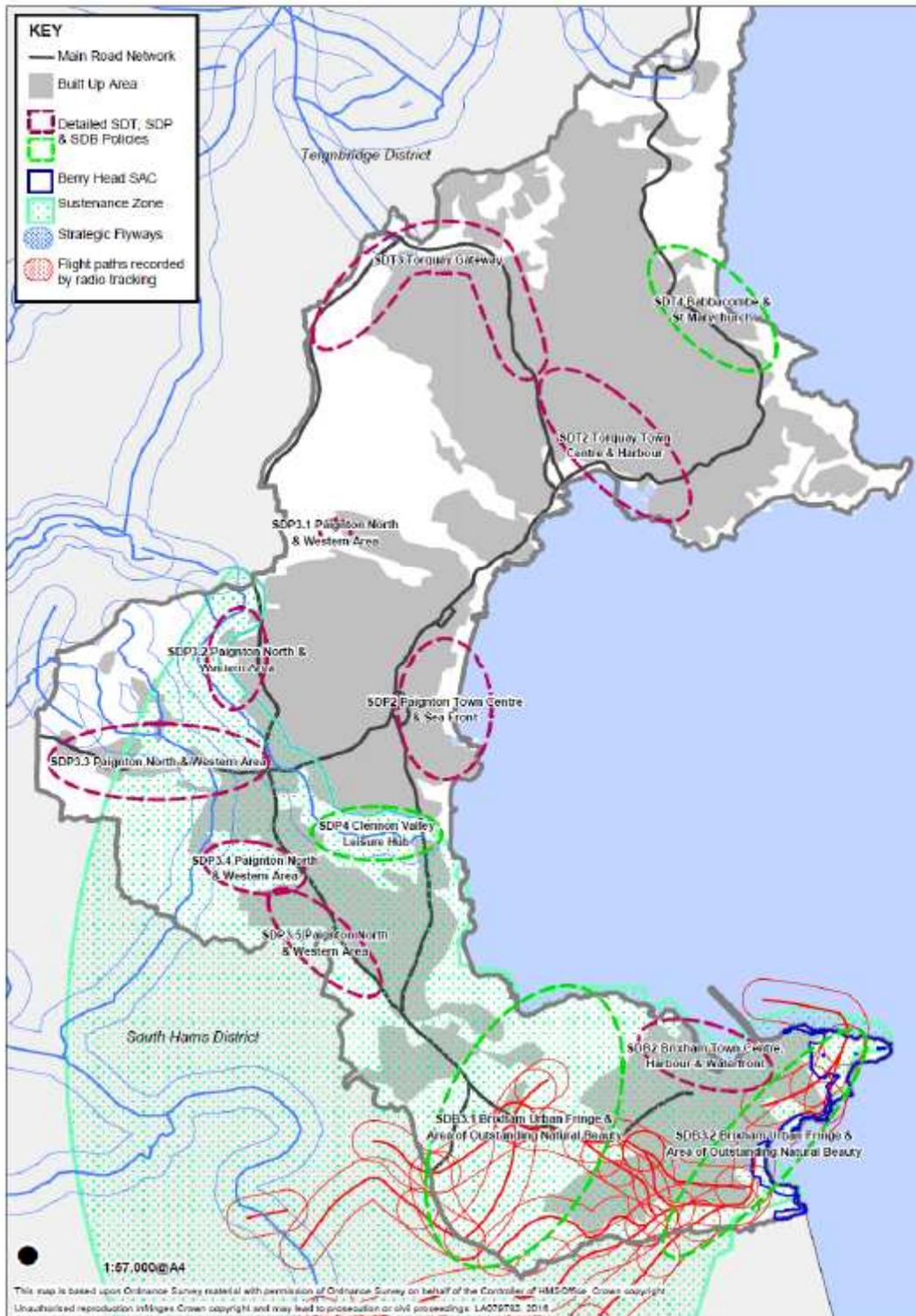
Term	Definition
Quaintness	Subjective description of an attractive feature of the local public realm or built environment, its scale, variety, balance of appearance and rustic charm not dominated by any particular feature, a blend of elements pleasing to the eye.
Referendum	The stage in preparing a Neighbourhood Plan when registered voters on the electoral register for the Neighbourhood Area are able to vote yes or no to the Plan being approved to become part of the statutory Development Plan for the area.
Renewable Energy	The use and supply of technologies employing sources of energy that are continually replenished such as sunlight, wind, rain, tides, waves and geothermal heat to contribute to energy generation from low carbon sources (NPPF 97).
Residential Local Centre	Focal point of facilities within the Plan area, beyond the town centre, where e.g. retail, social, health, public or religious venues may be conveniently accessed by nearby residents.
Retail offer	The appeal of goods and services to tourists visiting the area as well as residents of the Neighbourhood Plan Area.
Rural hinterland	The area to the west of the main urban area that is mainly in a natural setting of farmland and secluded valleys.
Separated Cycling	The provision of safe two-way cycling thoroughfares 2-3m in width independent of the motor vehicle road network. Note: <i>Minimising conflicts between traffic &amp; cyclists</i> (NPPF35).
Small-Scale Farming	Small scale farms (food growing and or rearing), market gardens, ag-forestry, allotments, underplanted orchards or horticultural holdings of 68 hectares or less.
Spatial plan	A general description of a Development Plan (see above) that has both policies in words and maps that show where and when the policies are intended to have effect.
Strategic Environmental Assessment (SEA)	A process to ensure that significant environmental effects arising from policies, plans and programmes are identified, assessed, mitigated, communicated to decision makers and monitored, and that opportunities for public involvement are provided. European Directive (2001/42/EC) requires the plan making body to carry out strategic environmental assessment on certain plans and programmes. SEA is encompassed by the wider Sustainability Assessments.
Supplementary Planning Document (SPD)	Established by the Planning and Compulsory Purchase Act 2004 (as amended), an SPD can be used to provide guidance on a range of local planning matters and provide greater detail about policies contained within the statutory development plan documents. SPDs cannot make policy or allocate land, but can provide guidance on implementation.
Sustainability Appraisal (SA)	An appraisal of the economic, social and environmental effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.
Sustainable Development	Widely recognised internationally, and in the National Planning Policy Framework (page 2), which defines sustainable development as <i>"meeting the needs of the present without compromising the ability of future generations to meet their own needs."</i> The NPPF refers also to the UK Sustainable Development Strategy "Securing the Future" which sets out five ' <i>guiding principles</i> ' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Term	Definition
Themed Markets	Regular or occasional street or park events, usually with stalls, that promote specific trades or celebrations in topics of value or interest to Paignton's residents, e.g. local farmers' markets.
Transport Hub (a.k.a. The Transport Gateway)	The Paignton town centre area occupied by the train and bus stations, coach stop, vehicle pick up, taxi rank and nearby car parks where passengers exchange between transport modes (see policy PNP17).
Unsightly	Subjective description of an unattractive feature of the local public realm or built environment.
Windfall sites	In general windfall sites are defined as sites that are not identified as available for development in the Development Plan. The Torbay Local Plan specifically defines windfalls as sites of 5 or fewer net new dwellings, which were below the threshold considered in the Strategic Housing Land Availability Assessment (SHLAA). However larger windfall sites are also likely to arise during the Plan period.

## Appendix 2 Protected Species and Sites of Importance

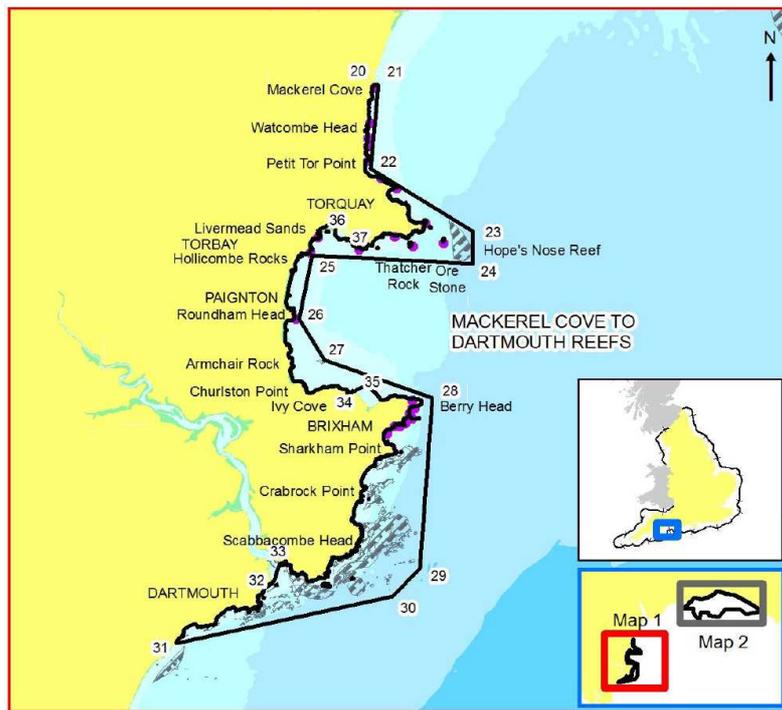
In this Appendix for ease of quick reference:

### a) Greater Horseshoe Bat strategic flight paths and sustenance zone - South Hams Special Area of Conservation (SAC)



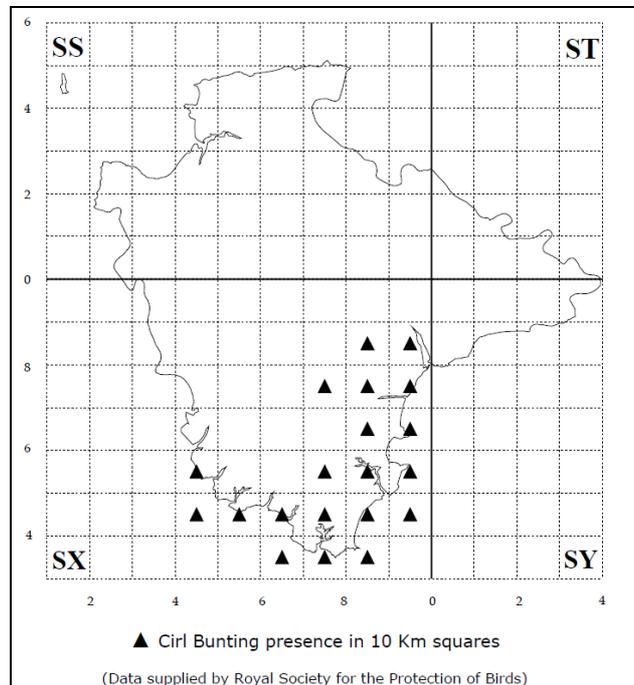
Source: Torbay Local Plan Habitat Regulations Assessment December 2015

**b) Lyme Bay and Torbay Marine Special Area of Conservation (SAC)**



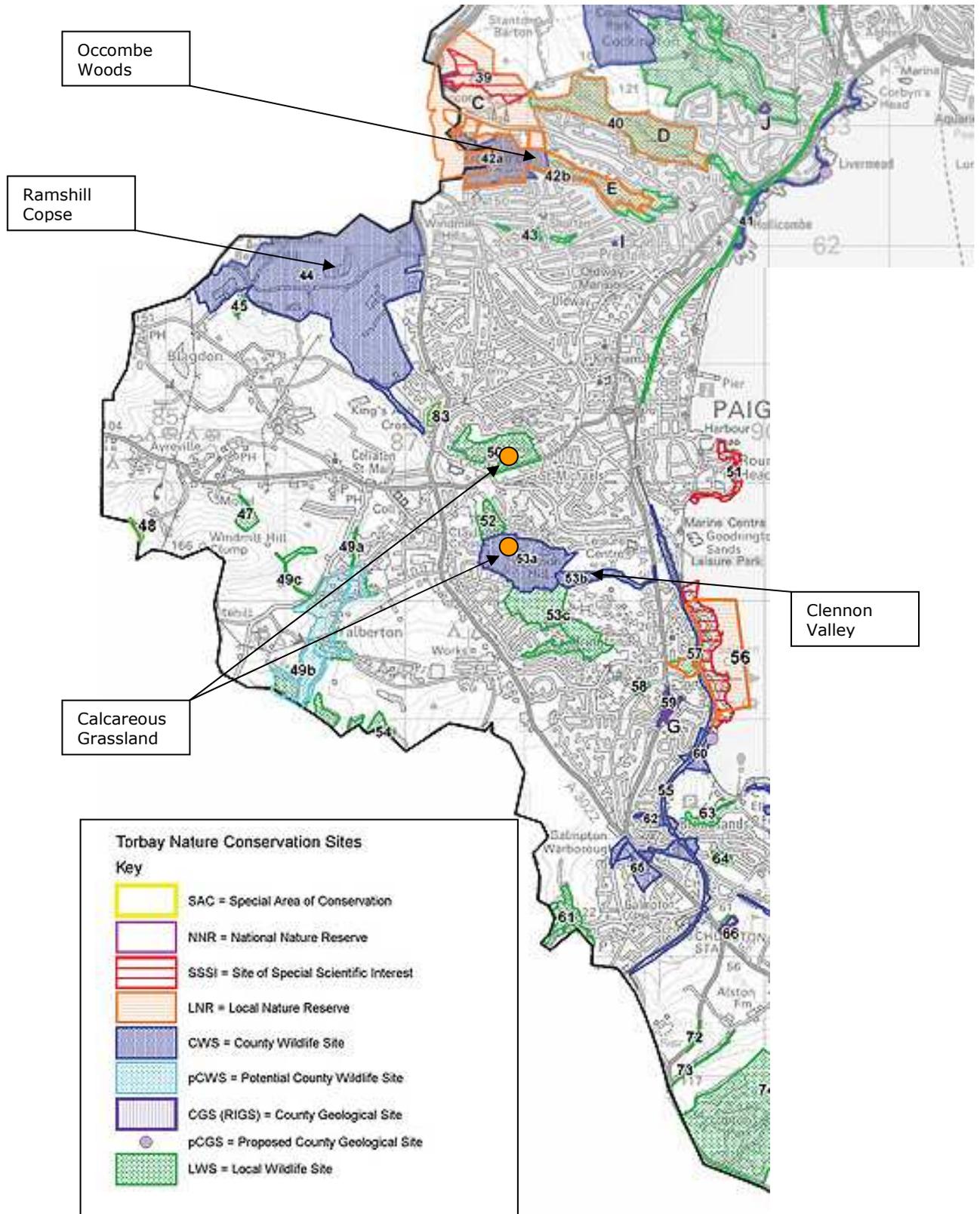
Source: Natural England

**c) Cirl Buntings – Listed in EC Directive**



Source: Devon Biodiversity Action Plan 2009  
See also [magic.gov.uk/MagicMap.aspx](http://magic.gov.uk/MagicMap.aspx)

**d) Designated Sites of Special Scientific Interest (SSSIs) and other Nature Conservation Sites of importance**



Source: *The Nature of Torbay 2006-2016 and The Torbay Green Infrastructure Delivery Plan April 2011*. See also [http://www.countryside-trust.org.uk/userfiles/files/BAPfullplan\(2\).pdf](http://www.countryside-trust.org.uk/userfiles/files/BAPfullplan(2).pdf)

## **Appendix 3 Trees for biodiversity**

### References

1. M.Crawford, 2010, '*Creating a Forest Garden – Working With Nature to Grow Edible Crops*', Green Books.
2. M.Crawford, 2015, '*Trees for Gardens, Orchards and Permaculture*', Permaculture Publications.

<b>Tree Species</b>	
<i>Acacia spp.</i>	Wattles
<i>Amelanchier spp.</i>	Juneberries/Serviceberries
<i>Arbutus unedo</i>	Strawberry Tree
<i>Caragana arborescens</i>	Siberian Pea Tree
<i>Castanea spp.</i>	Sweet Chestnut & Hybrid Sweet Chestnut
<i>Cercis spp.</i>	Redbuds & Judas Tree
<i>Chaenomeles cathayensis</i>	Cathay Quince
<i>Cornus mas</i>	Cornelian Cherry
<i>Crataegus spp.</i>	Hawthorns
<i>Cydonia oblonga</i>	Quince
<i>Diospyros lotus</i>	Date Plum
<i>Diospyros virginiana</i>	American Persimmon
<i>Elaeagnus x ebbingei</i>	Ebbinge's silverberry
<i>Elaeagnus umbellata</i>	Autumn Olive
<i>Halesia Carolina</i>	Snowbell Tree/Silverbell Tree
<i>Hippophae spp.</i>	Sea Buckthorns
<i>Malus spp.</i>	Apple & Crab Apple
<i>Mespilus germanica</i>	Medlar
<i>Myrica spp.</i>	Bayberries/Wax Myrtles
<i>Prunus armenica</i>	Apricot
<i>Prunus avium</i>	Sweet Cherry
<i>Prunus cerasifera</i>	Cherry Plum & Mirabelle
<i>Prunus cerasus</i>	Sour Cherry
<i>Prunus domestica &amp; P.insititia</i>	Plums (including Gages, Bullaces, & Damsons)
<i>Prunus dulcis</i>	Almond
<i>Prunus persica</i>	Peach & Nectarine
<i>Prunus salicina</i>	Japanese Plum
<i>Prunus spinosa</i>	Blackthorn/Sloe
<i>Pyrus communis, P.pyifolia &amp; P.ussuriensis</i>	Pears

<b>Tree Species</b>	
<i>Quercus robur</i> & <i>Q.petraea</i>	English Oaks
<i>Robinia Pseudoacacia</i>	Black Locust/False Acacia
<i>Sambucus nigra</i>	European Elder
<i>Shepherdia argentea</i>	Buffalo Berry
<i>Tilia spp.</i>	Limes/Lindens
<i>Zanthoxylum spp.</i>	Pepper Trees

## Appendix 4 Neighbourhood Plan Policies Map

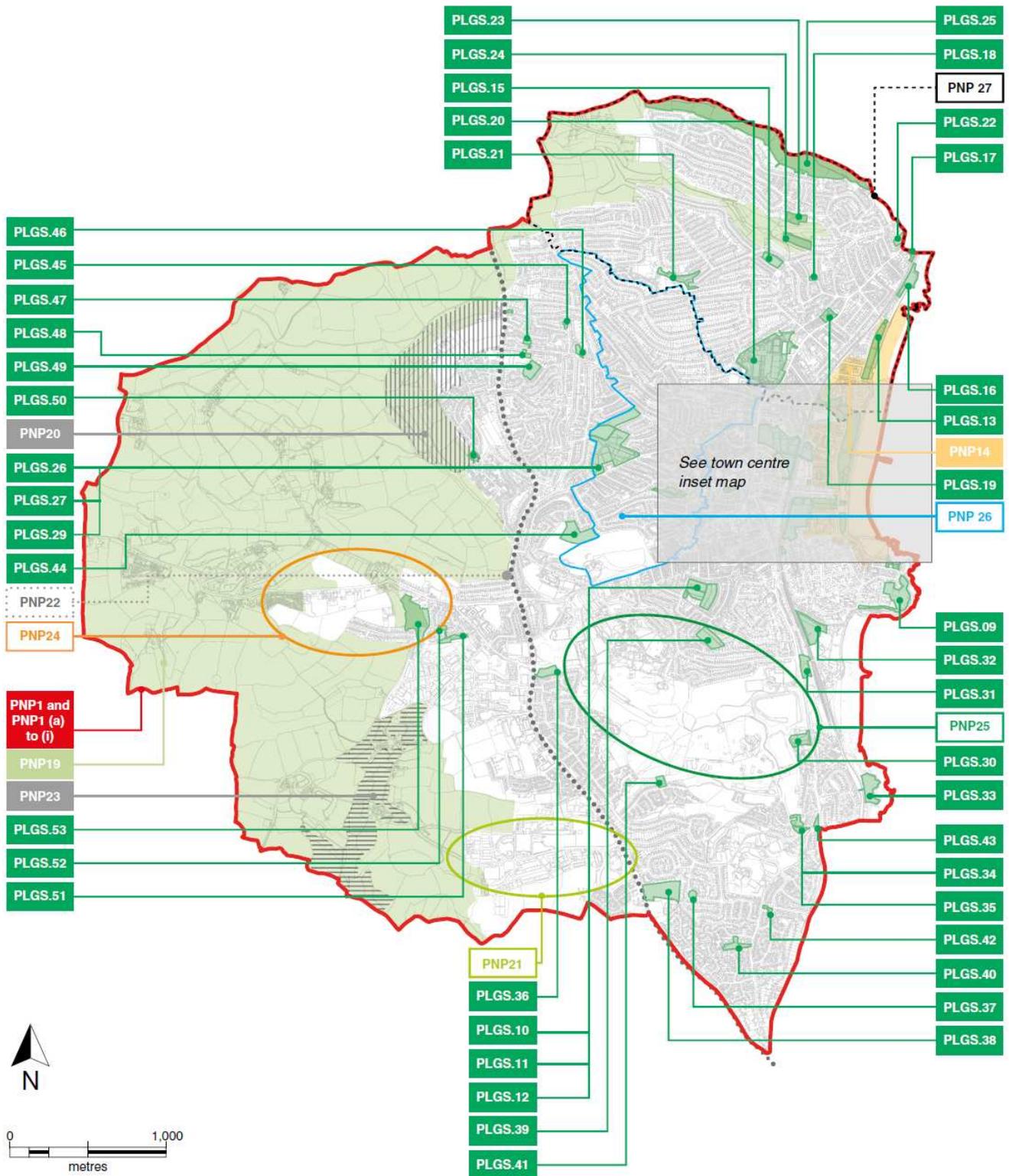
This Appendix contains a composite Policies Map of the policy areas shown in more detail in the plan.

### Policies Key

Policy	Title	Notation	For boundary detail see:
PNP1	Area Wide	Outer red line	Fig 1.2 (page 9)
PNP1(a)	Rural Character Area	Light green fill	see PNP19 Fig. 6.10 (page 53)
PNP1(b)	Local Green Space (sites 1-53)*	Green fill	PLGS.1-53* Fig. 6.2 & sites PLGS1-53 (pages 23 and Part 7)
PNP1(c)	Design Principles	Outer red line	Fig. 1.2 (page 9)
PNP1(d)	Residential Development	Outer red line	Fig. 1.2 (page 9)
PNP1(e)	Commercial Development	Outer red line	Fig. 1.2 (page 9)
PNP1(f)	Towards a sustainable low carbon energy efficient economy	Outer red line	Fig. 1.2 (page 9)
PNP1(g)	Designing out crime	Outer red line	Fig. 1.2 (page 9)
PNP1(h)	Sustainable transport	Outer red line	Fig. 1.2 (page 9)
PNP1(i)	Surface Water	Outer red line	Fig. 1.2 (page 9)
PNP2	Town Centre	Yellow solid line	Local Plan TC inset map
PNP3	Paignton Harbour	Brown line dash	Fig 6.3 (page 31)
PNP4	Seafront	Yellow fill	Fig 6.3 (page 31)
PNP5	Torbay Road	Oval black line	Fig 6.3 (page 31)
PNP6	Station Square 'Gateway'	Oval black line	Fig 6.4 (page 36)
PNP7	Victoria Square	Oval & hatch	Fig 6.5 (page 37)
PNP8	Crossways, Hyde Road and Torquay Road	Oval & hatch	Fig 6.6 (page 38)
PNP9	Victoria Park	Green fill	PLGS.02 PLGS.02 (page 68)
PNP10	Queens Park	Green fill	PLGS.05 PLGS.05 (page 69)
PNP11	Old Town	Vertical black hatch	Fig. 6.7 (page 42)
PNP12	Getting around	Red line	Fig. 6.3 (page 31)
PNP13	Housing opportunities within the Town Centre and Harbour area	Yellow solid line & brown dash line	Local Plan TC inset map & Fig. 6.3 (page 31)
PNP14	Paignton Neighbourhood Plan Core Tourism Investment Area	Yellow fill	Fig. 6.8 (page 46)
PNP15	Flood and sea defences	Red line	Fig. 6.3 (page 31)
PNP16	Victoria Street	Oval black line	Fig. 6.3 (page 31)
PNP17	Transport 'Gateway' improvement	Oval black line	Figs. 6.3 and 6.4 (pages 31 and 36)
PNP18	Supporting the Retention of Retail Uses	See 2nd inset map	Fig. 6.9 (page 50)
PNP19	Safeguarding open countryside	Light green fill	Fig. 6.10 (page 53)
PNP20	Great Parks	Vertical hatch	Fig. 6.11 (page 54)
PNP21	White Rock and nearby areas	Light green oval line	Fig 1.2 (page 9)
PNP22	Western corridor	Grey dotted line	Fig 1.2 (page 9)
PNP23	Yalberton to Blagdon Valley	Horizontal hatch	Fig 6.12 (page 59)
PNP24	Collaton St.Mary Village	Orange oval line	Fig 1.2 (page 9)
PNP25	Clennon Valley	Green oval line	Fig 1.2 (page 9)
PNP26	Clifton with Maidenway	Blue line	Fig 1.2 (page 9)
PNP27	Preston	Black line dash	Fig 1.2 (page 9)

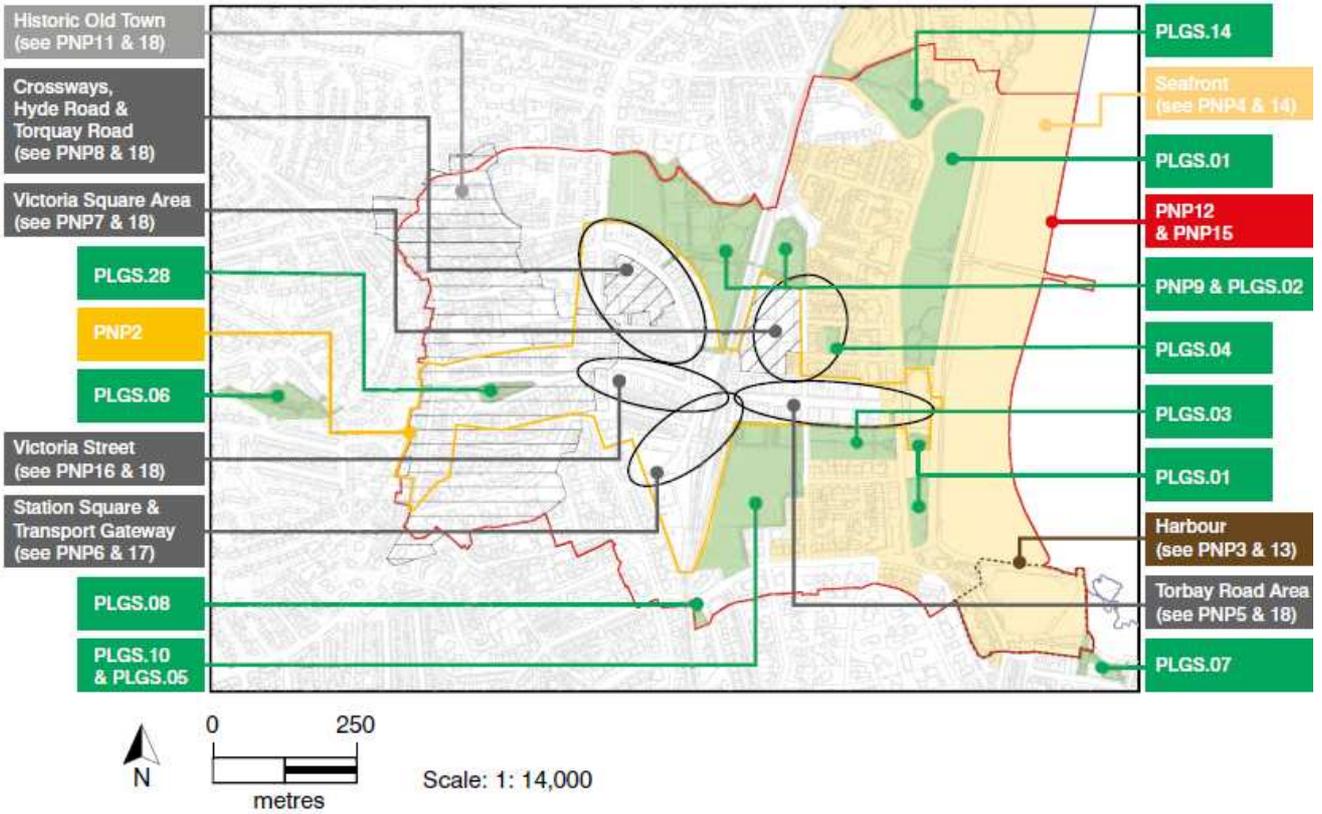
\* the location of each Local Green Space is shown on the Policies Map and the boundary detail of each site is shown in Part 7 of the Plan.

# Policies Map

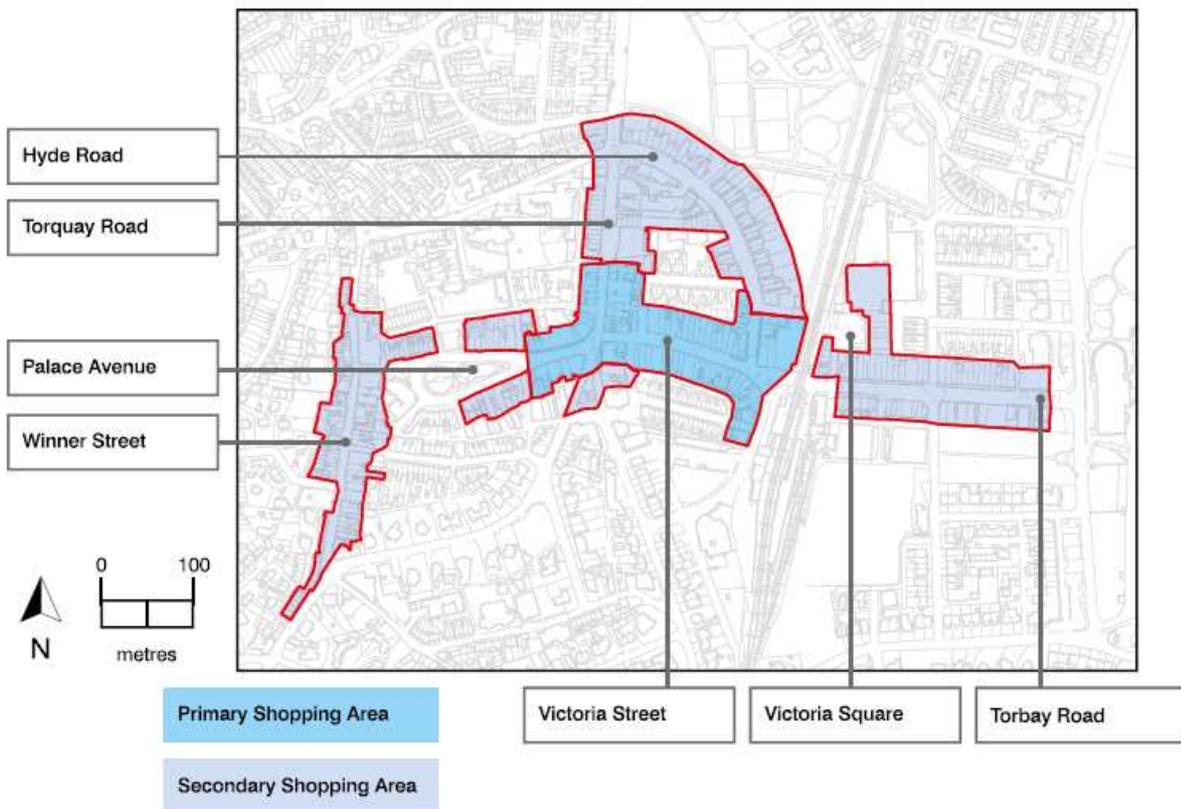


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## Town Centre Inset Policies Map

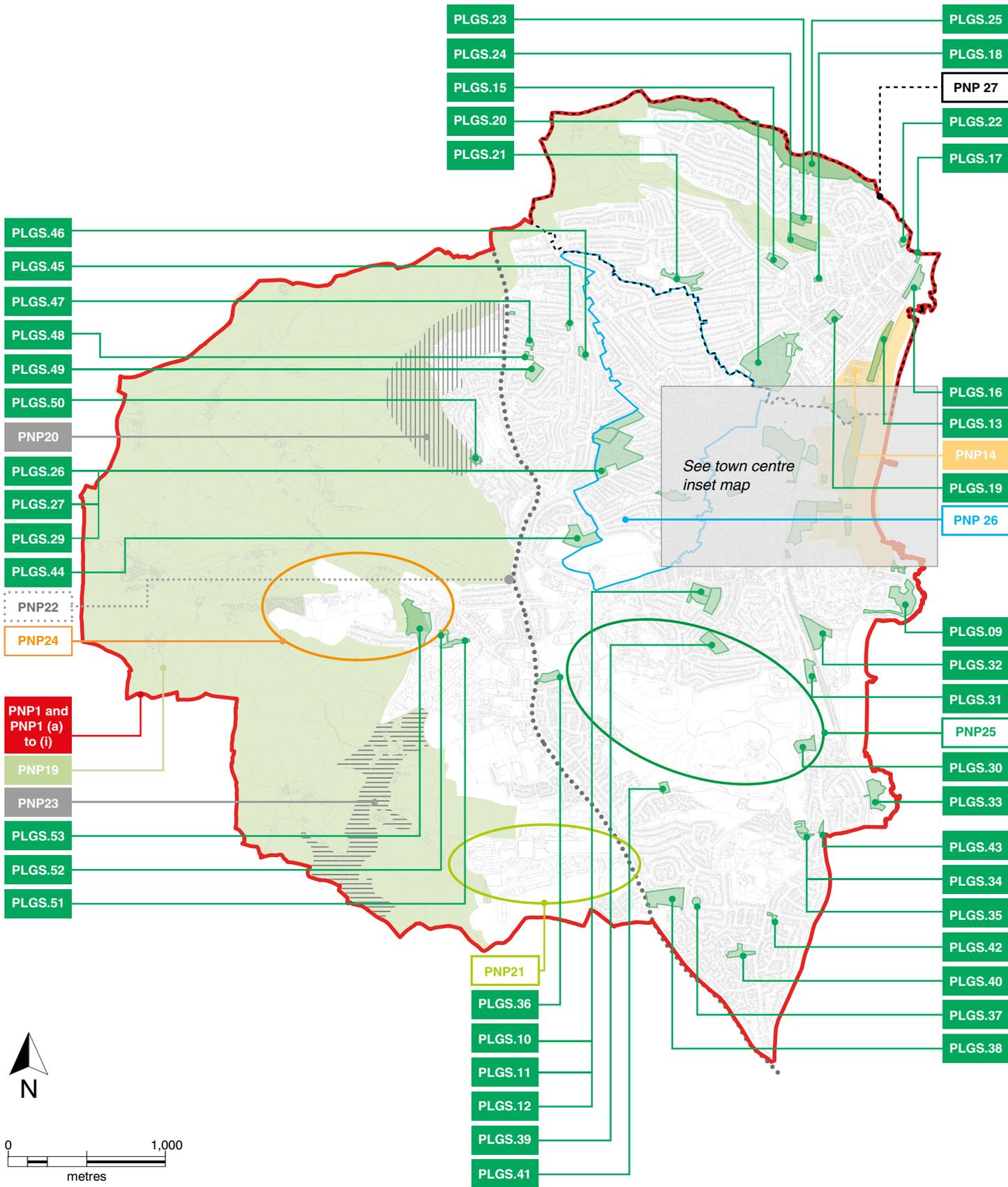


## Policy 18 - Supporting the Retention of Retail Uses



## Local Green Spaces Key (all coloured Dark Green)

PLGS.01	Paignton Green	See page 68
PLGS.02	Victoria Park	See page 68
PLGS.03	Torbay Park and Gardens	See page 68
PLGS.04	Berry Square	See page 68
PLGS.05	Queens Park	See page 69
PLGS.06	Palace Avenue Gardens	See page 69
PLGS.07	Burma Star Garden	See page 69
PLGS.08	Whitstone Corner	See page 69
PLGS.09	Roundham Head Park	See page 70
PLGS.10	St. Michael's Field	See page 70
PLGS.11	Oakleigh St. Michael's Allotments	See page 70
PLGS.12	Derrell Road Allotments	See page 70
PLGS.13	Preston Green	See page 73
PLGS.14	Parkfield	See page 73
PLGS.15	Coombe Valley Park	See page 73
PLGS.16	Hollicombe Cliff Park	See page 73
PLGS.17	Hollicombe Park (part of)	See page 73
PLGS.18	Wills Avenue Playground	See page 74
PLGS.19	Preston Gardens	See page 74
PLGS.20	Oldway Mansion Gardens	See page 74
PLGS.21	Shorton Valley Woods	See page 74
PLGS.22	Hollicombe Allotments	See page 75
PLGS.23	Sandringham Gardens	See page 75
PLGS.24	Lower Penns Road Allotments	See page 75
PLGS.25	Scadson Woods	See page 75
PLGS.26	Stanley Gardens	See page 78
PLGS.27	Ailescombe Road Allotments	See page 78
PLGS.28	Monastery Winner Hill	See page 78
PLGS.29	Paignton Cemetery	See page 78
PLGS.30	Clennon Valley Allotments	See page 81
PLGS.31	Quay West Corner	See page 81
PLGS.32	Young's Park (part of)	See page 81
PLGS.33	Oyster Bend Field	See page 81
PLGS.34	Goodrington Community Orchard	See page 82
PLGS.35	Goodrington Village Green	See page 82
PLGS.36	Claylands Cross Park	See page 82
PLGS.37	Gibson Road Playground	See page 82
PLGS.38	White Rock Recreation Ground	See page 82
PLGS.39	York Road Allotments	See page 83
PLGS.40	Hookhills Playground and Park	See page 83
PLGS.41	Lancaster Drive Playpark	See page 83
PLGS.42	Cherry Brook Square	See page 83
PLGS.43	Goodrington Road	See page 83
PLGS.44	Primley Park	See page 88
PLGS.45	Redwell Road	See page 88
PLGS.46	Smallcombe Scout Field	See page 88
PLGS.47	Smallcombe Road Playground	See page 88
PLGS.48	Wild Fox Adventure Playground	See page 89
PLGS.49	Foxhole Community Playing Field	See page 89
PLGS.50	Great Parks Play Area	See page 89
PLGS.51	Snowdonia Close	See page 89
PLGS.52	Pennine Drive	See page 90
PLGS.53	Collaton St. Mary Meadow	See page 90



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**Paignton Neighbourhood Plan  
Referendum Version**

**Habitats Regulations Assessment  
Appropriate Assessment  
March 2019**

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# 1. Introduction

This Report sets out stage 2, Appropriate Assessment (AA), of the Paignton Neighbourhood Plan (PNP) Habitats Regulations Assessment (HRA) based on the Examiner's recommendations and further modifications made post examination. The AA considers the policies that were screened out in the submitted HRA Screening stage where mitigating measures were taken into account<sup>1</sup>. The original screening was prepared and submitted before the Judgment of the European Court of Justice, 'Sweetman' judgment (*People over Wind & Sweetman v Coillte Teoranta* case C-323/17 on 12 April 2018). This ruled that *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of a plan or project on the site"*. It represents a significant shift in the interpretation of the law on Habitats Regulations.<sup>2</sup>

Following the Sweetman/People over Wind judgment the Habitats Regulations Screening has accordingly been revisited in this AA, taking the judgement into account.

The PNP Examiner's Report was published in July 2018<sup>3</sup>. It considers whether the Plan meets legal "basic conditions" including conformity to the Habitats Directive (92/43/EEC). The report states at para. 11.6.10 that *"On the basis that the Paignton Neighbourhood Plan **does not make any site allocations** I am satisfied that the HRA 'Screening Stage' does substantively meet the requirements"*. The Council, as the competent authority, considers the information provided at the screening stage is sufficient to meet the Habitats Regulations.

This Plan was approved unanimously by Torbay Council Full Council (the Local Planning Authority) on 15 November 2018. The Council decision incorporates an addition to Policy PNP1 in response to the recommendation of the on-going HRA Assessment to state that:

*"Development will not be supported where: f) The development proposal would result in an adverse impact on a European protected site"*.

The AA involves an assessment of the Post-Examination policies<sup>4</sup> that were screened out at the Screening stage where mitigation measures had been taken into account. It is noted that the HRA Screening dated July 2017 (Document 4 of Paignton Neighbourhood Forum's submission documents) contains a screening of specific sites at Appendix 17. However the Neighbourhood Plan does not include site allocations for housing or employment sites. Table 8.1 of the Referendum Plan includes

1 [https://www.torbay.gov.uk/media/10329/pnpsa\\_hra.pdf](https://www.torbay.gov.uk/media/10329/pnpsa_hra.pdf) Sustainability Appraisal, Habitats Regulations Assessment, July 2017

2 Previously *R (Hart DC) v Secretary of State for Communities and Local Government* [2008] EWHC 1204 (Admin) did allow mitigation to be considered at Stage 1 Screening stage.

3 <https://www.torbay.gov.uk/media/11634/pnpindependentexaminersreport.pdf> See conclusions at page 15 of the Report.

4 Identified sites: These are not allocated sites and do not have policy weight but recognise a potential development site for consideration through the development management process.

some sites identified in the Adopted Torbay Local Plan in its phasing conclusions. These are not site allocations, as clarified by the Examiner and subsequently ratified by full Council. More detail is set out in the Examiner's Report<sup>5</sup>. Accordingly, the specific sites have not been assessed in this iteration of the assessment on the basis that they are not proposed by the PNP.

## 2. The Screening Report Outcome

The policies that were found to have likely significant effects on European sites were screened out subject to mitigation measures in the Screening stage have undergone an Appropriate Assessment to ensure the Plan accords with the 'Sweetman'/People over Wind judgment<sup>6</sup>.

### 2.1 Paignton Neighbourhood Plan Policies

Out of 27 policies 13 were screened out at screening stage and therefore will not be considered in this AA, these are:

PNP1, PNP2, PNP4, PNP5, PNP9, PNP10, PNP11, PNP15, PNP16, PNP18, PNP19, PNP23, PNP26.

The remaining 14 policies were screened out at screening stage subject to recommended mitigation measures and therefore will be considered in this AA, these are:

PNP3, PNP6, PNP7, PNP8, PNP12, PNP13, PNP14, PNP17, PNP20, PNP21, PNP22, PNP24, PNP25, PNP27.

### 2.2 Housing and Employment Sites

The Independent Examiner considering the Paignton Neighbourhood Plan found that a Neighbourhood Plan could not be required to make site allocations. Her recommendations were accepted, with a number of further modifications by full Council on 15 November 2019. This document assesses the "Referendum Version" of the Plan. Whilst the submitted HRA did consider identified housing and employment sites, these have not been included as allocations in the Referendum PNP and can therefore will not be considered in this AA.

## 3. Appropriate Assessment

This section addresses stage two Appropriate Assessment of the HRA process (Article 6(3) of Council Directive 92/43/EEC). The AA assesses the adverse effects on European sites in light of the conservation objectives and mitigation measures required. The Screening Report considered the two European sites within Torbay i.e. the South Hams SAC and the Lyme Bay and Torbay Marine SAC.

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<sup>5</sup> Op. cit. See conclusions at page 15 of the Report

<sup>6</sup> Prior to the Sweetman/People over wind judgment the policies were screened out either with or without mitigation measures, as set out in the Screening Report submitted with the PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary, July 2017

[https://www.torbay.gov.uk/media/10329/pnpsa\\_hra.pdf](https://www.torbay.gov.uk/media/10329/pnpsa_hra.pdf)

Section 4.21 of the Screening Report<sup>7</sup> summarises the main factors that could potentially affect the integrity of the two European sites alone and as a result of the in-combination effect of the Neighbourhood Plan policies. These are:

- Increased water discharges (consented), which can lead to reduced water quality at European sites.
- Increased surface water runoff, which can lead to reduced water quality at European sites.
- Increased recreational activity, which can lead to increased disturbance at European sites.
- Increased noise and light pollution, which can lead to increased disturbance at European sites.
- Land take, which can lead to habitat loss and fragmentation of designated and/or supporting habitats.

The AA examines the following policies and sites in more detail in Appendix A. The mitigation measures included in this assessment were extracted from the HRA Screening Report and other available sources such as the Torbay Local Plan HRA and planning application relevant references were also provided in Appendix A.

Along with the strategic policy mitigations measures already in place, the mitigation measures recommended in Appendix A have been incorporated into the PNP.

### 3.1 PNP3, PNP6, PNP7, PNP8, PNP12, PNP13, PNP14, PNP17 & PNP27

General policies could potentially have adverse effects on water quality from contaminated run-off which could adversely affect Lyme Bay and Torbay Marine SAC. The policies were generally found to have no adverse effects on the South Hams SAC.

#### Mitigation Measures

- The Local Plan Policies W5 and ER2 restrict development that could have adverse effects on the Lyme Bay and Torbay Marine SAC.
- These sites are also subject to Policy PNP1 (i) Surface Water, which requires a range of measures aimed at reducing the risk of combined sewer outflows and other polluting incidents.
- Amend PNP1<sup>8</sup> (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site. This change has been incorporated into the Referendum Plan, as agreed by Full Council on 15<sup>th</sup> November 2018.

### 3.2 PNP20, PNP21, PNP22, PNP24, PNP25

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<sup>7</sup> Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary, 2017

<sup>8</sup> It is noted that the PNP does not allocate site, but rather identifies local requirements to steer developments including habitats safeguards and as such will support the implementation of the mitigation strategy outlined in this report.

These are location specific Policies that lie within the sustenance zone and adjacent to strategic flyways of the South Hams SAC Greater Horseshoe Bats (GHB). They are not specific development policies themselves, and largely seek to regulate and promote high environmental quality in areas proposed by the Adopted Torbay Local Plan. Nevertheless some of the policies contain support for matters such as park and ride (PNP22), cycle tracks or other green infrastructure that could trigger the need for additional HRA Screening at project level. Without appropriate design and mitigation, development in these areas is likely to adversely affect the South Hams SAC integrity, both alone and in combination with other plans or projects. The policies could potentially have adverse effects on water quality from contaminated run-off resulting from insufficient sewer capacity, which in turn could have adverse effects on Lyme Bay and Torbay Marine SAC.

Proposals will need to be assessed against the development plan as a whole, which includes Policy PNP1 (i) of the PNP and Policies ER1, ER2 and W5 of the Adopted Torbay Local Plan.

### Mitigation Measures

- Strategic Local Plan Policy SS2 and NC1 require bespoke GHB mitigation plans before planning permission can be granted.
- Strategic Local Plan Policies W5 and ER2 restrict development that could have adverse effect on the Lyme Bay and Torbay Marine SAC.
- Policy PNP1 (i) requires sustainable drainage and water management measures in development.

### 3.3 Great Parks Phase 2 (PNP20)

Great Parks Phase 2 is a Greenfield site that lies on the edge of the urban area. Some of the Phase 2 land has planning permission (P/2014/0938 and P/2018/0522, and P/2016/0462). The land was a proposal in the previous Local Plan 1995-2011, which has been carried over into the Local Plan 2012-30 as part of Policy SDP3.2. The PNP does not allocate the site but Policy PNP20 seeks to deliver the site as per the (non-statutory) masterplan, subject to further habitat safeguards being achieved to ensure no likely significant effects on protected species in the area.

Because the Policy is not a site allocation (and expressly requires habitat safeguards), it is possible that no AA is required. However the policy does encompass green infrastructure and cycle facilities and AA has been carried out on a precautionary basis.

Although the site lies outside the South Hams SAC 'Greater Horseshoe Bat Consultation Zone', it offers potential commuting and foraging habitat for bats. Activity surveys<sup>9</sup> show the site supported low numbers greater horseshoe bat. The Annex II species greater horseshoe bat was recorded using the western boundary of the site.

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<sup>9</sup> EAD Ecological Consultants (2014)

The potential issues arising as a result of proposed development are:

- 1 Loss and fragmentation of commuting routes during the construction phase;
- 2 Habitat fragmentation associated with artificial illumination during construction and operational phases; and
- 3 Loss of potential roosting features within trees.

### **Mitigation Measures**

Mitigation and enhancement during construction:

- All contractors' compounds would be located away from hedgerows and mature trees to minimise potential lighting and disturbance impacts. No lighting would be left on during the night during the construction period.
- Any security lighting would be positioned at low-height and motion activated on short-timers.
- The retained hedgerows would be maintained as corridors and would remain suitable for use by foraging and commuting bats; new habitats on the site would provide new commuting and foraging opportunities for bats, particularly as they matured.
- A minimum of 15 bat tubes or bat bricks would be installed within new buildings, and a further five boxes placed on suitable trees within the site. Boxes would be placed above 3m height in locations facing boundary hedgerows that are not subject to lighting, avoiding north-facing aspects.
- Exact locations and specifications would be specified in the LEMP. This would enhance the site for bats by providing additional roosting opportunities

Mitigation and enhancement post-construction:

- The proposed development would include an integrated landscape and ecological design that will benefit a range of wildlife as it established and matured. This would include:
- New native tree and shrub planting, new native hedgerow, new wildflower rich grassland, and wetland habitat associated with the 'rain garden' that would form part of the SUDS design for the development.
- A Landscape and Ecological Management Plan (LEMP) would be produced and would detail appropriate long-term management and monitoring of the wildlife habitats.
- To minimise post-construction impacts on bats, lighting along roads and footpaths would be kept to the minimum required for security and public health and safety. Low-level directional lighting would be used where possible and low pressure sodium lights would be used in preference to high pressure sodium or mercury lights. There would be no lighting on hedgerows around the boundary of the site.

### 3.4 White Rock (PNP21)

As set out above, the PNP makes no employment site allocations, and the reference to PNPE8 in Figure 7.14 is for information purposes. Policy PNP21 provides guidelines for the implementation of Local Plan Policies SS2 and SDP3.5. Whilst PNP21 seeks to strengthen planting and enhance ecological assets, it also contains criteria that could encompass development, and the Policy has therefore been included in the AA. The identified site has planning permission (P/2011/1267 and P/2017/1042 and others) and is being built out. It is within the South Hams SAC greater horseshoe bat sustenance zone and provides suitable foraging and commuting opportunities for bats in form of grassland and hedgerows habitats. Connectivity to surrounding habitats is good as most of the surrounding areas (to the west and south) consists of rural fields.

A number of bat surveys<sup>10</sup> showed that the area was regularly used by greater horseshoe bats, although activity levels were considered to be generally low. The surveys indicated that greater horseshoe bats more frequently used the woodland edge within the site and also the hedgerow. The site was likely to be used for commuting, rather than foraging.

Natural England state that they will not object to the scheme subject to suitable mitigation being secured.

#### Mitigation Strategy

The White Rock Masterplan (a non-statutory document) has been designed to ensure continues opportunities for horseshoe bats and the LEMP has been compiled to ensure the establishment of landscape features and coherent ecological network. In particular to enhance connectivity across the site for foraging and commuting bats including greater horseshoe bats.

The mitigation and enhancement strategy would be controlled through the provision of:

- Additional planting hedgerows using native species to enhance foraging opportunities for bats;
- The provision of a purpose designated and managed flyway across the landscape provides sufficient compensation for the loss of low quality foraging habitats;
- A sensitive lighting scheme will be implemented on the site, to include directional lighting away from retained trees and green corridors. Light levels should not increase by more than 0.5 lux as a result of development; and
- Consideration will also be given for enhancing the site for bats through installing bat roosting features on to building and retained trees and additional planting including night-scented plant species such as honeysuckle<sup>11</sup>.

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<sup>10</sup> Tyler Grange (2017) & Ecosulis (2016)

<sup>11</sup> Ecosulis (2016)

### 3.5 PNP22 Western Corridor

Policy PNP22's primary focus is to promote sustainable development, in conjunction with Policies SS6.2 (ii), SS6.8 and TA1 of the Local Plan. Nevertheless PNP22 could support cyclepaths/footpaths, park and ride facilities and associated infrastructure that could potentially affect HRA species.

Development specifically supported in PNP 22 is likely to be relatively small scale in nature as the Local Plan sets a strategic framework for the Western Corridor. However criteria b) supports the principle of a park and ride facility although a specific site is not identified in the PNP. Such a proposal would require HRA screening/AA at a project level.

#### Mitigation Measures

- Strategic Local Plan Policy SS2 and NC1 require bespoke GHB mitigation plans before planning permission can be granted.
- Strategic Local Plan Policies W5 and ER2 restrict development that could have negative effect on the Lyme Bay and Torbay Marine SAC.
- Amending Policy PNP1 (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site will reinforce these safeguards.

### 3.6 PNP24 Collaton St Mary

The Policy area lies within the South Hams SAC greater horseshoe bat sustenance zone and a strategic flyway. Development of the sites could result in loss of semi-natural vegetation and/or introduction of new light sources in Clennon Valley. The area also lies within flood risk zone adjacent to Lyme Bay and Torbay Marine SAC. The level of growth in these sites could potentially have adverse effects on Lyme Bay and Torbay Marine SAC

Policy PNP24 Collaton St Mary Village does not allocate the area for development - this is done by Proposals SS2 and SDP3 of the Torbay Local Plan 2012-30. Policy PNP24 (as Modified by the Independent Examiner) seeks to guide the already allocated development in accordance with the adopted Masterplan Supplementary Planning Guidance principles, including a requirement for flood minimisation. Both the Local Plan and masterplan note the need for habitats surveys. The PNP is considered to strengthen these environmental controls. The Local Plan Policies and the SPD require project level HRA screening and Appropriate Assessment, supported by sufficient survey evidence. In addition the overarching Policy PNP1 as amended in response to this AA will apply to the area.

Development proposals could result in loss of semi-natural vegetation and/or introduction of new light sources at Collaton St Mary, albeit that Policy PNP24 contains significant safeguards and mitigation measures. Therefore an AA has been carried out on a precautionary basis.

## Mitigation Measures

The South Hams SAC:

- Provision of landscape buffers between development and areas of semi-natural vegetation in the valley;
- Control of light spill;
- Mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley;
- Retention, where appropriate, of features through development that are likely to be used by GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.

The Lyme Bay and Torbay Marine SAC:

Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have adverse effect on Lyme Bay and Torbay Marine SAC. It would also be subject to Policies in PNP1 (as Modified).

### 3.7 PNP25 Clennon Valley

The Policy area lies within the South Hams SAC greater horseshoe bat sustenance zone and a strategic flyway. Development of the sites could result in loss of semi-natural vegetation and/or introduction of new light sources in Clennon Valley. The area also lies within flood risk zone adjacent to Lyme Bay and Torbay Marine SAC.

Policy PNP25 Clennon Valley is not a proposal for development, but rather seeks primarily to retain and enhance the natural landscape character of the valley, biodiversity and waterway, primarily for recreation/tourism. However criteria e) would support the provision of all whether tourism attractions. Whilst not a specific proposal, significant development could potentially have adverse effects on Lyme Bay and Torbay Marine SAC.

The context of PNP25 e) is clear that such tourism proposals should conform to the environmental safeguards set out earlier in the Policy. The Policy sits alongside Local Plan Policy SDP4 Clennon Valley Leisure Hub, which sets out requirements in relation to European sites.

Policy PNP25 does not contain specific proposals, and should these arise, they would need to conform to the environmental safeguards in both the Local Plan and PNP and be subject to project level Screening/AA. The addition of an additional criteria in Policy PNP1 (in response to the AA's findings) to indicate that development will not be supported where it has an adverse impact on a European protected site adds an additional safeguard.

Development proposals could result in loss of semi-natural vegetation and/or introduction of new light sources in Clennon Valley, albeit that the policies contain significant safeguards and mitigation measures. Therefore an AA has been carried out on a precautionary basis.

### **Mitigation Measures**

The South Hams SAC:

- Provision of landscape buffers between development and areas of semi-natural vegetation in the valley;
- Control of light spill;
- Mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley;
- Retention, where appropriate, of features through development that are likely to be used by GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.

The Lyme Bay and Torbay Marine SAC:

Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have adverse effect on Lyme Bay and Torbay Marine SAC.

### **3.8 In-combination Assessment**

The Habitats Directive requires all significant effects of plans and projects, whether they are alone or in combination with other plans and projects, be assessed in view of the conservation objectives of the European site. At this plan making stage, the focus of in-combination assessment has been on relevant plans that promote future growth or encourage tourism or recreation.

The two European sites (the South Hams SAC and the Lyme Bay and Torbay SAC), are also partly within South Hams District and Teignbridge District as well as Torbay. Along with the Torquay and Brixham Peninsula Neighbourhood Plans, these Plans will be considered in combination with the PNP:

- Teignbridge Local Plan 2013-2033 (adopted 6th May 2014);
- South Hams Local Development Framework 2006-2016 (adopted July 2010); and
- The emerging Joint Plymouth and South West Devon Local Plan (currently at the examination)

The five plans were subject to HRA, and contain policies that provide the highest level of protection and enhancement of European protected sites at plan making level. Subject to implementation of the proposed mitigation measures, the impacts of additional development in Paignton would be reduced to an insignificant level and therefore the Paignton Neighbourhood Plan policies will not affect the integrity of any of the European sites identified alone or in-combination with other plans and the conservation objectives of these sites would be sustained.

The Appropriate Assessment cannot rule out in-combination effects from projects level assessment or where outside of the above plans, as it would be a disproportionate and impractical task to seek to do so. In order to add extra assurance, Policy PNP1, Criteria f) was inserted into the Referendum Version of the Plan to indicate that development would not be supported where development proposal would result in an adverse impact on a European protected site. This additional wording was approved by full Council on 15<sup>th</sup> November 2018.

## 4. Conclusions and Recommendations

The PNP pre and post examination has been screened to check for the likelihood of significant effects on any European site. Torbay Council as a competent authority needs to ascertain whether the plan is likely to have a significant effect on European sites (either alone or in combination with other plans or projects). The assessment only considers the habitats and species that are qualifying interest features of the European sites.

These findings, identify that the PNP Referendum Plan will not have a likely significant effect on the integrity of four out of the six European sites identified within 20 km of Torbay boundaries (see Table 4.1 in the Screening Report); either alone or in combination with other plans or projects. Likely significant effects could not be ruled out for the Lyme Bay SAC and the S Hams SAC, and based on the precautionary principle, the likely significant effects were assessed in the AA.

Many of the Policies in the PNP contain environmental and/or flood control policies which are likely to reduce the environmental impact on development including the Lyme Bay and Torbay Marine SAC and South Hams SAC. Nevertheless, in response to the draft of this document, the Local Planning Authority has proposed an addition to Policy PNP1 –Area Wide as follows:

*Development will not be supported where:*

*f) The development proposal would result in an adverse impact on a European protected site.*

Subject to implementation of the proposed mitigation measures, the impacts of additional development in Paignton would be reduced to an insignificant level and therefore the Paignton Neighbourhood Plan policies will not affect the integrity of any of the European sites identified and the conservation objectives of these sites would be sustained or enhanced by the implementation of the PNP.

## 5. References

1. Paignton Neighbourhood Forum (2017) - Paignton Neighbourhood Plan Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary.
2. Kestrel Wildlife Consultants Ltd (2014) - HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan).
3. Tyler Grange LLP (2017) – Units C&E Torbay Business Park, Woodview Road Paignton Ecological Assessment – Bat Addendum (P/2017/1042).
4. Ecosulis (2016) – White Rock, Western Bowl, Paignton, Preliminary Ecological Appraisal (P/2016/1381, P/2017/0412).
5. EAD Ecological Consultants (2014) Great Parks, Luscombe Road, Paignton, Devon (P2014/0938).

## Appendix A: Appropriate Assessment Matrix

Site/Policy	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
PNP1, PNP2, PNP4, PNP5, PNP9, PNP10, PNP11, PNP15, PNP16, PNP18, PNP19, PNP23 & PNP26.	General policies with specific elements to conserve and enhance natural, built and historic environment. They will not adversely affect European sites.	Yes	No	N/A	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017)
PNP3, PNP6, PNP7, PNP8, PNP12, PNP13, PNP14, PNP17 & PNP27	<p>General policies have the potential to adversely affect the Lyme Bay and Torbay Marine SAC.</p> <p>Policy PNP3 Paignton Harbour seeks to retain the heritage features and quaintness of the harbour and the enhancement of wildlife. However the policy could encompass matters that could affect Habitats Regulations species, such as the encouragement of commercial and residential accommodation (b) and water sports (e), which could require mitigation. Accordingly an appropriate assessment has been carried out. These are not specific proposals, and such matters</p>	No	Yes	<p>Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have negative effect on the Lyme Bay and Torbay Marine SAC.</p> <p>Amend PNP1 (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site.</p>	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017)

	would need to be assessed at project level (if that they are matters that fall in the scope of land use planning).				
PNP20, PNP21, PNP22,	Area Policies that lie within sustenance zone and proximity of strategic flyways for Greater Horseshoe Bats (GHB). Without appropriate design and mitigation, is likely to have significant effect on integrity of the South Hams SAC both alone and in combination with other projects. Could potentially have negative impacts on water quality from contaminated run-off resulting from insufficient sewer capacity.	No	Yes	Strategic Local Plan Policy SS2 and NC1 require bespoke GHB mitigation plans before planning permission can be granted. Strategic Local Plan Policies W5 and ER2 restrict development that could have negative effect on the Lyme Bay and Torbay Marine SAC.  Amend PNP1 (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site.	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017)
Great Parks Phase 2 (PNP20)	Policy PNP20 does not allocate the Great parks Site, but supports the implementation of the 2013 Masterplan (and Local Plan Policy SPD3.2) <i>“subject to the required further habitats safeguards”</i>  Although the site lies outside the South Hams SAC ‘Greater Horseshoe Bat Consultation Zone, it offers potential commuting and foraging habitat for bats. The activity surveys <sup>12</sup> show the site supported low numbers greater horseshoe bat. The Annex II species greater horseshoe bat was recorded using the western boundary of the site.	No	Yes (on a precautionary basis)	AA has been carried out on a precautionary basis. Mitigation measures are likely to be required in relation to development of Great Parks in general, rather than implementation of the PNP per se.  Mitigation and enhancement during construction: <ul style="list-style-type: none"> <li>All contractors’ compounds would be located away from hedgerows and mature trees to minimise potential lighting and disturbance impacts. No lighting would be left on during the night during the construction period.</li> </ul>	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017); & EAD Ecological Consultants (2014)

<sup>12</sup> EAD Ecological Consultants (2014)

	<p>The potential issues arising as a result of proposed development are:</p> <ul style="list-style-type: none"> <li>• Loss and fragmentation of commuting routes during the construction phase;</li> <li>• Habitat fragmentation associated with artificial illumination during construction and operational phases;</li> <li>• Potential for buildings to become inhabited by bats; and</li> <li>• Loss of potential roosting features within trees.</li> </ul>			<ul style="list-style-type: none"> <li>• Any security lighting would be positioned at low-height and motion activated on short-timers.</li> <li>• The retained hedgerows would be maintained as corridors and would remain suitable for use by foraging and commuting bats; new habitats on the site would provide new commuting and foraging opportunities for bats, particularly as they matured.</li> <li>• A minimum of 15 bat tubes or bat bricks would be installed within new buildings, and a further five boxes placed on suitable trees within the site. Boxes would be placed above 3m height in locations facing boundary hedgerows that are not subject to lighting, avoiding north-facing aspects.</li> <li>• Exact locations and specifications would be specified in the LEMP. This would enhance the site for bats by providing additional roosting opportunities</li> </ul> <p>Mitigation and enhancement post-construction:</p> <ul style="list-style-type: none"> <li>• The proposed development would include an integrated landscape and ecological design that will benefit a range of wildlife as it</li> </ul>	
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				<p>established and matured. This would include:</p> <ul style="list-style-type: none"> <li>• New native tree and shrub planting, new native hedgerow, new wildflower-rich grassland, and wetland habitat associated with the 'rain garden' that would form part of the SUDS design for the development.</li> <li>• A Landscape and Ecological Management Plan (LEMP) would be produced and would detail appropriate long-term management and monitoring of the wildlife habitats.</li> </ul> <p>To minimise post-construction impacts on bats, lighting along roads and footpaths would be kept to the minimum required for security and public health and safety. Low-level directional lighting would be used where possible and low pressure sodium lights would be used in preference to high pressure sodium or mercury lights. There would be no lighting on hedgerows around the boundary of the site.</p>	
White Rock and nearby areas, PNP21	See note above. The PNP does not allocate the site, as it is allocated as a Future Growth Area in the Adopted Torbay Local Plan, and most of the area has planning permission. However PNP21 would support employment related	No	Yes (on a precautionary basis)	The White Rock Masterplan has been designed to ensure continues opportunities for horseshoe bats and the LEMP has been compiled to ensure the establishment of landscape features and coherent ecological network. In particular to enhance connectivity across the site	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical

	<p>developments subject to landscape and ecological enhancements promoted by the Policy (PNP21 d)). Therefore an AA has been carried out on a precautionary basis.</p> <p>The site lies within the South Hams SAC greater horseshoe bat sustenance zone. It provides suitable foraging and commuting opportunities for bats in form of grassland and hedgerows habitats. Connectivity to surrounding habitats is good as most of the surrounding areas consists of rural fields.</p> <p>A number of bat surveys<sup>13</sup> showed that the area was regularly used by greater horseshoe bats, although activity levels were considered to be generally low. The surveys indicated that greater horseshoe bats more frequently used the woodland edge within the site and also the hedgerow. The site was likely to be used for commuting, rather than foraging.</p> <p>Natural England state that they will not object to the scheme subject to suitable mitigation being secured.</p>			<p>for foraging and commuting bats including greater horseshoe bats.</p> <p>The mitigation and enhancement strategy would be controlled through the provision of:          Additional planting hedgerows using native species to enhance foraging opportunities for bats;          The provision of a purpose designated and managed flyway across the landscape provides sufficient compensation for the loss of low quality foraging habitats;          A sensitive lighting scheme will be implemented on the site, to include directional lighting away from retained trees and green corridors. Light levels should not increase by more than 0.5 lux as a result of development;          Consideration will also be given for enhancing the site for bats through installing bat roosting features on to building and retained trees and additional planting including night-scented plant species such as honeysuckle<sup>14</sup>.</p>	<p>Summary (2017); Tyler Grange (2017); &amp; Ecosulis (2016)</p>
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<sup>13</sup> Tyler Grange (2017) & Ecosulis (2016)

<sup>14</sup> Ecosulis (2016)

<p>PNP22 Western Corridor</p>	<p>Policy PNP22's primary focus is to promote sustainable development, in conjunction with Policies SS6.2 (ii), SS6.8 and TA1 of the Local Plan. Nevertheless PNP22 could support cyclepaths/footpaths, park and ride facilities and associated infrastructure that could potentially affect HRA species.</p> <p>PNP22 is likely to be relatively small scale in nature as the Local Plan sets a strategic framework for the Western Corridor. However criteria b) supports the principle of a park and ride facility although a specific site is not identified. Such a proposal would require HRA screening/AA at a project level.</p>	<p>No</p>	<p>Yes</p>	<p>Development specifically supported in</p> <ul style="list-style-type: none"> <li>• Strategic Local Plan Policy SS2 and NC1 require bespoke GHB mitigation plans before planning permission can be granted.</li> <li>• Strategic Local Plan Policies W5 and ER2 restrict development that could have negative effect on the Lyme Bay and Torbay Marine SAC.</li> <li>• Amend PNP1 (Area wide) to clarify development proposals will not be supported that would result in an adverse impact on a European protected site.</li> </ul>	<p>PNP Sustainability Appraisal, Habitats Regulations Assessment &amp; Non-Technical Summary (2017)</p>
<p>PNP24 Collaton St Mary</p>	<p>The area lies within the South Hams SAC greater horseshoe bat sustenance zone and a strategic flyway.</p> <p>Policy PNP24 Collaton St Mary village does not allocate the area for development- this is done by Proposals SS2 and SDP3 of the Torbay Local Plan 2012-30. Policy PNP24 (as Modified by the Independent Examiner) seeks to guide the already allocated development in accordance with the adopted Masterplan Supplementary</p>	<p>No</p>	<p>Yes</p>	<p>The South Hams SAC Mitigation measures should include:</p> <ul style="list-style-type: none"> <li>• provision of landscape buffers between development and areas of semi-natural vegetation in the valley;</li> <li>• control of light spill;</li> <li>• mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley;</li> <li>• retention, where appropriate, of features through development that are likely to be used by</li> </ul>	<p>PNP Sustainability Appraisal, Habitats Regulations Assessment &amp; Non-Technical Summary (2017); &amp; HRA Site Appraisal Report of Torbay Local Plan Strategic</p>

	<p>Planning Guidance principles, including a requirement for flood minimisation.</p> <p>Development of the area could result in loss of semi-natural vegetation and/or introduction of new light sources, albeit that the PNP adds significant safeguards and mitigation measures. Therefore an AA has been carried out on a precautionary basis.</p> <p>The site also lies within flood risk zone. The level of growth in these sites could potentially have negative impact on Lyme Bay and Torbay Marine SAC.</p>			<p>GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.</p> <p>The Lyme Bay and Torbay Marine SAC: Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have adverse effect on Lyme Bay and Torbay Marine SAC.</p>	Delivery Areas (2014)
PNP25 Clennon Valley.	<p>Clennon Valley lies within the South Hams SAC greater horseshoe bat sustenance zone and a strategic flyway.</p> <p>Policy PNP25 Clennon Valley is not a proposal for development, but rather focuses on retention and enhancement of the natural landscape character and biodiversity, including the natural waterway. Nevertheless criteria e) refers to all weather tourist attractions, albeit in the context of environmental safeguards in earlier criteria of the policy.</p> <p>Development of the area could result in loss of semi-natural vegetation and/or</p>	No	Yes	<p>Note that Clennon Valley's relationship with the two SACs is similar to Collaton St Mary, and therefore mitigation measures are also similar- although the level of development in the two areas is likely to be different. The South Hams SAC Mitigation measures should include:</p> <ul style="list-style-type: none"> <li>• provision of landscape buffers between development and areas of semi-natural vegetation in the valley;</li> <li>• control of light spill;</li> <li>• mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley;</li> <li>• retention, where appropriate, of features through development</li> </ul>	PNP Sustainability Appraisal, Habitats Regulations Assessment & Non-Technical Summary (2017); & HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery A

	<p>introduction of new light sources in Clennon Valley, albeit that the policies contain significant safeguards and mitigation measures. Therefore an AA has been carried out on a precautionary basis. Policy PNP25 sits alongside Local Plan Policy SDP4 Clennon Valley Leisure Hub, which sets out requirements in relation to European sites.</p> <p>The area also lies within flood risk zone. Significant development could potentially have negative impact on Lyme Bay and Torbay Marine SAC; Policy PNP25 is clear that the natural waterway should be retained and enhanced.</p>			<p>that are likely to be used by GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.</p> <p>The Lyme Bay and Torbay Marine SAC: Development proposal would be subject to the Local Plan Policy W5 and ER2, which restrict development that could have adverse effect on Lyme Bay and Torbay Marine SAC.</p>	
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**Meeting: Council**

**Date: 19 June 2019**

**Wards Affected:** Churston with Galmpton (part), Furzham with Summercombe, Goodrington with Roselands (part), St Peter’s with St Mary’s

**Report Title:** Brixham Peninsula Neighbourhood Plan Adoption

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** On or before 26 June 2019

**Executive Lead Contact Details:** Cabinet Member for Infrastructure, Environment and Culture – Councillor Morey, [mike.morey@torbay.gov.uk](mailto:mike.morey@torbay.gov.uk)

**Supporting Officer Contact Details:** Andrew England, Assistant Director Planning and Transport, 01803 208848, [andrew.england@torbay.gov.uk](mailto:andrew.england@torbay.gov.uk)

**1. Proposal and Introduction**

- 1.1 The Brixham Peninsula Neighbourhood Plan (the Plan) was considered by Full Council on Thursday 15<sup>th</sup> November 2018 following an independent public examination. The Council agreed that the Decision Statement (considered with the Plan) shall be adopted and published and that the Plan, with Modifications agreed by that Council set out in the Decision Statement, be submitted to a Referendum.
- 1.2 That Referendum was held on Thursday 2<sup>nd</sup> May 2019 and the Returning Officer announced on Friday 3<sup>rd</sup> May 2019 that the result was:

Yes	5,570 (89%)
No	693 (11%)
Turn-out	39.3%

Therefore more than half of those voting voted in favour of the plan and accordingly the Plan has become part of the Development Plan, alongside the Local Plan. Council must now consider whether to Make (adopt) the Plan.

- 1.3 Linked with the making of Neighbourhood Plans is a change in the proportion of Community Infrastructure Levy (CIL).

**2. Reason for Proposal**

- 2.1 The Plan has been through the relevant statutory process including:
  - Area designation
  - Pre-submission consultation
  - Submission
  - Publication consultation

- Independent Examination
- Plan Proposal decision
- Referendum

The next stage is to 'make' the Plan as part of the Development Plan for Torbay.

- 2.2 In accordance with the Planning and Compulsory Purchase Act 2004 Council are required to make (which means to adopt) a Neighbourhood Development Plan if more than half of those voting at a Referendum have voted in favour of the Plan, and if so, must make the Plan as soon as reasonably practicable after the Referendum is held but no longer than eight weeks.
- 2.3 Planning law indicates that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. All explanatory and justification text will be a material consideration.
- 2.4 Council can only decide to refuse the Plan at this stage if it considers that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 2.5 Since the decision was made by Council in November 2018 to approve the Plan with modifications in accordance with the decision statement, the policy document and maps were updated to reflect the agreed changes.
- 2.6 At this stage of the process, no further changes are permitted to the Plan beyond correcting typographical errors and clarifying the version of the Plan for consideration, in this case removing references to Referendum and inserting adopted with the relevant date. The final version of the Plan, as agreed with the Neighbourhood Forum, is in Appendix 1.
- 2.7 Following Council's decision in November 2018, it was necessary to ensure that the changes were compatible with the Habitats Directive. This required further consultation with Natural England. The final Habitats Regulations Assessment (HRA) (including Appropriate Assessment) (March 2019), as prepared by Council officers and agreed by Natural England, is included in Appendix 2. Further documents relating to this are available on the Council's website, linked under Background Documents.
- 2.8 Natural England are satisfied that the proposals meet the Directive and do not raise any objections. In any case, the Local Authority remains responsible for ensuring compliance as the competent authority and hence members considering the matter in this report.
- 2.9 The Appendix 2 HRA states that it relates to the Referendum version of the Brixham Peninsula Neighbourhood Plan. As the Referendum version of the plan was approved by the community, and there have been no substantive changes from the Referendum version to the final version in Appendix 1 (as noted in para 2.6) the existing HRA remains both relevant and appropriate.
- 2.10 The Council has a duty to support communities who are preparing Neighbourhood Plans. The Regulations detail the Council's responsibilities. The Plan has been independently examined and agreed by Council to meet the Basic Conditions; it has been endorsed by the community at Referendum and has otherwise complied

with all the legal requirements of plan production. It is considered that the Plan meets European legislation and is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

- 2.11 There are a number of approaches to the Meaningful (Neighbourhood) Portion of Community Infrastructure Levy (CIL) that could be implemented. What is fixed is that, when made, each of the Plan areas will be due 25% of CIL receipts arising from permissions granted after the Neighbourhood Plans have come into force. Without Plans the areas were due 15%. Within the Brixham Town Council administrative area, this funding will be managed by them, transferred from Torbay Council to the Town Council at appropriate times. Outside of their administrative area, and within the Paignton and Torquay Neighbourhood Areas Torbay Council will remain responsible but must spend the funding in consultation with the community.

### **3. Recommendation(s) / Proposed Decision**

- 3.1 That, following the outcome of the Referendum held on 2<sup>nd</sup> May 2019:
- 3.1.1 the Brixham Peninsula Neighbourhood Plan Habitats Regulations Assessment (Appropriate Assessment) set out in Appendix 2 to the submitted report be approved;
  - 3.1.2 the Brixham Peninsula Neighbourhood Plan set out in Appendix 1 to the submitted report is made, with this report and the record of this meeting collectively forming the required Decision Statement, in accordance with s.38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended).

### **Appendices**

Appendix 1: Brixham Peninsula Neighbourhood Plan

Appendix 2: Brixham Peninsula Neighbourhood Plan Habitats Regulations Assessment (Appropriate Assessment)

### **Background Documents**

Further documents relating to the Neighbourhood Plan, including the plan documents 3-10, the submission, consultation and examination, as well as the Habitats Regulations Assessment (Appropriate Assessment) are available to view at [www.torbay.gov.uk/brixham-np](http://www.torbay.gov.uk/brixham-np)

1.	<p><b>What is the proposal / issue?</b></p> <p>The matter for consideration is whether the Council should make (or adopt) the Neighbourhood Plan as part of the Development Plan for Torbay, or whether there are reasons (in accordance with legislation) not to do so.</p>
2.	<p><b>What is the current situation?</b></p> <p>In November 2018, Council approved the Torquay, Paignton and Brixham Peninsula Neighbourhood Plans for Referendum.</p> <p>Those Referendums were held on 2<sup>nd</sup> May 2019 at which all three were supported by more than 50% of those voting.</p> <p>The next step for Council is to confirm the making (or adoption) of the Plans into the Development Plan for Torbay. This decision must be made, in accordance with the Neighbourhood Planning Regulations unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p>
3.	<p><b>What options have been considered?</b></p> <p>Options in relation to the content of the Plans were considered in November 2018. At this stage the only option is whether or not to make the Neighbourhood Plan.</p> <p>Discussions with Natural England following the November 2018 Council decision were positive and the completed Habitats Regulations Assessment (Appropriate Assessment) is provided with this report. This assessment confirms that the Plans, as put to Referendum and supported by the community, are not in breach and are not incompatible with relevant EU obligations.</p> <p>Officers are satisfied that the Plans are also not in breach or otherwise incompatible with other EU obligations or any of the Convention rights.</p>
4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The Neighbourhood Plan is in general conformity with the Local Plan and both set out various policies which support the Ambition, Principles and Targeted Actions of the Corporate Plan.</p>
5.	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p>

	Various policies set out within the Neighbourhood Plan seek to positively address this.
<b>6.</b>	<p><b>How does this proposal tackle deprivation?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address this.</p>
<b>7.</b>	<p><b>How does this proposal tackle inequalities?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address this.</p>
<b>8.</b>	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address health and wellbeing.</p>
<b>9.</b>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>All residents, employees, and visitors in Torbay will be affected by Neighbourhood Planning as it will impact directly on the 'Place'.</p>
<b>10.</b>	<p><b>How will you propose to consult?</b></p> <p>Consultations have been completed (firstly by the Neighbourhood Forums and secondly by the Council), prior to the Referendum.</p>

## Section 2: Implications and Impact Assessment

<p><b>11.</b></p>	<p><b>What are the financial and legal implications?</b></p> <p>The direct financial implication of making the Neighbourhood Plan will be in respect of the Community Infrastructure Levy (CIL). All receipts for development in the Neighbourhood Area, in relation to applications approved after the making of the Plan, will contribute 25% rather than the existing 15%. This funding will need to be spent in consultation with the community.</p> <p>The Plan forms part of the statutory Development Plan. The Council is required by law to make planning decisions in accordance with the Development Plan unless material considerations indicate otherwise. For clarity, any decisions that are then appealed by applicants will be for the Council to defend and any costs associated with this will lie with the Council.</p>						
<p><b>12.</b></p>	<p><b>What are the risks?</b></p> <p>There is a risk of legal challenge if the decision is not implemented given the outcome of the Referendum which is, subject to the EU obligations and Convention rights, binding on the Council.</p> <p>Council can only decide to refuse the Plan at this stage if it considers that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p>						
<p><b>13.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable.</p>						
<p><b>14.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The Neighbourhood Forum gathered data, alongside that gathered for the Local Plan, to support the content of the Neighbourhood Plan.</p>						
<p><b>15.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>The outcome of the Referendum on 2<sup>nd</sup> May 2019 was:</p> <table border="1" data-bbox="422 1803 1109 1915"> <tr> <td>Yes</td> <td>5,570 (89%)</td> </tr> <tr> <td>No</td> <td>693 (11%)</td> </tr> <tr> <td>Turn-out</td> <td>39.3%</td> </tr> </table> <p>Earlier consultations provided various responses which were considered between the submission consultation, through examination, and the November 2018 Council meeting.</p>	Yes	5,570 (89%)	No	693 (11%)	Turn-out	39.3%
Yes	5,570 (89%)						
No	693 (11%)						
Turn-out	39.3%						

<b>16.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  No substantive changes have been made since the November 2018 Council meeting. Minor typographical and formatting errors have been corrected in agreement with the Neighbourhood Forum. References to the 'Referendum Version' have also been removed or updated to ensure the Plan set out in Appendix 1 is the final version for adoption.

## Equality Impacts

17.	<b>Identify the potential positive and negative impacts on specific groups</b>			
The below information is based upon that presented within the Strategic Environmental Assessment submitted with the Neighbourhood Plan.				
		<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>
Older or younger people		The BPNP presents policies aimed at residential development, including affordable housing to meet assessed housing needs arising locally (BH2); furthermore, the BPNP seeks to provide affordable housing at the same proportion as the Torbay Local Plan. BPNP seeks to ensure affordable housing is occupied by residents of the Peninsula whose needs are not met by the market (Policy BH2); This should assist both Older and Younger people in the Peninsula gain access to affordable housing if needed.	To ensure that affordable housing provision is not lost, Affordable Housing will be made available to the 'Torbay Housing Waiting List' where Peninsula Persons cannot be found. BH1 restricts affordable housing Commuted Payments to be spent in the Brixham Peninsula. However, these sums may be released to fund affordable housing in Torbay after 3 years.	
People with caring Responsibilities		The BPNP presents policies aimed at residential development, including affordable housing to meet assessed housing needs arising locally; furthermore, the BPNP seeks to provide affordable housing at the same proportion as the Torbay Local Plan. BPNP seeks to ensure affordable housing is allocated to residents of		

	<p>the Peninsula whose needs are not met by the market (Policy BH2); This should assist both older and younger people in the Peninsula gain access to affordable housing if needed. This would include those coming/returning to the area to care for dependents (parents or children who have lived in the Peninsula for 10 years) residents of the Peninsula.</p>		
People with a disability	<p>The policies of the BPNP will bring a range of benefits for the health and wellbeing for residents</p> <ul style="list-style-type: none"> <li>• Supporting the retention of health and social care facilities (Policy HW1);</li> <li>• Promoting housing for key workers (including healthcare workers (Policy BH2); Policy BH9 exception sites will support the provision of rural exception housing locally, including for people with a disability where they are needed.</li> </ul> <p>Policy J1 allows for Change of Employment Land for purpose built accommodation for disabled.</p>		Neutral
Women or men			Neutral
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	<p>The BPNP presents policies aimed at residential development, including affordable housing, to meet assessed housing needs arising locally; furthermore, the BPNP seeks to provide affordable</p>		

	housing at the same proportion as the Torbay Local Plan. BPNP allows for 'exception' sites meeting the Criteria in BH9.		
Religion or belief (including lack of belief)			Note: The BPNP contains a Policy supporting operational space for voluntary support organisations, and ensuring that new developments do not jeopardise the activities of these organisations (Policy HW2); This may include Religious buildings.
People who are lesbian, gay or bisexual			Neutral
People who are transgendered			Neutral
People who are in a marriage or civil partnership			Neutral
Women who are pregnant / on maternity leave			Neutral
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The BPNP presents policies aimed at residential development, including affordable housing, to meet assessed housing needs arising locally; furthermore, the BPNP seeks to provide affordable housing at the same proportion as the Torbay Local Plan. BPNP seeks to ensure affordable housing is allocated to residents of the Peninsula whose needs are not met by the market (Policy BH2); This should assist both		

		Older and Younger people in the Peninsula gain access to affordable housing if needed. Including those returning to care for older, dependents residents of the Peninsula.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	<p>The policies of the BPNP will bring a range of benefits for the health and wellbeing for residents:</p> <ul style="list-style-type: none"> <li>• Protecting local green spaces (Policy E4) and open spaces of public value (Policy E5), Promoting cycling and walking (Policy T1);</li> <li>• Supporting the retention of health and social care facilities (Policy HW1);</li> <li>• Increasing the availability of outdoor recreation and play space (Policy S&amp;L1); and integrating sport and recreational facilities into new residential developments (S&amp;L3); and</li> <li>• Promoting recreational facilities in new developments (Policy S&amp;L2)</li> </ul>		
<b>18</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	<p>The assessment has concluded that the current version of the Brixham Peninsula Neighbourhood Plan is likely to lead to significant positive effects in relation to the ‘population and community’ and ‘health and wellbeing’ sustainability themes. These benefits largely relate to the carefully targeted spatial approach proposed by the current version of the Plan, and the focus on enhancing community provision in the Neighbourhood Plan area.</p> <p>The Plan sites within the strategic context of the Torbay Local Plan 2012-2030. This should allow for Torbay wide/strategic issues be considered/mitigated where necessary.</p>		
<b>19</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes	Where changes are made across other public services, those with spatial implications similarly have to be in accordance with the policies of the adopted development plan. As a consequence, the development		

	elsewhere which might worsen the impacts identified above)	management process should help to reinforce the positive impacts of development and ensure mitigation of any harmful effects.
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# **Brixham Peninsula Neighbourhood Plan Policy Document**

2012–2030

Protecting the Green and the Marine – Ensuring the Future

## List of Documents

The Brixham Peninsula Neighbourhood Plan comprises the following 10 documents:

1. Policy Document
2. Policy Maps
3. Housing Site Assessment
4. Employment Site Assessment
5. Greenspace Site Assessment
6. Broadsands Village Design Statement
7. Churston Village Design Statement
8. Galmpton Village Design Statement
9. Brixham Town Design Statement
10. Brixham Town Centre Master Plan

In addition, there are 3 supporting documents:

- (i.) Habitats Regulations Assessment Screening August 2017 prepared by AECOM
- (ii.) Strategic Environmental Assessment prepared by AECOM
- (iii.) Housing Site Assessment prepared by AECOM

**Note:** Torbay Council has produced a Habitats Regulations Assessment Appropriate Assessment (March 2019). The Brixham Peninsula Neighbourhood Forum has also produced a Habitats Regulations Assessment Appropriate Assessment carried out by AECOM (November 2018).

**Note:** This Plan was prepared under the National Planning Policy Framework (NPPF) 2012; the transitional arrangement in paragraph 214 of the July 2018 NPPF apply to it. Where reference is made to the NPPF this is the 2012 document unless stated otherwise.

**Note:** References to the 'Local Plan' refer to the Torbay Local Plan 2012–2030 "A Landscape for Success" as adopted in December 2015

## Thanks

This Plan has been compiled by the Working Group of the Brixham Peninsula Neighbourhood Forum, which has comprised Jackie Stockman (Chairman), Adam Billings (Vice Chairman), Will Baker, Helen Boyles, Sue Dawes, Brian Harland, Geoff Melbourne, Brian Payne, Mona Stock along with Tracey Cabache of the Torbay CDT using evidence gathered from the community during the process. The Chair and Vice Chair would like to acknowledge the huge commitment from all concerned and in particular Will Baker for his efforts pulling the documents together.

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Appendix 1: Important aspirations

Appendix 2: Priority projects to evolve from Neighbourhood Plan policies

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Appendix 4: List of Public Open Spaces

## Preface

Since the Brixham Town Design Statement was published in 2010, work has continued on this Neighbourhood Plan for the whole of the Brixham Peninsula to bring a collective community approach to planning our sustainable future.

Neighbourhood Planning provides our community with the opportunity to manage development for the benefit of the community as a whole. Through our extensive consultation, we have seen the community of the Brixham Peninsula neighbourhood area - across the Town of Brixham and the villages of Churston Galmpton and Broadsands - express a desire for sensitive sustainable development which maintains our way of life and the characteristics of the neighbourhood that make it unique and special.

Our Neighbourhood Plan will be a guide for all developments that will regenerate and enhance, especially those areas that we wish to improve, whilst avoiding harm to what we value. We need to create jobs and affordable housing to ensure a more balanced community, reduce commuting, sustain our infrastructure and improve our health and wellbeing. We also have a clear duty to enhance our environment, protect our wildlife, preserve our open spaces and celebrate our heritage. We also need to ensure that developments are economically sustainable and that they will help our key industries prosper, especially fishing, tourism, agriculture and light industry.

Rather than the trend towards more second homes, our aim is to retain more of our young people so they stay living here rather than moving away for work. Young people need good jobs and decent homes, so employment and housing have been key priorities in the plan. Reducing the average age of the population and increasing levels of income will make the community more sustainable and vibrant and this plan recognises this.

Some of the good ideas generated in the formation of this plan could not be implemented through policies of a land based document. However, they are considered too significant to edit out and so are retained as aspirations (**Appendix 1**) which we hope will one day be realised. Similarly, we have

identified projects (**Appendix 2**) that could be achieved to enhance our area and create jobs. This also serves to point the way for developers to propose plans that are compatible with protecting our environment and improving the lives of all who live here. Throughout our work we have retained a strong sense of the character of our Peninsula and strived to ensure that all our development plans are sustainable and that we retain the “special” qualities and characteristics that attract residents and visitors alike.

This plan, created by the community, is for both the present and the future, our children’s future. It seeks to achieve this by what we understand to be sustainable development:

**“ growth that ensures better lives for us  
don't mean worse lives for future generations ” .<sup>1</sup>**

The post examination version of the Brixham Peninsula Neighbourhood Plan was unanimously approved by full Council on 15 November 2018 to proceed to Referendum. The Neighbourhood Plan went to Referendum on 2nd May 2019 and was supported by 89% of those who voted, based on a 39.3% turn out. It was “Made” (which means “adopted”) by Torbay Council on 19th June 2019.

In consequence, the Adopted Brixham Peninsula Neighbourhood Plan is part of the development plan for Torbay. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

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<sup>1</sup> This definition accords entirely with the Ministerial Foreword in the National Planning Policy Framework 2012.

# **1 Introduction and the rationale for our Holistic approach**

- 1.1** Guided by frequent community engagement events, in general conformity with the Torbay Local Plan 2012–2030 “A Landscape for Success” as adopted in December 2015 following amendments to comply with the Examination Inspector’s Report of October 2015 (Local Plan), and shaped by the National Planning Policy Framework of 2012 (NPPF), this Brixham Peninsula Neighbourhood Plan (Neighbourhood Plan) has been produced by volunteers from the communities of Brixham Town, Churston, Galmpton and Broadsands.
- 1.2** By adopting a holistic approach, this plan promotes new sustainable development, whilst still protecting and enhancing our vital industries and our environment, heritage and local character. In this way, our communities can be both the governors and the beneficiaries of Neighbourhood development.
- 1.3** This has been achieved by devising policies that seek to meet our need for more homes, sustain and improve our economic progress, protect, conserve and enrich our environment and heritage, enhance our infrastructure, and improve the health and wellbeing of all who live here as well as those who visit our Peninsula.
- 1.4** A neighbourhood plan is essentially aimed at producing a realistic blueprint for planning how to achieve optimal use of the remaining land available for development. It has proved crucial that we understand the relationship between land use for homes and employment with topics such as health for all ages, sport, education, food production, heritage, art and culture all as vital factors when considering the need to preserve our green spaces, protect our ecologies, enhance our communities and retain the essential characteristics of our Peninsula.
- 1.5** During the production of this plan, the Town of Brixham and each of the three villages of Churston, Galmpton and Broadsands have produced their own Design Statements. Each Design Statement identifies specifically which design features and characteristics define the uniqueness, character and identity of each area. In this way, our communities have laid down explicit guidelines on how to ensure future development will protect and enhance the scale of local features,

fit in with dominant architecture and enhance that which inspires us to care passionately about the future of our area. Where plans include the necessary improvements to infrastructure that may be needed, presumption will be in favour of sustainable developments where proposals are being appropriately situated, designed and constrained in accordance with our Design Statements.

- 1.6** This will increase the likelihood that the needs, aspirations and optimism of our communities will be reflected in whatever developments are being proposed.
- 1.7** The value of combining the needs and aspirations of the town of Brixham with those of the three surrounding communities of Churston, Galmpton and Broadsands has proved challenging at times, but mostly it has focussed all of our attention on the nature of our Peninsula and the aspirations we all share. The fact is that we share the same constricting gateway, the difficult road junction at Windy Corner, and we know that what affects the villages affects the town and vice versa. We share many of the economic, travel, demographic and environmental issues, all of which supports the decision we made to work together.
- 1.8** In finite terms this plan seeks to address many conflicting demands and agendas over the prescribed period, 2012–2030. But throughout its development, as with the Design Statements that are not for a fixed term, we have sought to seek solutions and create new ideas that will shape the future for several generations to come. Our rationale here, guided by the NPPF definition of sustainability, means it is not merely economic development and future land use that must be sustainable, but that the welfare and wellbeing of all who inhabit the area, including our endangered species, must also be planned for in a sustainable way.
- 1.9** As stated, the essence of neighbourhood planning is about engaging communities, localities and neighbourhoods in designating space for development.
- 1.10** The primary drivers are to provide new homes and grow the economy. This has to be achieved along with community aspiration for demographic change,

economic resilience, better opportunities for its children and young people, improvements in health and wellbeing, environmental protection and, key to it all, more and better homes and opportunities for all who live and/or work here.

- 1.11** The Localism Act<sup>2</sup> provided the legal framework to inspire a sense of devolution of decision-making powers from central government to communities and individuals. When considering how this can be achieved within finite boundaries, geographic, environmental and economic, it becomes obvious that a holistic approach is needed.
- 1.12** All developments on a peninsula present particular constraints, not least that of being surrounded by the sea on three sides. Hence movement of people on and off and around the Peninsula, the limited amount of land available for housing development, opportunities for commercial and industrial development (more jobs) and population growth are all severely restricted by the lack of available space.
- 1.13** Combined with a fierce community spirit of protection (not just nimbyism!) of what it is that makes the Peninsula desirable and most appealing to visitors who inject so much into the local economy, conservation and preservation are high on the agenda for everyone.
- 1.14** Only by linking this to health and wellbeing, community vitality and the need to ensure space for better opportunities for both education, culture and play for all age groups can we assess how best to allocate the space we have left. Only in this way can we devise a plan that is genuinely sustainable.

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<sup>2</sup> The Localism Act 2011.

## **2 New jobs and new homes for the Brixham Peninsula**

### **2.1** The Local Plan states that:

Brixham is expected to provide sufficient land to enable delivery of at least 2,700 square metres (sqm) of employment floor space and 660 new homes over the Plan period.

Such development will only be acceptable if it can be accommodated without prejudicing the integrity of the Area of Outstanding Natural Beauty (AONB) and Special Areas of Conservation, and provided that the interests of priority species, such as the Greater Horseshoe Bat and Cirl Buntings, can be safeguarded.<sup>3</sup>

### **2.2** Over the following chapters and recognising our holistic approach this Neighbourhood Plan sets out a series of policies in relation to this. Policies are denoted by the shading blue of the boxes around the text.

### **2.3** In determining the most suitable locations for new dwellings, the local population has expressed a preference that a sequential approach should be taken with regard to preferred sites for housing development, brownfield sites being preferred in the first instance only followed by greenfield sites that have the least environmental impact. Again this is covered in our Neighbourhood Plan policies.

### **2.4** Our green environment of the Brixham Peninsula should be protected from development to maintain our outstanding landscape. In particular, the AONB should be protected in accordance with the local planning guidance<sup>4</sup> and national policy.<sup>5</sup> The settlement gaps between our villages will be protected from development to preserve the individual village characteristics, retain settlement boundaries and retain the semi-rural nature of their surroundings. Vitally, they are often the only space left for agricultural development that ensures local production of food can continue.

<sup>3</sup> Adopted Torbay Local Plan 2012–2030, page 126.

<sup>4</sup> South Devon Area of Outstanding Natural Beauty Planning Guidance 2016.

<sup>5</sup> Areas of Outstanding Natural Beauty: Natural England's role (published 6 January 2015).

**2.5** With regard to the type of housing, the local population has expressed a preference for:

- The delivery of more affordable units in major developments so that the young people of the Peninsula are not forced out of the area by rising house prices.
- Good design which is deemed essential to all new build. This demand is fully in accord with the NPPF where it states that: “Good design is a key aspect of sustainable development, is indivisible from planning, and should contribute positively to making places better for people”.<sup>6</sup>
- An appropriate mix of housing types, family homes, bungalows and flats, in certain locations to meet the needs of the community.
- The regulation of housing colours, materials, quality of buildings, height and character.

**2.6** This Neighbourhood Plan seeks to achieve this balance between the demand for growth and the requirement to retain the special characteristics of our Peninsula that define its potential and its unique status.

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<sup>6</sup> National Planning Policy Framework 2012, page 14, para56.

### 3 Employment policies to create jobs (J)

#### 3.1 Employment policies for the Brixham Peninsula as a whole

3.1.1 Our extensive consultation has identified a number of priority projects to for the Brixham Peninsula. These are set out at **Appendix 2** to this document. It is anticipated many of these projects will bring substantial employment benefits. To provide a framework for planning decisions on employment development proposals this section sets out a series of policies as follows.

#### **Policy J1:**

#### **Employment land – proposed, retained and refurbished**

J1.1 Employment development will be promoted appropriate to meet the local and strategic needs set out in the Torbay Local Plan 2012-2030 SDB1 area, particularly that which generates permanent jobs; increases the diversity of industries across the peninsula; or promotes key industries. Development on brownfield sites in preference to greenfield sites will be promoted and supported. Application of this policy will be subject to compliance with the other policies of this Neighbourhood Plan and not prejudicing the integrity of the AONB, Special Areas of Conservation and the Undeveloped Coast.

<b>Table 1<sup>7</sup>: Identified employment sites.</b>	
Site Address	Yield (sqm)
J1 – 1: Brixham Town Centre (identified site)	500
J1 – 2: Oxen Cove and Freshwater Quarry (identified site)	2,000
J1 – 3: Torbay Trading Estate (identified site)	200
J1 – 4: 74 New Road (committed site)	220

J1.2 The sites listed in Table 1 below and shown on the accompanying Policy Maps (Document 2) are identified for employment development at the plan making stage in this Neighbourhood Plan. Detailed evidence will be required at the project stage as regards the compliance of any development planning application with environmental legislative requirements.

J1.3 Employment land, commercial and business premises are to be retained unless there is no reasonable prospect of the site being used for employment purposes on grounds of viability. A lack of viability is to be established by clear evidence from an active marketing effort that it would not be possible to achieve a lease or sale of the premises at a reasonable market rate.

J1.4 In the event of a lack of viability being established under J1.3 above, subject to compliance with the other policies of this Neighbourhood Plan, for appropriate sites a change of use will be supported where the alternative use will contribute to the needs of the community by addressing an identified Brixham Peninsula need for

- affordable housing in accordance with the definition in the NPPF;
- purpose-built accommodation for older people (with a minimum age of 60); or
- purpose-built accommodation for the disabled.

Where the proposed loss of employment space is agreed contributions will be sought to mitigate the loss of employment in accordance with the tests set out in the CIL Regulations.

<sup>7</sup>Policy J1 Footnote: Table 1

'Identified' J1 employment sites: These are not allocated sites and do not have policy weight but recognise a potential development site for consideration through the development management process primarily for employment investment subject to other policies in the Development Plan. Committed J1 employment sites: Have extant planning permission. If this planning permission expires, any proposal will be considered on the basis of the Development Plan unless material considerations indicate otherwise. A site's planning history is likely to be a material consideration.

### **Justification for Policy J1**

3.1.2 Local Plan Policy SDB1 expects that the Brixham Peninsula will provide sufficient land to enable delivery of 2,700 sqm of employment floor-space over the 18-year period from 2012 to 2030. In response, this Neighbourhood Plan has found sufficient land to enable the delivery of 2,920 sqm of employment floor-space.<sup>8</sup> This is set out in more detail in the Employment Site Assessment (Document 4), which informs Policy J1.

<sup>8</sup>See Table 3 of the Employment Site Assessment (Document 4).

- 3.1.3 Much of the present employment space in the Brixham Peninsula is old and in need of upgrading and refurbishment. However, by retaining what space we have and adding new, income will be generated and the economy can grow.
- 3.1.4 The Brixham Peninsula has sufficient space for new employment areas without building on the land which separates our settlements, ensuring the retention of the rural character and agricultural activity which makes the southern end of the Bay unique.
- 3.1.5 Equally, this can also be achieved whilst protecting the habitats of our protected wildlife and rare flora and fauna.

**Policy J2:**

**Provision of information and communication technology**

All proposals for new employment and residential development should be designed to be connected to high-quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retro-fitted. If not possible then evidence to show that development cannot be directly connected to high-quality communications infrastructure due to viability or technical reasons must be provided.

**Justification for Policy J2**

- 3.1.6 Quality digital communication infrastructure is an essential tool for modern businesses including home-working. The peripheral and rural nature of the Peninsula adds weight to the need to provide super-fast broadband or subsequent technologies as a requirement for all major development proposals and a priority requirement in any new or refurbished employment space.
- 3.1.7 The position of the Peninsula within the UK and its valley setting has for some time meant that new communication methods and coverage have been slow to arrive. For any business to be able to compete in their own markets these systems are imperative. The latest communications infrastructures for our businesses are essential to attract, equally, new employers and start-up businesses to the area.

**Policy J3:****Local employment – training and skills**

Subject to compliance with the other policies of this Neighbourhood Plan, applications for development proposals that include any or all of the following will be welcomed:

- Raise skills levels and increase employability.
- Link with local educational/training facilities, including South Devon College.
- Tackle skills shortages in existing and potential business sector clusters that are, or have the potential to be, strengths in the local economy.
- Address barriers to employment for economically inactive people, and
- Provide for the development of childcare facilities within or in close proximity to employment sites.

**Justification for Policy J3**

- 3.1.8 Creating opportunities for apprenticeships, training and future job opportunities in our key industries, fishing and related marine industry, agriculture and tourism, are essential to the reduction in unemployment as well as the re-balancing of our community. To continue to draw tourists to the area, our heritage must be protected and promoted. This Neighbourhood Plan supports traditional marine employment, agriculture and a wide mix of skills training including hospitality training for the tourism industry. The provision of skilled jobs and apprenticeships is crucial to our economic development. This policy aims to increase the breadth of training opportunities so that local crafts, traditional industries as well as high-quality skill development in the building trade, hospitality, local produce and healthcare industries will all flourish.
- 3.1.9 It is recognised that many of the jobs in the tourist industry in particular are seasonal, minimum waged and part-time. However, much of the drain of people

away from the area for better job opportunities can be stemmed by investing in these areas. Diversification in all these employment training areas, including that in our high-tech industries, is needed in order to create better opportunities, especially for our young people.

- 3.1.10 It will also reduce the need for outward commuting if promoted in tandem with our policies for new housing.

**Policy J4:**

**Local employment – increased employment and local amenity**

- J4.1 Subject to compliance with the other policies of this Neighbourhood Plan, new start-up businesses or incubation units will be supported within the defined settlement boundaries and home-based jobs, web-based commerce, live/work units and work hubs providing/facilitating an increase in employment will be particularly welcomed.
- J4.2 Development will not be allowed which generates unacceptable noise, air pollution, levels of traffic or where the residential amenity of the area will be adversely affected.
- J4.3 Where a new employment development has 10 or more workers, travel planning is strongly encouraged to ensure that staff travel is made sustainable (e.g. via car share, public transport, bicycle, use of park and ride and walking).

**Justification for Policy J4**

- 3.1.11 As stated elsewhere in the Plan, the transport infrastructure within the Peninsula is poor in relation to other areas. The roads are narrow and limited and traffic volume is high, especially during the tourist season. Whilst we seek to increase local employment we do not wish to see an unmanageable increase in traffic volumes or higher demand for the already limited parking places, on-street and in the local car parks.
- 3.1.12 There is a strong desire to see residents living and working within the Peninsula and this policy will enhance the strategic aims of Local Plan Policies SS4

(The economy and employment) and SS5 (Employment space) by promoting local industry in this way. Home-working and live/work units will become commonplace rather than scarce.

### 3.2 Employment policies for the Town of Brixham

#### **Policy J5:**

#### **Sustaining a vibrant harbour-side economy**

- J5.1 Brixham Harbour shall be maintained and further developed as a working harbour, to support the harbour-based economy and harbour-side businesses, and to safeguard the town's heritage and image.
- J5.2 Subject to compliance with the other policies of this Neighbourhood Plan, support will be given to applications for a range of fishing and marine-related developments, including shellfish processing on the Harbour Estate that would benefit the fishing industry and harbour-side economy while paying due regard to resident and visitor amenity. Developments around the harbour should be in conformity with Local Plan Policies T01 (Tourism, events and culture), T03 (Marine economy) and DE3 (Development amenity), and will address Local Plan Policies SS6 (Strategic Transport Improvements) and SS6.6 (Ferry Transport Links) but will not rely on the construction of a Northern Arm Breakwater as a prerequisite to new developments. They will also observe where relevant the requirements of Neighbourhood Plan Policy BE1 in respect of Heritage assets and any requirements relating to preservation or enhancement of the Brixham Town Conservation Area in the development plan.

#### **Justification for Policy J5.**

- 3.2.1 As stated above, the working harbour is a major industry in the town and as such, along with the town's heritage, character and beauty, is a draw for tourism, the other major industry. Without investing in these valuable assets the town and surrounding areas would markedly decline economically.

- 3.2.2 All of the current industrial areas throughout the town, with the exception of the Harbour, are surrounded by residential developments. It has been an ongoing concern for the residents local to these industrial areas that fish processing should be kept away from their homes due to smells and associated problems.

The processing of shellfish which requires sea water processing should be restricted to the Harbour Estate area alone within Brixham. Any associated environmental controls can be monitored more effectively by the industry and Environment Agency. The Policy area is shown on the Policy Maps Document 2.

**Policy J6:**

**Brixham Town Centre**

A full planning brief/master plan, proportionate in breadth and detail to the size and complexity of any development proposal, should be undertaken for any development of the identified Brixham Town Centre site (see reference J1 – 1 in Table 1 above and the Policy Maps (Document 2)). This planning brief/master plan should ideally be made public at the earliest possible, hence pre-application or preliminary consultation, stage. This document should detail how heritage assets and the designated conservation area are to be safeguarded and how the local character and the town's attractiveness as a major tourist destination is to be maintained. Access, connectivity, transport issues and design characteristics should also be addressed.

**Justification of Policy J6**

- 3.2.3 For many years the car park which has occupied a prominent position of Brixham Town Centre has been underutilised and unsightly. Various plans have been suggested and failed, having been found not to be viable on either financial or design grounds.
- 3.2.4 This land (an area of 500 sqm) has now been identified for employment development. See Table 3 contained in the Employment Site Assessment, Document 4. The development is to include a mix of retail premises, a hotel, affordable housing (see also Policy Bh3-I1 for 25 units), multi-level car parking, a transport hub and a townsquare.

- 3.2.5 The development will enhance the character and heritage of the town, improve the connectivity of the shopping areas, provide new transport facilities and could provide new employment opportunities. Much needed affordable housing will be included.
- 3.2.6 The Town Centre Master Plan sets out how a mixed-use development can address the current issues of poor transport arrangements, aesthetics and connectivity problems of the two main shopping streets. It will include space for new employment, housing and a townsquare.

For more detailed policies, specific reference should be made to the Town Centre Policies contained in this Plan.

### **Policy J7:**

#### **Oxen Cove and Freshwater Quarry**

- J7.1 A full planning brief/master plan, proportionate in breadth and detail to the size and complexity of any development proposal, should be undertaken for any development of the identified Oxen Cove and Freshwater Quarry site (see reference J1 – 2 in Table 1 above and the Policy Maps (Document 2)). This planning brief/master plan should ideally be made public at the earliest possible, hence pre-application or preliminary consultation, stage. This document should detail how heritage assets and environmental assets are to be safeguarded and how the local character and the town's attractiveness as a tourist destination is to be maintained. Access and transport issues will be expected to be addressed in any initial development proposal and should include the potential short re-alignment route of the South Devon Coastal Path.
- J7.2 Design and development options should be informed by the PortMaster Plan and the Brixham Town Centre Master Plan and have regard to resident and tourist amenity issues. Appropriate Ecology surveys will need to be undertaken at the project stage for any planning application as set out in the HRA to this Neighbourhood Plan.

### **Justification of Policy J7**

- 3.2.7 An area of 2,000 sqm has been identified for employment at Oxen Cove, (see Policy J1 and footnote defining 'identified' status) primarily marine related, to support the working harbour and town's regeneration. The area could provide enough space for new marine engineering and boat repair facilities and boat storage, and enable shellfish processing on the Harbour Estate.
- 3.2.8 The land at Freshwater Quarry could also provide a multi-level car park; some surface level parking is to be made available for high-sided vehicles, coaches, cars with boat trailers etc., together with some residential. Sufficient space will be allowed for a new slipway for public use and associated public facilities along with access to the Northern Arm breakwater, when finance is available for its construction.
- 3.2.9 Currently there is a lack of boat repair and maintenance facilities in Brixham harbour, or for that matter anywhere else in the Bay. Combined with very limited space for cold storage, this means that both the fishing fleet and yachtsmen are forced to go elsewhere at considerable expense to all boat users. Developing the Oxen Cove area in this way will provide local employment and increase the local economy.
- 3.2.10 Proposals will be subject to any environmental constraints. More specific information and drawings are included in the Town Centre Master Plan (Document 10) and the Tor Bay Harbour Port MasterPlan.
- 3.2.11 The land at Freshwater Quarry and Oxen Cove is also allocated for residential development in Policy BH3-16.

### 3.3 Employment policies for Churston, Galmpton and Broadsands

#### **Policy J8:**

#### **Employment in Churston, Galmpton and Broadsands**

- J8.1 New employment development within the Settlement Boundaries (Policy E2) of the three villages should respect the sensitive countryside and coastal setting of the Peninsula, and the character assessment and design guidance in the Village Design Statement (Policy BH5). Employment proposals should relate to the scale and nature of the existing communities and villages of Churston, Galmpton and Broadsands.
- J8.2 Subject to compliance with the other policies of this Neighbourhood Plan, small-scale (defined as set out at Table 21 in Local Plan Policy SDB3 for Brixham Urban Fringe), sensitively designed proposals which provide local employment opportunities appropriate to the countryside and the rural economy (such as rural crafts, farming, heritage, marine, tourism, outdoor leisure and recreation) will be supported. There should be no adverse impact on the character of the village or amenity of residents. Any traffic generated should not adversely impact on the villages, either through impacts on their tranquillity and rural character, their environment or through impacts on the narrow lanes including the safety of all road users.

#### **Justification for Policy J8**

- 3.3.1 The villages are set in rural surroundings with a green area of separation keeping their identities distinct. They have minor and narrow roads and traffic through them is by necessity slow. They are principally residential with employment land minimal. Although increase in employment within the village envelopes will be welcome subject to meeting conservation requirements and policy requirements, there is a strong local demand that it does not impact adversely on the community life, environment and the special areas of conservation.

## 4 Housing policies (BH)

### **Policy BH1:**

#### **Affordable housing site allocations**

- BH1.1 Affordable homes will be provided in new developments as a proportion of new open market homes in line with the ratios set out in Local Plan Policy H2. Provision of affordable homes is preferred on-site and integrated into the new development. However, where the calculated provision requires provision of part of a house, that partial provision is to be provided by payment of a commuted sum to fund the provision of affordable housing within the Brixham Peninsula defined neighbourhood area.
- BH1.2 An off-site contribution will be considered where it would result in a larger number of affordable houses being delivered than through on-site provision but only if it is directly allocated to the physical provision of affordable homes within the Brixham Peninsula defined neighbourhood area.
- BH1.3 Where a commuted sum has not been used to fund the physical provision of affordable housing within the Brixham Peninsula defined neighbourhood area by the 3rd anniversary of its payment date, that sum will be released to fund the physical provision of affordable housing across the wider area served by the Local Planning Authority. Where a commuted sum has not been used to fund the physical provision of affordable housing within the wider area served by the Local Planning Authority by the 5th anniversary of its payment date, that sum will be released back to the developer.

### **Justification for Policy BH1**

- 4.1 Torbay has an ageing population where 31% are aged over 60, whereas the Brixham Peninsula has an even higher average of 42% over 60.<sup>10</sup> Between the census points 2001 and 2011, the Peninsula population fell by 3.4% or 821

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<sup>10</sup>South Devon and Torbay Knowledge and Intelligence Joint Strategic Needs Assessment, 2014

people (Office for National Statistics, figures for Furzeham and Berry Head, St Mary's and Summercombe, Churston and Galmpton wards).<sup>11</sup>

- 4.2 Whilst some of this will be attributable to deaths, migration rates are the largest cause for this decline, especially in young people who find it impossible to obtain affordable housing anywhere on the Brixham Peninsula and therefore have to leave to find a home elsewhere.
- 4.3 To reverse this trend and to try and make the population of the Peninsula more balanced with regard to age and hence more vibrant, the amount of affordable housing should be significantly increased. Whilst opportunities to create jobs are on the horizon, the average local salary is unlikely to enable our working populace to afford average house prices, so accommodating our workforce in affordable homes is our highest priority.

### **Policy BH2:**

#### **Occupation of new affordable homes**

BH2.1 New affordable homes in the Peninsula shall only be occupied by persons (and their dependants) whose housing needs are not met by the market and:

- who have had a minimum period of 5 years in the last 10 years of permanent and continuous residence in the Peninsula and are currently living in the Peninsula; or
- who have lived in the Peninsula for at least 5 years and whose parents or children are currently living here and have at least 10 years continuous residency; or
- who are a key worker as defined by the UK Government and are working within the Peninsula.

<sup>11</sup> [www.ons.gov.uk/peoplepopulationandcommunity](http://www.ons.gov.uk/peoplepopulationandcommunity).

BH2.2 Where persons cannot be found to meet these criteria, affordable housing may be occupied by people and their dependants identified on the Torbay Housing Waiting List.

These occupancy requirements shall apply in perpetuity, and be the subject of a legal agreement negotiated during the planning process on any development of affordable housing.

### **Justification for Policy BH2**

- 4.4 Average earnings across South Devon and Torbay are considerably lower than the average across England.<sup>13</sup> Torbay's Housing Strategy 2015–2020 states that, "[Torbay's] Housing and Health Needs assessment evidences the unaffordability of housing to many. It costs over 7 times the average Torbay salary to buy the average Torbay home. There is a higher proportion of households living in the private rented sector (23% compared to 17% across England) and a lower proportion of social housing."<sup>14</sup> Other Council documents have cited a higher figure of 11 times average earnings.<sup>15</sup>
- 4.5 It is considered essential to seek ways to strengthen our community which in recent years has become increasingly unbalanced in its age distribution. We must provide more affordable housing for our essential workforce, young families, those who have family roots here and those low-paid workers on whom our tourist, health, agriculture and fishing industries are so dependent.
- 4.6 There is a need for a significant part of any affordable housing to be restricted to local people to maintain a strong community and assist the retention of local young people and families. This need also arises because many traditional industries are not high wage industries, but it is necessary to retain in the local area people who have the skills to work in these industries. Hence in the absence of an allocation policy, it is considered there could be both a social and an economic impact.

<sup>13</sup> 2014/15 South Devon and Torbay Joint Strategic Needs Assessment (JSNA), Living and working well, [www.southdevonandtorbay.info](http://www.southdevonandtorbay.info), page 43.

<sup>14</sup> For the full report data, see <http://www.torbay.gov.uk/media/6757/housing-and-hna.pdf>

<sup>15</sup> The Housing Evidence Study for the Local Plan, 2012.

**Policy BH3:****Delivery of new homes**

The sites listed in Table 2 below and shown in the Policy Maps (Document 2) are allocated for residential development in this Neighbourhood Plan. Proposals will need to demonstrate there is no likely significant effect, either alone or in combination with other plans or projects on the integrity of European sites; where appropriate ecology surveys will need to be undertaken at the project stage.

**Table 2<sup>16</sup>: Allocated housing sites.**

Neighbourhood Plan Reference	Site Name	Homes
<b>Committed Sites</b>		
<b>Brixham Town</b>		
H3 – C1	Wall Park Holiday Camp	173
H3 – C2	Sharkham Village	31
H3 – C3	Fishcombe	30
H3 – C4	Kings Drive	22
H3 – C5	Douglas Avenue	12
H3 – C6	Bakers Hill	6
<b>Churston, Galmpton and Broadsands</b>		
H3 – C7	Churston Court Barns	9
H3 – C8	Gliddon Ford	9
H3 – C9	5 Broadsands Road	8
H3 – C10	Broadsands House	6
<b>Total</b>		<b>306</b>
<b>Windfall Sites</b>		<b>234</b>
<b>Allocated Sites</b>		
<b>Brixham Town</b>		
H3 – I1	Brixham Town Centre	25
H3 – I2	St Mary's/Old Dairy	25
H3 – I3	St Kilda <sup>17</sup>	12
H3 – I4	Northcliffe Hotel	15
H3 – I5	Torbay Trading Estate	15
H3 – I6	Oxen Cove and Freshwater Quarry	10
H3 – I7	Brixham Police Station	7
H3 – I8	Former Jewson <sup>18</sup>	20
H3 – I9	Castor Road	10
<b>Churston, Galmpton and Broadsands</b>		
H3 – I10	Knapman's Yard	6
<b>Total</b>		<b>145</b>
<b>Total Sites</b>		<b>685</b>

**Notes Table 2 :**

<sup>16</sup> 'Identified' BH3 housing sites: These sites have been identified by the Forum (Brixham Town Council) and are allocated housing sites.

Committed housing sites: These sites have extant planning permission. If this planning permission expires, any proposal will be considered on the basis of the Development Plan unless material considerations indicate otherwise. A site's planning history is likely to be a material consideration.

'Windfall Sites' are sites which are usually not identified or allocated within the development plan but that are still required to be considered on the basis of the Development Plan unless material considerations indicate otherwise. The figure in table 2 refers specifically to windfall sites of 5 or fewer new dwellings.

<sup>17</sup> Note: Allocated for assisted living (not open market) housing in accordance with Policy HW1.

<sup>18</sup> Note: Allocated for affordable (not open market) housing in accordance with Policy J1 at para J1.2.

### Justification for Policy BH3

- 4.7 The Brixham Neighbourhood Plan supports housing growth appropriate to meet local needs and the strategic needs set out in the Torbay Local Plan 2012-2030, Policy SDB1, including affordable housing. Local Plan Policy SDB1 expects that the Brixham Peninsula will provide sufficient land to enable delivery of 660 new homes over the 18-year period from 2012 to 2030. In response, this Neighbourhood Plan has found sufficient land to enable the delivery of 685 new homes.<sup>19</sup> This is set out in more detail in the Housing Site Assessment (Document 3), which informs Policy BH3.
- 4.8 At a more detailed level, the Local Plan states that 234 windfall sites can be relied on to come forward. At time of writing, there are 316 existing committed sites.<sup>20</sup> Consequently, it has been interpreted that the Local Plan expects the Neighbourhood Plan to allocate sites for at least 123 new homes. In response, this Neighbourhood Plan has allocated sites for 145 new homes.
- 4.9 Policy BH9 (Exception Sites) is intended to deliver affordable (including older person, and disabled person) housing on sites that otherwise could not come forward. In the Regulation 14 consultation a proposal was brought to attention which it appears could deliver on a policy compliant basis 20 homes, or more subject to community consultation. Accordingly, through Policy BH9 it is expected that more homes than set out above will come forward.

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<sup>19</sup> See Table 1 of the Housing Site Assessment (Document 3).

<sup>20</sup> These are sites where there are planning permissions in place which are considered "deliverable" in accordance with the definition at note 11 to paragraph 47 of the NPPF

**Policy BH4:****Housing Development -brownfield (previously developed) and greenfield (not previously developed) sites**

- BH4.1 Subject to compliance with the other policies of this Neighbourhood Plan, residential development on brownfield (or previously developed) sites in preference to greenfield sites will be encouraged and supported.
- BH4.2 Brownfield sites within the defined Settlement Boundaries (Policy E2) are the preferred locations for development.
- BH4.3 Development that extends settlements on to adjoining greenfield sites will be considered in the context of Torbay Local Plan Policy C1 and Exception Site development that may meet Local Need through local affordable housing (including self- build) provision (BH9).

**Justification for Policy BH4**

- 4.10 A sequential approach to development should be taken, with brownfield sites being developed in preference to the use of greenfield sites. This approach should apply to all development types, not just housing development, and is supported by the Core Principles of the NPPF.<sup>21</sup>

**Policy BH5:****Good design and the town and village Design Statements**

- BH5.1 All new development should demonstrate good quality design and respect the character and appearance of the surrounding area.
- BH5.2 The character and appearance of Brixham Town and the villages of Churston, Galmpton and Broadsands are set out in detail in the relevant Design Statement (Documents 6, 7, 8 and 9) which include both general and area-specific design guidelines (as denoted by the shading pink of the boxes around text), as well as photographic examples of community views on good and bad design. Design statements apply to their respective area as set out on the Policy Maps (Document 2) by a dashed brown line.

<sup>21</sup> National Planning Policy Framework 2012, para 17.

BH5.3 A central part of achieving good design is responding to and integrating with local character and landscape context as well as the built environment.

BH5.4 Planning permission will not be granted for development of poor design that fails to take opportunities available for improving local character<sup>22&23</sup> and quality of an area and the way it functions.

BH5.5 The design of new development and altered buildings or areas in the following categories should adequately take into account the safety and security of the users of the facilities and that of neighbouring residents:

- Major housing schemes of 10 or more homes
- Major commercial office, industrial, retail or leisure schemes
- New neighbourhood or district community facilities
- Shop Front improvements
- Proposals which include significant areas of open space/landscaping as part of a development, including linkage footpaths
- Proposals incorporating significant off street car parking provisions
- Improvements such as cycle lanes and new or improved footpaths
- All developments involving Class A3, A4 and A5 food and drink uses
- new or redeveloped schools/education premises Where intended occupants are particularly vulnerable and require
- higher standards of security to ensure their personal safety e.g. care homes and drug rehabilitation centres

### **Justification of Policy BH5**

4.11 All local consultation exercises and events, carried out since initial evidence gathering for the first Brixham Town Design Statement, have identified a very strong community aspiration to do all we can to retain the local character of our neighbourhood. By linking this policy to our Design Statements we offer clear guidance to proposers of all developments, large or small, on how to assimilate

their plans and design specifications, both traditional and modern, into the existing character of our town and village settlements. New developments which are shaped and inspired by the surrounding local character are clearly favoured by our communities. Further evidence on landscape character and appearance is also set out in the Landscape Character Assessment of Torbay<sup>22</sup> and the Brixham Urban Fringe Landscape Study<sup>23</sup>.

- 4.12 “Designing out crime” has been a function of the planning process since The Crime and Disorder Act 1998 established that the responsibility of reducing crime does not fall solely on the police. That concept extends to designing out opportunities for crime, fear of crime, antisocial and unacceptable behaviour and conflict in the built environment.

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<sup>22</sup> Landscape Character Assessment of Torbay, Enderby Associates, May 2010.

<sup>23</sup> Brixham Urban Fringe Landscape Study, Enderby Associates, September 2011.

**Policy BH6:**

**Roofscape and dormer management**

To protect local amenity, where planning permission is required:

BH6.1 Dormers will only be approved where they:

- are modestly scaled;
- are subservient to the roofscape, by being below the ridge line and set in from the sides and eaves lines;
- are sympathetic to the original fascia and eaves and retain traditional roof features (such as chimney stacks);
- do not include inappropriate projecting roof features (such as Juliette balconies or extractor fans);
- use traditional materials and methods of fixing which are consistent with the local character of the area;
- include windows that are subordinate in size, aligned to the windows below and sympathetic to traditional fenestration in materials, form and expression; and
- do not result in a detrimental impact to neighbouring residential amenity.

BH6.2 Design construction should reflect the traditional, intrinsic qualities of the original building.

BH6.3 Large roof-lights or solar panels can be as visually harmful as poorly designed dormer windows. They should be carefully designed and positioned to avoid impacting on the appearance of a building, particularly where they are not a characteristic feature in the area.

### **Justification for Policy BH6**

- 4.13 Developments within the conservation zones of both town and villages are already subject to robust design constraints. However, strong support has been expressed towards ensuring that the remainder of our settlements are not subject to inappropriate design. Especially for those areas in proximity to conservation zones, or those that are viewed either from within or without the zones themselves, constraints as specified in this policy are required to ensure that widely approved local design characteristics are preserved or enhanced.
- 4.14 This policy also directs the proposer of developments that involve both the alteration/restoration of existing buildings or new builds towards the planning guidance contained in the Design Statements (documents 6, 7, 8 and 9 of the Neighbourhood Plan).

### **Policy BH7:**

#### **Sustainable construction**

New development is encouraged to, on a basis proportionate to the scale of the development, incorporate the latest in sustainable construction, adaptive technologies, eco-innovation and other measures to combat climate change and enable sustainable lifestyles. Development orientation, design and layout should minimise energy use and maximise energy efficiency.

### **Justification for Policy BH7**

- 4.15 It is estimated that poor insulation means around £1 in every £4 currently spent heating UK homes is wasted.<sup>24</sup> Our community have expressed clear frustration with the slow response of the Department of Communities and Local Government to strengthen building regulations in ways that tackle climate change. Widespread concern around the need for more sustainable methods of construction, use of sustainable building materials, solar energy, better insulation and means of conserving household energy usage in new builds has been strongly expressed. This would also assist in combating fuel poverty.

<sup>24</sup> Energy and Climate Change Strategy 2014–2019, Torbay Council, 2014.

**Policy BH8:**

**Access to new dwellings**

Access to new developments should comply with the relevant adopted standards.

**Justification for Policy BH8**

- 4.16 Un-adopted<sup>25</sup> highways are highways not maintainable at public expense, i.e. they have not been “adopted” by the Local Highways Authority. Such highways often have design or construction features which are below those which would be required by the Local Highways Authority, i.e. weaker construction, poorer drainage or reduced visibility. However, they often serve a useful purpose by adding to the character of an area by providing a means of access which is less urban than would otherwise have been the case, i.e. absence of road kerbs or loose gravel rather than asphalt surfacing.
- 4.17 These highways can present problems where new development increases the volume of traffic using them without associated improvements being undertaken to bring it up to the standard required for adoption by the Local Highways Authority (see Torbay Highways Design Guide for New Developments and Torbay Council Highways Development Control Standing Advice).
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<sup>25</sup> Parliamentary Briefing Paper, SN/BT/40218, “Roads: unadopted”, October 2010.

**Policy BH9:****Exception sites**

Subject to compliance with the other policies of this Neighbourhood Plan and in particular the Conservation of Habitats & Species Regulations 2017, proposals for rural exception housing schemes, may be permitted where the development:

- a. Addresses an identified Brixham Peninsula need for affordable housing in accordance with the definition in the NPPF and the developer has evidenced that scale of the need for that type of housing within the Brixham Peninsula area the time that Planning Permission is sought is sufficient to justify a development on a site which would otherwise not be able to be developed; and;
- b. Is subject to planning obligations and safeguards that provide legal certainty that the need will continue to be served in perpetuity; and
- c. Is adjacent to a Settlement Boundary (Policy E2) or otherwise demonstrably well related to existing residential development and amenities; and
- d. Is **not** located within a Settlement Gap (Policy E3); and
- e. does not constitute major development if within the AONB; and
- f. Is considered to be a small site;

### **Justification for Policy BH9**

- 4.18 The purpose of the exception sites policy is to enable certain forms of housing which are less profitable than full open market housing to be viably brought forward over the plan period where there is a need for that type of housing.
- 4.19 Policy BH9 (Exception Sites) is intended to deliver affordable, housing on “small” sites that otherwise could not come forward including houses for older person, and disabled persons. It is for the Local planning Authority to determine what constitutes a “small” site however a proposal for 20 homes could not be considered small. In the Regulation 14 consultation a proposal was brought to attention which it appears could deliver a rural exception site, subject to community consultation. Accordingly, through Policy BH9 it is expected that more homes than set out above will come forward.
- 4.20 However, these needs for certain forms of housing have to be balanced carefully against environmental concerns. This Policy provides a framework of where development would not be appropriate and also where it could be appropriate subject to meeting certain criteria.

## 5 The natural environment (E)

### Policy E1:

#### Landscape beauty and protected areas

- E1.1 The natural beauty, landscape character, tranquillity and biodiversity of the Brixham Peninsula, as set out in the Design Statements (Policy BH5), the Landscape Character Assessment<sup>28</sup> or the Brixham Urban Fringe Landscape Assessment<sup>29</sup> will be preserved and enhanced. New development will respect these qualities and wherever possible enhance them.
- E1.2 The internationally designated Special Area of Conservation (SAC), the nationally designated National Nature Reserve (NNR) or Area of Outstanding Natural Beauty (AONB), and the locally designated Undeveloped Coast (Local Plan Policy C2) or Countryside Area (Local Plan Policy C1) will all be protected. The English Riviera Global Geopark will be protected to ensure the retention of the area's status as an urban geopark. As a minimum, prevailing international, national and local policies will be applied.
- E1.3 Development within or impacting on the AONB must demonstrate that great weight has been given to conserving and enhancing landscape and scenic beauty and must comply with the requirements of the National Planning Policy Framework<sup>30</sup> and other statutory documents including the AONB Management Plan<sup>31,32,33</sup>.
- E1.4 Priority will be given to protecting and enhancing the countryside from inappropriate development in accordance with Policy C1 of the Torbay Local Plan.
- E1.5 Development should not harm protected landscape characteristics including dark night skies and tranquillity.

<sup>28</sup> Landscape Character Assessment of Torbay, Enderby Associates, May 2010.

<sup>29</sup> Brixham Urban Fringe Landscape Study, Enderby Associates, September 2011.

<sup>30</sup> National Planning Policy Framework 2012, paragraph 115.

<sup>31</sup> Planning for the South Devon AONB: Planning Guidance Version 1.

<sup>32</sup> Non-statutory Report: AONBs and Development, National Trust, September 2015.

<sup>33</sup> Non-statutory Report: Development in and Affecting Areas of Outstanding Natural Beauty, Green Balance for National Trust, September 2015.

## **Justification for Policy E1**

- 5.1 The national importance and uniqueness of our environmental assets are well documented.
- 5.2 The Brixham Urban Fringe Landscape Study provides sound landscape-based guidance on ways in which the Local Authority can help to conserve and enhance the various areas of land within the Peninsula which are subject to statutory environmental designations. These principles are reflected in the statutory AONB Management Plan<sup>34</sup> and underpinned by the Torbay Green Infrastructure Delivery Plan.<sup>35</sup>
- 5.3 In addition, supplementary to the AONB Management Plan, the South Devon AONB Planning Guidance currently under review provides detailed guidance for all types of development. This plan accords with the aims of this guidance as far as it goes.
- 5.4 The state of the AONB has been summarised in the Brixham Urban Fringe Landscape Study which has identified the whole of the currently undeveloped section of AONB between and including Berry Head and Sharkham Point as an area of critical environmental value which needs to be restored as well as conserved. It extols its importance as being of major conservation significance, with its designations of Special Area of Conservation (SAC) (a European designation reflecting the international importance of the site) and a National Nature Reserve, and therefore subject to a high degree of protection.<sup>36</sup>
- 5.5 The AONB is protected by both national and local policies. In particular, the NPPF asserts the principle of conserving and enhancing the natural environment in several sections.<sup>37</sup> It states that “plans should allocate land with the least environmental or amenity value, where consistent with other policies in this

<sup>34</sup> South Devon AONB Management Plan, 2014 (and subsequent reviews).

<sup>35</sup> Torbay Green Infrastructure Delivery Plan, “Building a Sustainable Future for Torbay”, 2011.

<sup>36</sup> Brixham Urban Fringe Landscape Study, Enderby Associates, 2011, page 12.

<sup>37</sup> National Planning Policy Framework 2012, paras 14 (footnote 9), 17, 110, 115 and 116.

Framework”<sup>38</sup> and that an AONB has “the highest status of protection in relation to landscape and scenic beauty”.<sup>39</sup>

- 5.6 The English Riviera Global Geopark stretches along the coastal area of Torbay and an important part is that from Berry Head to Sharkham Point. UNESCO Global Geoparks are single, unified geographical areas where sites and landscapes of international geological significance are managed with a holistic concept of protection, education and sustainable development. It is the only urban Geopark and was declared a Geopark in 2007.
- 5.7 Sites within the Geopark include Churston Cove/Churston Point (proposed Centre on Global-Scale, CGS), Breakwater Quarry, Brixham Cavern (proposed CGS), Berry Head to Sharkham Point (proposed CGS), Sharkham iron Mine (proposed CGS) and Shoalstone Permian-Triassic (No 1494). It is envisaged that “the Geopark will mean more people understand how the world around them came to be, and deepen their appreciation of the natural world”.<sup>40</sup>
- 5.8 Local Green Spaces are designated in this Neighbourhood Plan as they are of particular importance to the local community. All designated as such within this plan meet the criteria as laid out in the NPPF.<sup>41</sup> By designating land as Local Green Space, communities are able to rule out development other than in special circumstances.
- 5.9 The Communities of both Brixham town and the surrounding villages have all expressed strongly the view that development of any kind should only be permitted within the largely agricultural land between these settlements where it will enhance the area aesthetically. It must not have a detrimental impact. Neither can it be detrimental to the distinctive views from public vantage points, when viewed from both land and sea, within and adjacent to the built-up area. Development need not destroy the beauty of our landscape.

<sup>38</sup> National Planning Policy Framework 2012, page 26, para 110.

<sup>39</sup> National Planning Policy Framework 2012, page 26, para 115.

<sup>40</sup> Professor Malcolm Hart, Plymouth University, [news.bbc.co.uk/local/devon/hi/people\\_and\\_places/history](http://news.bbc.co.uk/local/devon/hi/people_and_places/history), 2010.

<sup>41</sup> National Planning Policy Framework 2012, page 18, paras 76 and 77.

**Policy E2:**

**Settlement boundaries**

- E2.1 Settlement boundaries are defined by this Neighbourhood Plan for the respective settlements of the Town of Brixham and the three villages of Churston, Galmpton and Broadsands. These boundaries are shown in the Policy Maps (Document 2).
- E2.2 Subject to compliance with the other policies of this Neighbourhood Plan, proposals for sustainable developments within settlement boundaries will be supported where developments demonstrate good design and follow the guidance in the relevant Design Statement (Policy BH5).
- E2.3 Development outside settlement boundaries will need to meet the criteria in Torbay Local Plan Policy C1.

**Justification of Policy E2**

- 5.10 Policy E2 is a development of the “village envelope” concept proposed by the Local Plan. This Neighbourhood Plan policy hence provides supporting detail to a Local Plan policy C1.
- 5.11 Settlement boundaries are just that; they are boundaries around built development which has formed settlements and inform planning policy. They are not boundaries around named areas, albeit in places they equate to the same thing. Settlement Boundaries are shown in the Policy Maps (Document 2) by a solid red line. Area boundaries for the Town of Brixham and the Villages of Churston, Galmpton and Broadsands are shown in the Policy Maps (Document 2) by a dashed brown line.
- 5.12 In this Neighbourhood Plan, across the Brixham Peninsula residential dwellings and curtilage are included within settlement boundaries unless curtilage includes land that is larger than the average size of rear garden for the local area of that settlement such as land which is better described as paddock rather than garden. Also excluded are Local Green Spaces, Public Open Spaces

and playing fields. All current planning permissions, and committed and allocated sites are situated within these settlement boundaries.

- 5.13 **Brixham Town** comprises a single settlement. The boundary is primarily defined by the coastline and the countryside area and it should be noted that the greater majority of the countryside area surrounding the town lies within the South Devon AONB. Newly committed developments of significant size that previously could have been considered to lie outside a settlement boundary for Brixham have been included within the boundary and these include the development at Fishcombe and the residential part of the developments at Wall Park Holiday Camp and Sharkham Village.
- 5.14 Some areas of important green space have been designated to lie outside of the settlement boundary where they would have formed the edge of that boundary. These are: Battery Gardens (Local Green Space), Wishings Field (Village Green), the allotments, adjoining Brixham AFC's football ground, and another field (SHLAA 13233) at Wall Park, Ash Hole Woods and Shoalstone (Local Green Spaces).
- 5.15 A small part of Brixham town (notably the North Boundary Road area) included within the settlement boundary is actually situated within the AONB. This shows how historically the existing urban sprawl has infringed upon the AONB.
- 5.16 **Churston**, comprises several distinct settlements separated by open space and open countryside which is an intrinsic part of the character of the area and part of what makes the area special. A settlement boundary which included this space and open countryside would be misleading when compared to the way the area is understood by the local community. Accordingly, the village of Churston includes the four distinct settlements:
- A settlement which relates to the old village of Churston along Churston Road including Ferrers Green;
  - A settlement along Bascombe Road and Bascombe Close;
  - A settlement around Green Lane and Links Close; and
  - A settlement around Warborough Road and Brakeridge Close.
- 5.17 In addition, Churston Station is in the village of Churston as are certain houses to the north east of Churston Golf Course. These are included within

Brixham Peninsula Neighbourhood Plan  
settlements which predominantly form the villages of Galmpton and  
Broadsands as set out below.

5.18 **Galmpton**, in contrast to Churston, is formed by single settlement. This contrast between the two adjacent villages adds to local character and distinctiveness. The settlement boundary of Galmpton is defined in large part, to the north and the east, by Warborough Common (E4 – 15) and the main Dartmouth Road.

5.19 **Broadsands** is also formed by a single settlement. The boundary is defined on the landward side by the Dartmouth Road and on the seaward side by the edge of the existing built development. This ensures further encroachment of the narrow undeveloped coastal strip does not occur but rather development is continued within the settlement in a sustainable way.

### **Policy E3:**

#### **Settlement gaps**

E3.1 Settlement gaps have been defined between Paignton, Galmpton, Churston and Brixham. They are shown at **Appendix 3** and on the Policy Maps (Document 2). Countryside around Brixham is largely AONB (Policy E1 at para E1.3). Settlement Gaps relate to areas outside of the AONB where the countryside which forms the “gap” is Undeveloped Coast (Local Plan Policy C2) or Countryside Area (Local Plan Policy C1).

E3.2 Within the settlement gaps development proposals must meet the criteria set out in Policy C1 of the Torbay Local Plan. No development that visually and or actually closes the gaps between these urban areas will be supported.

### **Justification for Policy E3**

5.20 The main urban area of Paignton is separated from the urban area of the Town of Brixham by a band of “rolling Devon farmland” which forms part of the Countryside Zone in the Torbay Local Plan and which stretches from the coast to the river Dart.

- 5.21 Within this area, settlements which comprise the villages of Churston and Galmpton are separated from the urban areas of Paignton and Brixham respectively by countryside comprising both agricultural land and other green infrastructure.
- 5.22 Discrete patches of built development within those settlements are then further separated from each other by further narrow strips of countryside.
- 5.23 These separating countryside strips, or "settlement gaps", provide:
- an open characteristic to the area which draws in views of distant landscapes;
  - separation which prevents coalescence and the merging of settlements; or
  - corridors which physically connect to and interact with the wider countryside.
- 5.24 Settlement gaps are highly sensitive to change and must be retained as valued open countryside. They are essential in retaining local character, preserving the discrete identity of the individual villages in this tourist location.

## **Policy E4:**

### **Local Green Spaces**

The sites set out in Table 3 below and shown in the Policy Maps (Document 2) and the Greenspace Site Assessment (Document 5) are designated Local Green Spaces (LGS), as defined in the NPPF.<sup>42</sup>

Having regard to the NPPF, these Local Greenspace Designations are considered to be capable of enduring beyond the end of the Plan period.

Development within a LGS will only be permitted in “very special circumstances”<sup>43</sup> and would require robust justification on grounds of specific benefit to the community. For example, where the proposal would enhance recreational, sport or leisure facilities and provided it met stringent design and environmental requirements it might be viewed favourably.

Some land designated as Local Green Space is already protected by higher level international and national protection, for example, the Berry Head Special Area of Conservation (SAC). This policy provides additional protection for such areas; it does not dilute existing protection.

<sup>42</sup>National Planning Policy Framework 2012, page 18, paras 76 and 77.

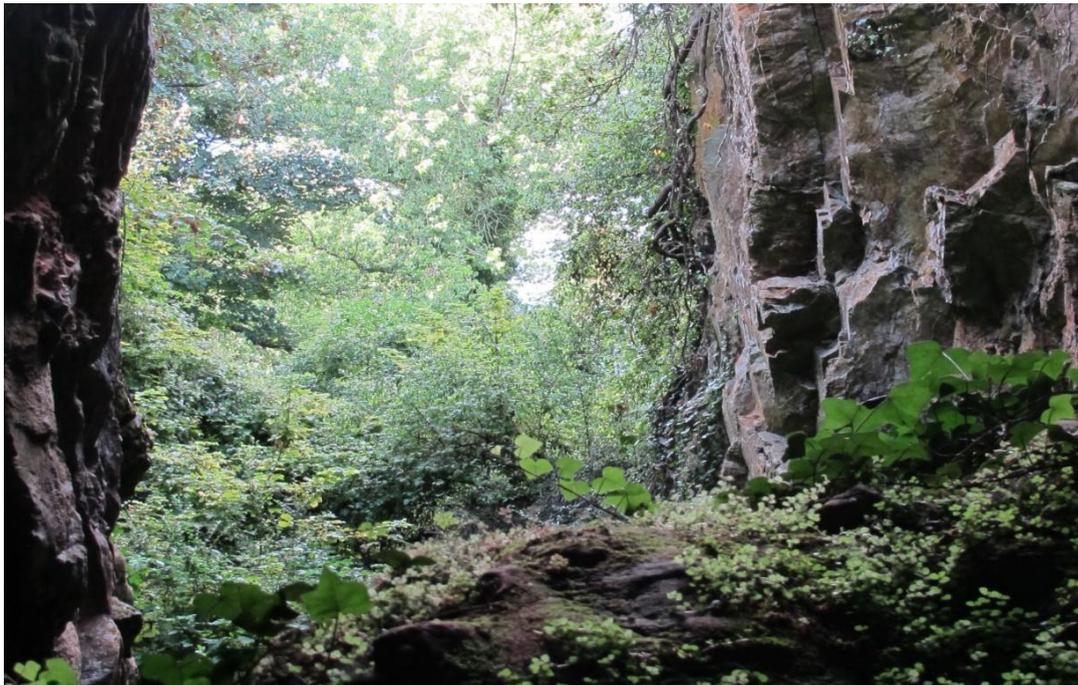
<sup>43</sup>National Planning Policy Framework 2012, page 18, para 76.

**Table 3: LGS sites and the justification for their designation.**

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**Brixham Local Green Space Sites**

**E4 – 1: Ash Hole Woods.** A small woodland area which encloses the entrance to Ash Hole Cavern, a Devonian period limestone cave of great archaeological and geological importance. As such the cavern itself was designated as a Scheduled Ancient Monument (No 33206), and the surrounding woodland designated as an Urban Landscape Protection Area in light of its unspoilt character and conservation interest. It is of importance as a buffer between the built-up areas and the designated Berry Head coastal landscape and is of ecological significance.

*E4 –1: Ash Hole Woods and Cavern entrance.*

**E4 – 2: Astley Park.** A well-used recreational area on level ground, home to the thriving Brixham Rugby Club since 1896, with pitches for match play and adjacent training grounds. This ground has special historical significance to the game, as rugby was first played in the town in 1875 (formerly on Furzeham Green) when Brixham became a founder member of the Devon RFU. In 1934 the ground was donated by local landowners to the club for its use in perpetuity. The park is also the site for many community events.



*E4 – 2: Astley Park, home to Brixham Rugby Football Club.*

**E4 – 3: Battery Gardens.** A site of great historical importance as well as aesthetic, natural and ecological value, home to the Brixham Battery Heritage Centre and coastal defences built in 1940. The whole area also commands stunning views across Torbay and to the west to Churston Cove to which it connects via the South West Coast Path.



*E4 –3: Battery Gardens.*

**E4 – 4: Berry Head.** A unique area with many special designations to protect its rare species of flora and fauna of international and national importance as well as its geological status as part of Torbay's "Geopark", its historic siting of two Napoleonic forts that command fine views across Torbay to the north and as far as Portland Bill to the east, ensuring its significance as a SAC in perpetuity. The area includes the SAC, as well as other parts of the AONB which National England suggested be considered for protection after their rejection for housing by this Neighbourhood Plan.



*E4 – 4: Berry Head National Nature Reserve. Sharkham looking towards Mansands.*

**E4 – 5: Bonsey Rose Gardens.** A small area of cultivated garden treasured by all due to its cliff-edge position which commands incomparable stunning views across Torbay.



*E4 – 5: Bonsey Rose Gardens.*

**E4 – 6: Brixham Cricket Ground.** Occupying a unique location on specially levelled ground, a scarce resource in or around the Town Council boundary, the new home to a thriving cricket club which was founded in 1934. Its facilities are used by local schools and youth organisations as well as match play, the ground also being used for family fun days and other community activities.



*E4 – 6: Brixham Cricket Club Ground.*

**E4 – 7: Furzesham Greens.** These three linked recreation areas are of exceptional community value, not least for their incomparable uninterrupted views eastwards across the outer harbour towards Berry Head cliffs and the open sea. As a community voluntary group, the award winning “Friends of Furzesham Green” are dedicated to caring for these areas by developing management policies, protecting them against misuse, notifying the community of all events related to the greens and, at a practical level, taking full responsibility for the planting and upkeep of the flower beds when local authority funding was withdrawn. The Higher Green also accommodates Furzesham Bowling Club green, a children’s play area funded by Section 106 monies and has functioned as the Furzesham Primary School playing field since 1889.



*E4 – 7: Middle Green Furzeham.*

**E4 – 8: Jubilee Gardens.** Commanding irreplaceable panoramic views across the Bay, this small area of garden is much used by tourist and resident alike as an enclave of peace and tranquillity in close proximity to Breakwater Beach and the Ranscombe area of the town.



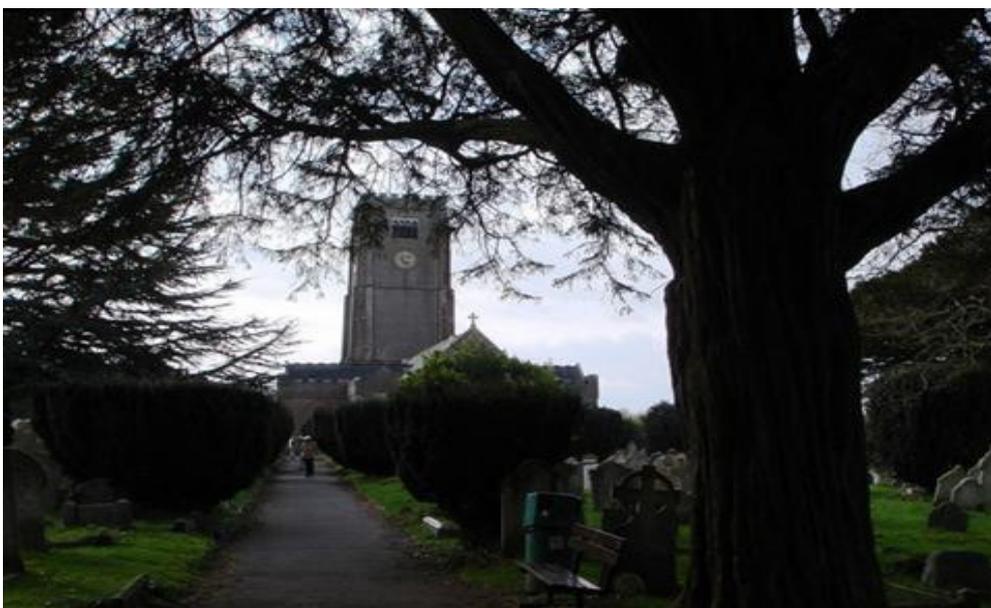
*E4 – 8: Jubilee Gardens, Berry Head Road.*

**E4 – 9: Shoalstone.** This area surrounds a stunning “Art Deco” icon of the South Devon coastline, Shoalstone Pool. This has been a much used recreational amenity for locals and visitors alike since its construction in 1926. Throughout its history, its survival has been entirely dependent on practical and financial support from generations of local communities, none more than today where its very existence owes itself to massive community support.



*E4 – 9: Shoalstone Pool.*

**E4 – 10: St Mary's Churchyard.** A site of huge community importance and historic value used daily as an area of peace, tranquillity and reverence to families of those buried there.



*E4 – 10: St Mary's Church and Churchyard.*

**E4 – 11: St Mary's Park.** Adjoining the Higher Brixham Conservation Area, commanding panoramic views across the town towards the sea, this much-used park is the most important recreational area in Higher Brixham. Comprising sports field, bowling club, tennis courts and outdoor exercise equipment, it is used by members of the community of all ages. It also hosts the annual Hap'nin music festival, a well-established community organised event that could not be sited elsewhere.



*E4 – 11: St. Mary's Park Wild Flower Meadow.*

**E4 – 12: Stoney Park Allotments.** Founded by a charity set up in 1912, this allotment for “The Labouring Poor” of Brixham has been managed ever since by trustees of the Charity. While the primary purpose of the site is vegetable growing with approx. 50 plots (a waiting list currently exists), the site also contains a wide range of “micro-habitats”, including hedges, dry stone walls and two ponds.



*E12 – 4: Stoney Park Allotment Gardens.*

## Churston, Galmpton and Broadsands Local Green Space Sites

**E4 – 13: Churston Golf Course.** Founded in 1890, subsequently re-designed by the great Harry Colt, Churston Golf Course is of international importance to the sport, of enormous landscape value, commanding irreplaceable panoramic views and harbouring a wide array of flora and fauna including several protected species. Of huge value to golfers, naturalists, casual walkers as well as being of exceptional amenity value to all, including those tackling the South West Coast Path which delineates its seaward boundary.



*E13 – 4: Fairways across Churston Golf Course.*

**E4 – 14: Elberry Headland.** This large area of uninterrupted coastal landscape falls within the South Devon AONB and commands outstanding views across Torbay. Its eastern boundary being a section of the South West Coast Path, the area is used daily all year round for recreational purposes and also contains the Broadsands pitch-and-putt golf course.



*E4-14: Broadsands beach with the Elberry grassy headland behind the row of trees, which leads to Elberry Cove and beach.*

**E4 – 15: Warborough Common.** This area of unmanaged rich calcareous grassland has been Common Land since 1604. It is prized by locals and visitors for its recreational, historical and ecological value, it functions as the gateway to Galmpton. It boasts natural beauty and outstanding views.



*E4 – 15: Galmpton Warborough Common and the War Memorial.*

**E4 – 16: Sugar Loaf Hill.** A renowned landmark, vantage point and amenity open space situated to the south of Goodrington beach, traversed by the South West Coast Path, and adjacent to the South Devon Steam Railway Line and Saltern Cove Local Nature Reserve (LNR). Its unique conical shape is attributable to its past as a volcanic vent and it sits in a highly important geological area. It is also defined as an Other Site of Wildlife Interest (OSWI) and an Urban Landscape Protection Area (it is bounded by housing on three sides) in the Local Plan.



*E4 – 17: Sugar loaf Hill and caravans at Waterside.*

## **Policy E5:**

### **Public Open Spaces**

- E5.1 The sites set out in the Table in **Appendix 4** to this document and shown in the Policy Maps (Document 2) and the Greenspace Site Assessment (Document 5) are identified as Open Spaces and should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

### **Justification of Policy E5**

- 5.25 Each site has been carefully assessed according to criteria as specified in the NPPF.<sup>44</sup>
- 5.26 The links between sport and recreation and health and wellbeing are further discussed later in this plan. It is evident (e.g. by several schools having to share playing fields) that across our Peninsula there is barely sufficient sportsgrounds, play areas and recreational areas to meet current requirements. Hence all the above contribute to wellbeing, especially that of our children, and will be robustly protected by the communities that have invested in them and value them well beyond the financial value that might be realised from other types of development. If any site were replaceable, still in close proximity to the communities that use them, the trading of one area for another that could provide the same, or perhaps better facilities, may be acceptable to local residents. Local knowledge shows that the general dearth of undeveloped land within our Peninsula urban development make this highly unlikely.

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<sup>44</sup> National Planning Policy Framework 2012, page 18, paras 73 and 74.

**Policy E6:****Views and vistas**

Views and vistas, particularly those to and from the sea or the River Dart, public views of the townscape, seascape, landscape and skyline that are valued by residents and visitors alike. Examples of such views are given in the Brixham Town, Churston, Galmpton and Broadsands Design Statements (Documents 6, 7, 8 and 9); the Landscape Character Assessment and the Brixham Urban Fringe Landscape Assessment. Proposals for developments which affect these views and vistas should demonstrate that landscapes are safeguarded with their importance and be accompanied by a visual impact assessment appropriate to the size and scale of the proposal.

**Justification for Policy E6**

- 5.27 Sea views, including those across the Bay to distant landscapes, as well as those inland views to Dartmoor are all of critical value to the environmental wealth of our Peninsula. The fact that sea views are an essential characteristic of our Peninsula has been acknowledged in the Landscape Character Assessment.
- 5.28 The Brixham Urban Fringe Landscape Study expounds the importance of the South West AONB to the landscape value of the whole Brixham Peninsula, both from the position of how it is viewed from within the developed areas as well as how those developed areas are viewed from the AONB. It concludes that in relation to the AONB, "The proximity to Brixham has been perceived as a threat to the landscape, with concerns that development or re-development can spoil the value of the AONB. This is undoubtedly possible and considerable co-ordinated efforts are now required to protect and enhance the designated landscape which has clearly suffered in recent years" .<sup>45</sup> Both the conclusion from this study and the ethos of paragraph 74 of the NPPF are now supported and enhanced by the South Devon AONB Planning Guidance, so much of which focuses on the need to protect and enhance the natural beauty of the Brixham Peninsula.

<sup>45</sup> Brixham Urban Fringe Landscape Study, Enderby Associates, 2011, page 10, Figure 3: Landscape Character Assessment

- 5.29 Views have been an important characteristic which has informed the allocation of Local Green Space (Policy E4) sites. Some of these sites have exceptional views while others are inherently prominent when viewed from other parts of the Peninsula or from across the Bay.

**Policy E7:**

**Protecting semi-natural and other landscape features**

Development should where-ever possible ensure the retention, integration or enhancement of local semi-natural, cultural, historic or man-made features and their contribution to the special character, wildlife habitats and biodiversity of the Peninsula, such as:

- Devon banks (stone-clad hedges often over 800 years old)
- dry-stone walls and gateposts
- village orchards
- field barns
- lime kilns

**Justification for Policy E7**

- 5.30 Development proposals provide many opportunities for building in beneficial biodiversity or geological features as part of good design. There are natural and semi-natural features such as streams, rock exposures, veteran trees, hedge-banks and hedgerows, and other natural networks that help create local character. These should be considered in planning for development. Other heritage and cultural components, such as stone walls, field barns and village orchards, should also be treated thoughtfully. Where they still exist, their contribution to local amenity, biodiversity and cultural heritage should be respected. Sensitive landscaping schemes or other enhancement measures can do much to conserve or improve local landscape quality.

- 5.31 This year, Berry Head became the site where the 600th bird species to be officially added to the British Ornithological Society's Records was spotted, namely the Yelkouan Shearwater. That such vulnerable and rare species, as well as the protected Cirl Bunting, are seen across the Brixham Peninsula is an indicator of how important our wildlife is regarded to be by naturalists and enthusiasts. Consultation feedback has shown that a significant draw for “eco-tourists” is the large number of rare plants, including the rare White Rock-rose, Portland Spurge, Rock Sea-lavender, Goldilocks Aster, Rock Stonecrop and Autumn Squill.
- 5.32 The Ramblers Association notes that £307 million is spent annually in Devon by walkers visiting the coastal paths and linked areas. These are sound economic reasons as well as environmental ones to preserve our landscapes and its wildlife.
- 5.33 Our hedges and banks have a tremendously important historical role, preserving as they do past decisions about man's use of the landscape, which often go back hundreds or even thousands of years. They are characteristically very old, rich in wildlife and visually very attractive, and most of them date from the Medieval period, although some 25% date back even further by some 800 years.
- 5.34 Devon banks in particular are a unique feature in the area, consisting of an earth hedge bank, clad with stones that are laid either flat or vertically, the shrubs and hedge plants growing on top rooted in the soil between the stonework. Medieval strip fields with ancient hedges are still farmed around Churston Village.
- 5.35 As such they form habitats for a wide range of flora and fauna, becoming superhighways for wildlife such as dormice, voles, shrews, stoats and weasels, bats, with many bird species including the rare Cirl Buntings being regular visitors. In spring the roadside hedges are ablaze with primroses, bluebells and stitchwort. Many hedges have blackthorn, hazel, wild rose and hawthorn shrubs growing on top. Some have taller trees such as oak, ash and sycamore interspersed along their length.

- 5.36 Preserving and repairing these hedgerows complies with Local Plan Policies NC1 and C4. In close conformity with these policies, Policy E7 seeks to ensure that new developments pose no serious threat to our surrounding countryside, especially that within the AONB, but including all areas between our settlements that we are often not consciously aware of until they are gone.

### **Policy E8:**

#### **Internationally and nationally important ecological sites and species**

E8.1 Internationally important sites and species will be protected. Development affecting internationally protected sites and species will only be approved where it can be demonstrated there is no likely significant effect, either alone or in combination with other plans or projects and regard has been given to National Planning Policy Framework and conforms with policy NC1 of the Torbay Local Plan (2012-2030). Internationally protected sites (designations within Torbay are shown on the Local Plan Policies Map) include the following:

- South Hams Special Area of Conservation (SAC)
- Lyme Bay and Torbay Marine SAC

E8.2 Nationally important sites and species will be protected. Development on or likely to have an adverse effect on nationally important sites and species will not normally be permitted. Development proposals should have regard to the National Planning Policy Framework and be in conformity with policy NC1 of the Torbay Local Plan (2012-2030). Nationally protected sites (designations within Torbay are shown on the Local Plan Policies Map) and species include the following: Sites of Special Scientific Interest (SSSI), including Berry Head to Sharkham Point and Saltern Cove;

- National Nature Reserves, including Berry Head;
- Torbay Marine Conservation Zone (MCZ), which includes coastal waters around Torbay from Babbacombe to Sharkham Point;
- recommended Dart Estuary Marine Conservation Zone (MCZ), which includes the upper waters of the River Dart to below Dittisham; and
- the Cirl Bunting and its habitat and territories.

47 South Hams SAC Greater Horseshoe Bat Planning Guidance, Natural England, 2010.

48 to address the concern in the Local Plan HRA December 2015 at page 69 regarding Policy SS9.

49 to address the concern in the Local Plan HRA December 2015 at page 72 regarding Policy NC1.

50 to address the concern in the Local Plan HRA December 2015 at page 77 regarding Policy W5

### Justification for Policy E8

- 5.37 This Neighbourhood Plan seeks to draw attention to the importance of internationally protected sites and species given their high level of legal protection and local connection, as well as the need to protect the many rare flora and fauna and other protected species. The South Hams SAC and the Lyme Bay and Torbay Marine SAC are protected in law by the Conservation of Habitats and Species Regulations (2017) whilst many other species, such as the Cirl Bunting, are protected in law by the Wildlife and Conservation Act (1981). That legal protection weighs more heavily than protection which can be afforded by a planning policy, but this policy seeks to draw attention to the importance of the environmental assets protected and signpost to how compliance with the legislation and hence protection of the environmental assets is achieved.
- 5.38 The **Greater Horseshoe Bats** have a roost at Berry Head. Torbay Coast and Countryside Manager, Chris Lingard recently said, “The Greater Horseshoe Bat colony at Berry Head is already fragile, due to changing conditions inside the caves where they roost and the loss of foraging habitat to development and changes in farming. We have to be much more careful now not to jeopardise the colony’s ongoing survival.” This roost is particularly important in cold winters as it is the warmest roost in the South Hams SAC. Flyways and sustenance zones are very important particularly up to 4 km from the roost. The pressure on this area is much greater for the Berry Head roost as it is surrounded by the sea, north, east and south.
- 5.39 The protection of sustenance zones covers a segment of land extending north and westwards beyond the Peninsula Neighbourhood Plan boundaries. Juvenile bats are known to forage within an area less than about 3km from their roost, at a time when they are most vulnerable.<sup>53</sup>
- 5.40 However, the need to protect flyways and “pinch points” extends considerably further. In urban or “pinch-point” situations, existing strategic flyway habitat is particularly susceptible to development pressures due to the relatively limited routes available for commuting.<sup>54</sup>

<sup>53</sup>South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance, Natural England, 2010.

<sup>54</sup>South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance, Natural England, 2010, para 7.

- 5.41 In relation the **Greater Horseshoe Bat**, survey evidence as set out in the South Hams SAC guidance may be required to inform any development proposal, to allow it to be determined whether there is no likely significant adverse effect, either alone or in combination with other development on the integrity of the SAC. Proper application of this policy in the case of a major development could see survey evidence being collected from beyond the boundaries of a proposed development site.
- 5.42 In 2004, the entire UK population of 700 pairs of **Cirl Buntings** were found solely along the South Devon coastal hinterland.<sup>55</sup> In 2006 Cirl Buntings were re-introduced to the Roseland Peninsula in Cornwall from young captive birds reared at Paignton Zoo, where 65 pairs have now been recorded. The story for South Devon is even better as the RSPB now believe there to be well over 1,000 pairs throughout the South West Peninsula, a remarkable conservation achievement by farmers and conservationists working together. The area between Exeter and Plymouth remains their most prevalent habitat.
- 5.43 Over the last two years from spring 2015, a survey has been conducted under the joint aegis of the National Trust and the RSPB with the active support of local Galmpton residents to ascertain the breeding population of the nationally endangered but locally successful Cirl Bunting. Building on the earlier surveys by National Trust ranger Mike Ingram in 2004, the survey has revealed an established population of breeding Cirl Buntings in the area surrounding Galmpton and the village itself. In addition, Cirl Buntings have been recorded in healthy numbers on farmland in Churston and on Berry Head and its vicinity. For confirmation of breeding success and numbers consult the 2016 RSPB National Cirl Bunting Survey.
- 5.44 The Cirl Bunting population is supported by the traditional agricultural pattern of small, mixed sown and fallow arable fields divided by dense hedges which characterises farming practice in the Brixham Peninsula. The birds are sedentary by nature and become attached to localities which ideally match their specific needs. Displacement results in number reduction or loss, rather than re-

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<sup>55</sup>Devon Biodiversity and Geodiversity Action Plan, Devon County Council, 2006.

a fact that explains their progressive disappearance from the rest of the country which they had once comfortably colonised before large-scale urbanisation. We are privileged, within the Brixham Peninsula, to be able to support one of the few remaining healthy populations of this bird.

- 5.45 Much of this success is attributable to the mixed farming that is prevalent along the edge of the coastal strip which encourages winter stubble and spring cropping, making the ideal habitat for them.
- 5.46 The outstanding landscape character of much of the Brixham Peninsula that is located outside the AONB and its potential for development are well described in Part 2 of the Landscape Character Assessment of Torbay.<sup>56</sup> The habitats and fly zones of both bats and Cirl Buntings are not restricted to the AONB, hence the need for their protection needs to be assessed carefully under the European Habitats Regulations regardless of whether or not specifically designated area boundaries are crossed. Similar consideration is required whether proposed development falls within the SAC or not. This policy is in close conformity with Local Plan Policy SS8.
- 5.47 In relation to the **dry heaths and calcareous grassland** at Berry Head (part of the South Hams SAC) this policy seeks to ensure additional recreational pressure from development can be mitigated to an acceptable level. Major developments are likely to need to provide more detailed evidence to justify a conclusion that additional recreational pressure can be mitigated to an acceptable level in combination with all other development. The need for enhanced levels of evidence being available for consideration of the in combination effects or mitigation measures for major developments is considered probable.
- 5.48 In relation to the **Lyme Bay and Torbay Marine SAC** there is heightened concern following sewage overflows into Brixham Harbour (3 September 2016) that the South West Water treatment works at Brokenbury and the associated pipework and storm water storage capacity may be unable to cope with surge rainfall particularly in peak season. As a result this policy seeks to ensure there is no likely significant effect to the protected site from new development.

<sup>56</sup>Landscape Character Assessment of Torbay, Torbay Council, 2010.

- 5.49 It will be necessary to evidence no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine SAC.
- 5.50 At the planning stage, it is considered appropriate to ensure decision makers have clarity about the matters they are determining at the time of taking decisions and give clarity to developers about what is expected at what stage. This will avoid reliance on planning conditions which could result in consents being granted where the conditions attached could not be discharged. This could result in an under delivery of the amount of jobs and homes expected in the Torbay Local Plan.
- 5.51 In addition this Neighbourhood Plan supports the local ongoing work in promoting an environmental code of conduct for the Lyme Bay and Torbay Marine SAC.

## 6 The built environment (BE)

- 6.1 The Peninsular has a distinct character and heritage that is of a very high value, to both residents and visitors alike. It is our duty to care for this heritage as a legacy for future generations.
- 6.2 “The strong heritage of Torbay is an asset in supporting the development of the economy. The quality of life of Torbay is widely recognised by local business as a positive factor for their businesses and is also important to inward investors. Heritage can also act as a driver to shopper and visitor numbers with characterful shopping centres within Torbay having the potential to further develop that aspect as a hook, particularly for independent businesses.”<sup>57</sup>
- 6.3 The Heritage Count by Historic England provides evidence that shows £1 of investment in the historic environment generates £1.6 of additional economic activity over a 10-year period. The Count found that 1 in 4 businesses agree that the historic environment is an important factor in deciding where to locate. It also found that approximately 1 in 5 visitors to areas which have invested in their historic environment spend more in the local area than before and 1 in 4 businesses had seen the number of customers increase.<sup>58</sup>
- 6.4 A subsequent Heritage Count found that built heritage tourism generates £5.1 billion in gross domestic product (GDP) across the UK annually and supports around 180,000 full-time-equivalent jobs in England alone. If the heritage construction sector is included in the picture for England, a figure of £11 billion in GDP is contributed.<sup>59</sup> Whilst figures for the Brixham Peninsula itself are not easily extrapolated, given the richness and abundance of our listed buildings and historic sites it is evident that our built heritage is a huge contributor both to our economy and to the jobs sector created from their maintenance and protection.

<sup>57</sup>The Torbay Economic Strategy 2010–2015, 2010, page 6, para 9.

<sup>58</sup>The Heritage Count, Historic England, 2010.

<sup>59</sup>The Heritage Count, Historic England, 2015.

- 6.5 Given the Peninsula's central role as a tourist area, the finding that a third of all international tourists cite heritage as the main reason why they come to the UK gives an even stronger argument for the need to fiercely protect our built heritage.
- 6.6 While designated heritage assets and conservation areas are vitally important, it is also recognised that the historic character of the Peninsula has a value far beyond just its potential to contribute to economic regeneration. Hence it is vital that the wider historic fabric and character of the Peninsular is maintained and enhanced.
- 6.7 Having successful spaces to exercise, socialise, communicate and share experiences helps people to have a positive approach to life and to enjoy their surroundings. There is a direct link between the enjoyment of heritage and health and wellbeing, which will be discussed further.
- 6.8 Suffice to state here that the study of environmental psychology and the relationship between environment and health provide more than sufficient evidence of the importance of heritage to us all. Roger Ulrich's representation of the "determinants of health" highlights the way in which our surroundings and lifestyles impact our health. In a similar vein, R. Buckminster Fuller's definition of sustainability, that "the conscious design of our total environment, in order to help make the Earth's finite resources meet the needs of all humanity without disrupting the ecological processes of the planet",<sup>60</sup> confers upon us a responsibility to take care of the whole of our environment, both natural and built.

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<sup>60</sup>Buckminster-Fuller R. Cited in [www.ecomii.com/building/meaning-of-sustainability](http://www.ecomii.com/building/meaning-of-sustainability), 2012.

**Policy BE1:****Heritage assets and their setting**

- BE1.1 Proposals which affect Designated and Non Designated Heritage Assets must comply with the requirements of the National Planning Policy Framework and the relevant policies of the Torbay Local Plan.
- BE1.2 The Design Guidelines in the relevant Design Statement should be taken into consideration in all developments to ensure a high quality of design that respects the specific character and historic legacy of each settlement and the surrounding area.

**Justification for Policy BE1**

- 6.9 Brixham has two designated conservation areas: Higher Brixham and Brixham Town. They recognise the important historic value and individual character of these two distinct areas of the town. Torbay Council have produced detailed Conservation Area Character Appraisals for both areas which provide highly detailed description of the local history, historic architectural features, prominent trees, surrounding character and special features of the built environment. These character appraisals, along with Policy HE1 of the Local Plan, provide clear justification for this.

## 7 Transport (T)

- 7.1 **Strategic aims.** To tackle the problems of road safety and traffic congestion by linking highway improvements to all new development in ways that will encourage sustainable modes of transport, improve public transport, reduce congestion and enhance the character and appeal of the Brixham Peninsula for residents and tourists alike.
- 7.2 This section recognises that planning matters and highway improvements fall under separate departments of local government and that Neighbourhood Plans cannot usurp highway proposals which will likely have far-reaching effects that extend well beyond our plan area.
- 7.3 However, as a land use document, this plan seeks to promote and support highway improvements and sustainable modes of transport as an integral part of planning, especially for employment and housing developments. Rather than simply objecting to new development proposals on the grounds that overstretched infrastructure cannot cope, we see it as entirely appropriate that the community should be able to influence how proposals can be integrated with highway improvements from the onset.
- 7.4 Local community opinion has expressed strong support for reducing traffic congestion and improving journey times as the primary objective. Central to the above documents is a common strategic intent to consider the needs of the motorist against the promotion of sustainable healthier modes of transport.
- 7.5 Whilst this may suggest conflict between the wishes of the community and the requirement to place less emphasis on the needs of the motorist, it may be better viewed as a dialectic, whereby one view need not obfuscate the other.
- 7.6 For example, ensuring that a busy junction is redesigned to better cater for the needs of pedestrians and cyclists will benefit the motorist as well if traffic flows for all users can be assimilated intelligently. The more user-friendly and safer we can make things for those able to walk and cycle to school or work, the fewer will be solely dependent on motortransport.

7.7 This plan will support short-term highway improvements for planned developments within a longer-term aspiration for the future of sustainable transport throughout our Peninsula. The following criteria should be addressed in any development proposal:

- How will it affect road safety for all users?
- Will any necessary changes to highways, urban or rural routes for all types of traveller be environmentally sustainable, such that short-term highway management projects can be easily assimilated into longer-term improvements that may be needed within the plan period?
- Where a planned development might inhibit the free movement of people going about their daily business, commuting to work etc., by whatever mode of transport, does the proposal contain features that will mitigate against any negative effects; or will it actually enhance travel throughout and beyond the neighbourhood area?

7.8 **Sustainable Transport developments.** In planning changes to highways and other modes of transport to support new development, the following checks and balances are needed to ensure a robust approach is used that will address both the pros and cons of any proposal:

- the balance between ensuring easy access to our town centre (*increasing economic vitality*) and the need to reduce pollution and traffic congestion (*improving the environment*)
- the balance between ensuring highways, railways and waterways are fit for purpose to ensure safe and efficient transport of goods and people within and beyond the Peninsula (*supporting social cohesion and economic prosperity*) and improving provision for cyclists, walkers, those with disabilities and horse-riders (*improving road safety and encouraging healthier more sustainable means of getting about for all*)
- reducing public transport fares, improving routes, with accessibility and facilities to be prioritised over private vehicle requirements when

- reconfiguring highways and changing traffic flows (*reducing unnecessary car journeys and ensuring easy movement for non-drivers, both young and old*)
- investing in other means of bringing tourists and visitors into the town centre, including ferries, whilst recognising the need to reduce congestion and ensure better access for local traffic including emergency vehicles (*improving transport systems which foster improvement in all three dimensions: economic, social and environmental*).

7.9 The policies herein aim to encourage the reduction of unnecessary car journeys without penalising motorists, by improving the travel network and enhancing road **safety so that more sustainable ways of moving both people and goods will be** chosen. Some difficult choices will have to be made in order to achieve these aims. Many of these policy aims identified by local communities may not be strictly land use matters, but many policy aims can be met with Section 106 or Community Infrastructure Levy (CIL) monies. They will be achieved via the following policy framework.

**Policy T1:**

**Linking of new developments to travel improvements**

- T1.1 All developments should include safe walking and cycling access.
- T1.2 Developments should provide a travel plan proportionate in breadth and detail to the size and complexity of any development proposal to address the impact of travel associated with the development. This should include information on how the carbon footprint from travel has been minimised and the health and well-being of travellers (in particular commuters) maximised.
- T1.3 All development should seek to minimise commuting distances and seek to include improvements to the safety of pedestrians and cyclists.

## Justification for Policy T1

- 7.10 This policy reciprocates with Employment Policy J4. Wherever possible it makes sense to encourage industrial or commercial developers to seek sites close to a potential workforce. Apart from the obvious benefits to health and wellbeing for workers to be able to spend less time commuting in heavy traffic, cycling or walking to work, whole communities will benefit where jobs can be provided close to home. Where space for new development is scarce, this aspect needs careful consideration where available sites for new employment premises are in close competition with space for housing developments.
- 7.11 This is entirely in line with all the documents cited in the Strategic Aims opening paragraph of this chapter. It also supports the Department of Transport in that it seeks “to promote long-term modal shift and change attitudes towards the way we travel”.<sup>61</sup>

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<sup>61</sup>Building Sustainable Transport into New Developments, Department of Transport, 2008, page 4, para 2.

## **8 The health and wellbeing (HW) of the community**

8.1 For the first time in strategic spatial planning, Neighbourhood Planning has given us an opportunity to consider the implications for the health of our community when examining proposals for land development. The relationship between employment, poverty, housing and infrastructure cannot be given space here, except to point the planner towards the work of Michael Marmot, whose authoritative book *The Health Gap*<sup>62</sup> provides more than enough evidence to support this premise. The NPPF directs us towards holistic thinking around the economy, our environment and our community in all strategic planning.

### **8.2 Considerations when planning for new residential development**

8.2.1 Within this approach, the health and wellbeing of our community is crucial in determining how we want to shape local development in several ways:

- finding affordable homes, where the average house price is 11 times the average person's salary is a key priority
- our health and social care workers, many of whom are low paid, require affordable housing; e.g. a band 6 qualified nurse in charge of a hospital ward or a specialist physiotherapist earns from just over £26,000, whereas many community support and care workers that now form the backbone of our services earn far less (circa £15,000 full-time equivalent)
- assurance of high-quality build in housing throughout the neighbourhood (the relationship between housing quality and public health is well evidenced)
- the preservation of green areas for recreation, play, leisure and health promoting activities of all kinds

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<sup>62</sup>Marmot M. *The Health Gap: The Challenge of an Unequal World*. Bloomsbury Publishing, 2015.

- provision of available space for service developments, e.g. health and wellbeing hubs with accessible medical centres
- specialist housing developments for a range of vulnerable people or those with disabilities or other long-term health needs

### 8.3 The way forward

8.3.1 As a newly Integrated Care Organisation (ICO), Torbay and South Devon NHS Trust has a unique opportunity to explore how best the social, medical and nursing care needs of all in our neighbourhood can best be met. By combining a public health approach to health and wellbeing with a local plan for how to utilise the space and resources available to us for development, we can attempt to plan our future requirements.

8.3.2 When proposing specific use of space for healthcare provision, this section of the plan attempts to encompass a number of competing issues that require careful balancing when proposing a wayforward:

- the need to balance promoting healthier lives (*a public health approach*) with meeting current local healthcare needs, especially in light of areas of social deprivation (*service reconfiguration*)
- the need to offer equal resource in terms of accessible buildings and space for provision of local services to those with mental health or physical health problems or both, across the life cycle (*"parity of esteem" between mental health and physical healthcare needs*<sup>63</sup>)
- the need to balance the increasing of health and social care services that are provided directly in people's homes (*current NHS policy*) and local accessible provision of care and treatment for those with more complex healthcare needs (*rationalisation and redesign of treatment centres as part of the ICO's plans*)

<sup>63</sup>NHS England, 2016, "Valuing mental health equally with physical health or 'Parity of Esteem'", [www.england.nhs.uk/mentalhealth/parity/](http://www.england.nhs.uk/mentalhealth/parity/).

- the need to balance provision of comprehensive services for maternity care, infant and child development, vulnerable children/young people and all those with special needs against the burgeoning requirements of an ageing population.

8.3.3 The last issue is crucial in understanding how the neighbourhood develops demographically. Just as the availability of quality housing and good schools can be a major factor in families deciding whether to move into the area, it is equally important that the best in health and social care facilities for both young and old are available to prospective residents.

8.3.4 We endorse Torbay's Joint Health and Wellbeing Strategy 2015–2020.<sup>64</sup>

8.3.5 We recognise that evaluating approaches to improving health and wellbeing by attempting to shape people's behaviour is extremely difficult. In contrast, evaluating the outcomes of broader public health actions is relatively simple. For example, dealing with the threat of pollutants (e.g. exhaust gases) in the atmosphere nowadays is as vital to public health today as was John Snow's identification of the Broad Street pump as the source of cholera in 1854.

8.3.6 Hence this section of the Neighbourhood Plan can only address the narrower issues of what resources are available in the neighbourhood, what can be made better use of and what anticipated need might be expected as a result of planned developments. Issues linking the importance of environmental conservation and nurture, housing quality and availability, healthy sustainable modes of transport and a strategy for employment, all of which impact directly on our health, are dealt with elsewhere in the plan, see e.g. the importance of open space and sports fields to the health of all.

8.3.7 Improving health and wellbeing will be pursued via the following policies.

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<sup>64</sup>Torbay's Joint Health and Wellbeing Strategy 2015–2020, Torbay Council Version, "Building a Healthy Community".

**Policy HW1:****Retention of current health and social care estates**

Facilities currently providing health and social care will be strongly encouraged to be retained for such purposes unless the service provided can be demonstrated not to be viable, either financially or clinically at that location. Where the current locations of facilities cannot be retained, an alternative facility within the Brixham Peninsula with as good accessibility will need to be provided. Subject to compliance with the other policies of this Neighbourhood Plan, developments to health facilities that reduce travel and improve accessibility both for our town and village communities will be favoured.

**Justification for Policy HW1**

- 8.4 With available land for development at such a premium across the Peninsula, the resources we have must be protected against the intrusion of other types of local development. We recognise that the function of buildings will change radically according to changes in local health policy. Land on which health and social care facilities currently operate needs to be retained for such purposes, such as primary care medical centres, health and wellbeing hubs, and social respite, intermediate, acute medicine and end-of-life care. Given the scarcity of resources to meet current service demand, with the predicted population growth and associated health needs of many new residents beyond working age, we cannot afford to lose any existing space for health or social care developments to other types of development. Available land on which new facilities could be built within the settlement boundaries of the Peninsula does not exist.
- 8.5 We recognise that socialisation, befriending and sharing healthcare experience are as important to the welfare of mothers and babies at the health clinic as the reminiscence and reality orientation groups are to those relatives, carers and sufferers of dementia who attend day care. All such resources require adequate space to operate.
- 8.6 For example, in the case of St Kilda's residential care home, whilst there maybe economic as well as practical reasons for its closure in its current function, the

site must not be lost to developments that are unrelated to health and social care need. A strongly held view of the local community favours offering the site for development for supported living accommodation for adults with a range of special needs.

**Policy HW2:**

**Operational space for voluntary support organisations**

Given the increasing role of the voluntary sector in promoting strong and healthy communities across the Peninsula, the provision of new operational space for voluntary organisations will be supported. Proposals resulting in the loss of operational space for voluntary organisations will only be supported where it can be demonstrated that the facility is not practically or financially viable at that location, or an alternative facility within the Brixham Peninsula has been provided.<sup>66</sup>

**Justification of Policy HW2**

- 8.7 We recognise the vital and expanding role of the voluntary sector, especially including Brixham Does Care, in identifying need, sustaining independence for the isolated, preventing crises and generally keeping the community informed about the general health and social care of its residents.
- 8.8 In light of the expressed policy of all the statutory services to encourage and support the aspiration of residents to avoid hospitalisation and institutionalisation as far as possible, the domiciliary social care needs as well as healthcare support needs are set to increase significantly. Whilst care is needed to avoid placing too much responsibility on the voluntary sector considering the radical change in health and social policy, it is recognised that the local community is highly committed to its people, especially its more vulnerable or isolated members. However, if social inclusion, the cementing of working relationships between local provider agencies and bringing people together for social events are to work effectively, all need space to cooperate.

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<sup>66</sup>National Planning Policy Framework 2012, page 17, para 69.

## **9 Education and learning for all (L)**

9.1 No future projection for a community could be complete without a consideration of the education that will underpin it. The Brixham Peninsula is currently home to a strong network of schools that are going a long way to meeting the educational needs of our community, but there is still much to be done to plan for the future.

### **9.2 Current provision**

9.2.1 Within the Brixham Peninsula, there are four Nurseries and Pre-School facilities, five Primary Schools and two Secondary Schools (both with attached sixth forms).

9.2.2 There is also a centre for primary age students with complex social and emotional needs. Situated in the former Chestnut Primary School building, this is part of Mayfield special school and serves the whole of Torbay.

9.2.3 Within mainstream provision, there is currently a surplus of 73 places in Primary and 105 places in Secondary. In the Primary sector, these places are spread unevenly across the schools and year groups, averaging out at two places per year group. In Secondary, these places are almost exclusively available at Brixham College where they are concentrated in current years 9 and 10 (age 13–14).

9.2.4 Whilst Churston Grammar does serve the Brixham Peninsula, a very large number of its students come from out of area. Admission is guided by the 11+, so places are not guaranteed to students coming through Primary schools in the area.

9.2.5 Torbay Council figures do not cover Early Years provision, but there are approximately 130 full-time places available in this sector for children aged 0–5. Only one provider caters for children under 2, with a maximum of 9 places for children in this age range.

9.2.6 Torbay Council figures also do not cover 16–18 provision, but there are approximately 430 places available in this sector.<sup>67</sup>

### **9.3 Considerations when planning for new residential developments**

9.3.1 An underpinning principle contained within the policies of this plan is that they all contain elements aimed towards redressing the age imbalance across the Peninsula. Whereas approximately 31% of residents in Torbay are over 60 years of age, on the Brixham Peninsula the number of over 60s rises to over 42%.<sup>68</sup>

9.3.2 Children and young people are the future of our area: we need to give careful thought as to how they, and their educational provision, can best be integrated into our community so that they and their families have a sense of belonging and opportunities to contribute to community life.

9.3.3 Just as the reputation of local healthcare services can influence families considering moving into the Bay, for those families with children, the provision and quality of educational services can be an even stronger determinant. The state of the local education sector is critical to all future developments, both for future residents and for businesses and industries considering moving their operations into the Bay. Whilst the new by-pass is hailed as a motivator for all types of investment in the area, education provision must be high on everybody's list of priorities. Hence there is a need for adequate provision of educational facilities for children of all ages to ensure that sufficient capacity has been provided in time for any extra demand created by new developments.

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<sup>67</sup>Schools Capital & Planning Team, Children's Services, Torbay Development Agency, January 2015.

<sup>68</sup>South Devon and Torbay Interactive Joint Strategic Needs Assessment, 2014/15.

**Policy L1:****Protection of existing educational facilities**

School buildings, associated playing fields and other educational facilities will be expected to be retained for these purposes. Any proposal to develop these facilities for other purposes should clearly demonstrate that they are either not required to meet either current or anticipated need or that they are no longer viable for appropriate reasons, such as educational policy, financial support, or health and safety.

**Justification for Policy L1**

- 9.4 The current status of provision shows an apparent surplus of places in some age groups. This is a fluid situation, the exact trend being difficult to identify as there are too many variables. This policy clearly states that we must not lose any educational facilities to other forms of development. The current situation is especially vulnerable in relation to existing playing fields, given that Eden Park, Brixham and Galmpton C of E Primaries are inadequately provided for, such that young children are required to be marched to other school sites to benefit from the full range of outdoor sporting and learning activities.
- 9.5 The current position with the Chestnut Primary School site provides a good example for making appropriate use, by the community, of a purpose-built educational facility, which is not currently required as a primary school. Its current use by the community ensures that it is well maintained, benefits the community yet still retains its purpose-built facilities for use as a primary school when required in the future, as it surely will be.

**Policy L2:****Matching educational provision to local need**

Subject to compliance with the other policies of this Neighbourhood Plan, the development of Early Years and Primary School facilities will be supported to ensure excellence in educational provision that is easily accessible to local communities and fully responsive to future demand.

## **Justification of Policy L2**

### **9.6 Early Years future needs**

- 9.6.1 Many Early Years places will currently be accessed on a part-time basis, with 15 hours a week free nursery provision currently available to all children aged 3+ and some aged 2+. The government have, however, pledged to increase this allowance to 30 hours a week which will have a huge impact on demand and capacity.
- 9.6.2 Currently there are a total of 130 full-time places available in the area for Early Years provision. Given that from 2015 to 2016 the projected demand for 4 year olds entering full-time school education is 172, there is a significant shortfall here. At least that number of 3 year olds would be eligible for 30 hours of free nursery provision, and factoring in the whole age range we are looking at approximately 500 children who may require Early Years childcare.
- 9.6.3 There is also the scope for Early Years education in the area to follow a more creative path – with a forest school or a beach school for example – to maximise the potential of the geographical area.

### **9.7 Primary and Secondary future needs**

- 9.7.1 There appear to be several spikes in pupil numbers which will lead to demand exceeding available places in several age groups over the years to come. This can be seen in the Primary figures from age 7+ in 2016–17 and beyond, and in the Secondary figures from age 11+ in 2018–19 and beyond.
- 9.7.2 The proposed new housing may have a significant impact on the need for school places, particularly in the Primary sector. Taking an estimate of 0.5 children per household, 340 additional school places may be needed in the life of this plan. The current surplus would go some way towards meeting this demand, but only if the age of new residents correlated with the available capacity: there is not much flexibility.

- 9.7.3 Torbay Council currently uses a lower estimate of between 0.25 and 0.33 children per household due to ageing population and projected older person inward migration. It is not acceptable to merely plan on this basis, when there is a demonstrable need for our educational establishments to plan provision for the needs of a “Landscape for Success”.

### **Policy L3:**

#### **Providing for 16– 18 years and beyond**

Subject to compliance with the other policies of this Neighbourhood Plan, educational and training developments will be supported where they are within, or in close proximity, to our schools, colleges and work places. The latter will include horticultural, maritime establishments and farms, where training and education can be provided within or close to the Brixham Peninsula.

#### **Justification for Policy L3**

- 9.8 Lifelong learning is strongly encouraged by national policy,<sup>69</sup> by increasing the school leaving age so that all under the age of 19 can benefit from education and training. Combined with increasing opportunities for adult learning for all ages, these policies are a fundamental aspect of re-balancing our local community. Apart from schools and colleges many workplaces will play an increasing role in provision. Whilst distance learning and e-learning cater for some needs, work-based or college learning will remain a fundamental part of community life.
- 9.9 In September 2015 the compulsory education leaving age in the UK was raised to 18. The obvious increase in requirement for 16–18 year olds is currently met largely by students having to travel beyond the Peninsula, although Brixham College has already responded with 48 additional places for “A”-Level students.
- 9.10 Currently most vocational training is only available beyond the Peninsula at South Devon College, the Studio School or further afield. Whilst Brixham College

<sup>69</sup>Education, Fourth Report, Participation by 16–19 year olds in Education and Training 2011, Education and Skills Act 2008.

and Churston Grammar cater for some of the increased demand, a shortfall of around 200 places is still predicted.

- 9.11 Availability of land for additional places is scarce, hence a range of new possibilities for increasing vocational courses and apprenticeships is required if we are to prevent so many of our young adults having to commute far and wide to access suitable courses.
- 9.12 This plan acknowledges the need for flexibility in planning provision for education and training, especially in light of frequent changes in national education policy. Hence there is a clear need to protect all of our sites in order to facilitate future developments required to respond to changing demand.
- 9.13 With the restricted options available for new employment opportunities, we can expect that home-based small businesses may provide a significant income stream for people hoping to make a future in the Brixham area. Thus childcare provision should be flexible, and should be geographically aligned to existing provision such as the work hub provided by Brixham Sea Works.
- 9.14 Careful consideration will be given to how additional school facilities can be of benefit to and accessed by the whole community, particularly out of hours or to help the delivery of adult educational needs. The ability to accommodate dual use will be particularly important when considering the development of sports or arts facilities.

## 10 Tourism (TO)

10.1 Tourism is one of Brixham's main economic drivers and a major sector of employment across the Peninsula. It has been estimated<sup>70</sup> that in 2013 there were in Brixham:

- 124,500 staying visitor trips spending £32,580,500
- 483,100 day visitors spending £17,255,200
- a £49.8 million direct visitor spend for the year
- 942 full-time equivalent jobs supported by visitor-related spending.

Of those visitors that stayed in Brixham, 35% stayed in static vans/holiday centre type accommodation and 27% stayed with friends or relatives.

10.2 In 2014, English Riviera Tourism Company (ERTC) statistics show that across Torbay the average spend per night for a staying UK visitor was £68.47. For a visitor from overseas to Brixham, this was £72.83, but the number of nights stay per trip has been declining since 2010.

10.3 Whilst the number of day visitors to the Bay has increased by a huge 36% since 2010, their average spend per trip in 2014 was only £36.04, which is almost a 25% reduction from the 2010 spending figure of £47.64 per visitor. Whilst choosing dates to compare can be subjective, these figures do highlight the recent downward trend.

10.4 Four key needs to improve Brixham's tourist offer have been identified:<sup>71</sup>

- the need for better marketing
- the need for higher quality accommodation

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<sup>70</sup>The English Riviera Tourism Company, Brixham 2013 Report.

<sup>71</sup>Torbay Development Agency, The Turning the Tide for Tourism Strategy, 2010–2015.

- the need for higher quality food outlets
- the need for more indoor and outdoor leisure facilities.

10.5 During the compilation of the Neighbourhood Plan and the consultations undertaken, many thoughts and ideas have been expressed about what needs to/could be done to stem and reverse the downturn in spending by visitors and increase the numbers of tourists to Torbay, particularly those who stay in our Peninsula.

10.6 What is clear is that this industry is critical to the whole economy of the Brixham Peninsula and as such needs special consideration when considering the future use of available land. Without protection of a sustainable economy our community, our heritage, our environment and our whole way of life are at risk.

10.7 Accommodation supply has diminished significantly in recent years. The closure of Pontin's Dolphin Holiday Camp following a fire in 1991 and its redevelopment into Sharkham Village, the current change of Wall Park Holiday Village into a housing estate, development of "The Cove" from holiday camp to investment homes and many changes of use from bed and breakfast businesses to residential dwellings all represent a huge loss of available beds for visitors.

10.8 This trend needs to be reversed if our tourist industry is to survive. It is recognised that the type, quality and culture of tourism is changing but we need to respond to such change with investment in the kind of holiday experience and facilities required for the 21st century. It is not acceptable to see all our tourist accommodation disappear either from lack of investment in the industry or demand for land to meet the pressure for housing development. We risk a tragedy for our whole economy if we fail to improve and increase our tourist accommodation, especially at a time when the domestic holiday industry is showing an upturn across the UK.

**Policy TO1:****Support for of tourism**

- TO1.1 Subject to compliance with the other polices of this Neighbourhood Plan, developments that increase the quality and range of tourist accommodation and leisure potential in the Peninsula area will be supported, especially where it can be demonstrated that the development will lead to the creation of local jobs.
- TO1.2 Proposals for the redevelopment for non-tourism use of any “holiday camp” or self-catering tourism accommodation site within the Brixham Peninsula will only be supported where it can be demonstrated that the use is not practically or financially viable, at that location. A lack of viability is to be established by clear evidence from an active marketing effort that it would not be possible to achieve a lease or sale of the premises at a reasonable market rate.
- TO1.3 Where there is no reasonable prospect of a tourist facility or amenity being re-developed explicitly for tourism purposes change of use will be supported subject to the following criteria:
- the alternative use will also support local tourism, including self-catering accommodation; or
  - the alternative use will otherwise support the local economy by providing employment; or
  - the alternative use will contribute to the needs of the community by providing affordable, housing in accordance with Policy BH9.

**Justification for Policy TO1**

- 10.9 Over recent years the number of tourist beds in the Peninsula area has declined greatly and as tourism remains a key employment area and driver of the local economy, this decline needs to be reversed with better quality and year-round availability along with further all-weather leisure facilities. In line with the Local

Plan,<sup>72</sup> this policy seeks to tighten previous planning policy that has resulted in the loss of so much tourist accommodation or amenity in recent years. From community consultation events, concern has repeatedly been expressed that the lack of land availability for tourism will make it impossible for the industry to respond positively to any economic upturn or change in pattern of holidaymaking behaviour. Economic regeneration is dependent on scope for expansion of our tourist industry.

- 10.10 In addition to this key policy, all consultation has indicated a virtually unanimous view that to regenerate our tourist economy, many projects and practical ideas need to be strongly promoted and supported by the whole community as well as Torbay Council and the ERTC. Evidence gathered from our community consultations, often provided by those employed in the tourist industry, demonstrated a strong need to use planning policy wherever possible, to support and enhance an industry that, whilst vulnerable to market changes and holiday trends, still plays a crucial role, if not the predominant one, in the economic fortunes of our whole Peninsula.
- 10.11 Brixham lacks the stock of larger housing enjoyed by the rest of Torbay which provides bed spaces in key tourism zones and so needs to protect as far as it can its scarce accommodation resource and take every opportunity to both increase and improve the quality of it.
- 10.12 Tourists come to Brixham not for a single attraction but because the town itself is the attraction. When visitors were shown images of Brixham, they found its characteristics appealing. Therefore, there is a need to keep the quaint feel of the town for tourism, to build upon Brixham's unique identity and heritage aspects and develop a Brixham brand.
- 10.13 Brixham has been awarded the UK Port of the Year title in 2016 and 2017. It is also placed in the top 10 of the best seaside tourist destinations in the UK and it remains the highest earning port in England.

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<sup>72</sup>Adopted Torbay Local Plan, Policy TO2, "Change of use of tourism accommodation or facilities", 2016.

- 10.14 The Peninsula community run many excellent annual events and festivals, from the smaller Gooseberry Pie Fair in Galmpton, to larger events such as the Pirate Festival, Fishstock, the Trawler Race, BrixFest, the Hap'nin and the Torbay Steam Fair. Themes vary and cover fish, trawler racing, music, heritage sailing and regattas, the arts, steam and the RNLI. They are all very popular and attract thousands of visitors, local and international, who fill the town's bed and breakfasts every year.
- 10.15 Marketing of Brixham has been carried out by the Tourism Partnership who rely on volunteers. The ERTC has a regularly updated website for the whole of Torbay, but it is felt that a website just for Brixham is essential.
- 10.16 Overseas visitors stay longer and spend more per trip than UK visitors, and currently Torbay is receiving a large number of German-speaking visitors. Advice to businesses to include language translation options when modernising their websites would perhaps help them to compete on the international tourism stage.

## 11 Sport and leisure (S&L)

- 11.1 Whilst the competition is fierce for how remaining land on the Brixham Peninsula is allocated, whether for employment or housing, this section addresses the community's expression of need for improved facilities for sport and leisure. It is deemed vital to the sustainability of our community that, just as high-quality schools and healthcare services are needed if we are to encourage more families to move into the area, it is essential that improvements in provision of sport and leisure facilities are built into the plan. Whilst we, the communities of our town and villages, have done much to improve things by building skate-parks and swimming pools and encouraged private enterprise with amenities such as the Cayman Golf, land still available in Torbay Council ownership needs to be assessed for these purposes prior to offering it for other kinds of development.
- 11.2 Loss of putting greens at Furzeham and St Mary's as well as loss of tennis courts resulting from Torbay Council withdrawing maintenance and operational funding at the south side of the Bay has been damaging to the wellbeing of both local youngsters and visitors. To address these deficits and recent trends the following policies are needed.

### **Policy S&L1:**

#### **Increase available space for outdoor sport and leisure**

S&L1.1 Notwithstanding areas already designated as Local Green Spaces or Public Open Spaces, additional and better quality outdoor playing space is required in the Peninsula. Subject to compliance with the other policies of this Neighbourhood Plan, proposals for developments within and adjacent to settlements (but excluding Settlement Gaps) which provide outdoor pursuits will be encouraged. These pursuits will embrace a range of activities and sports including formal games pitches, tracks, courts, parks (e.g., skateboarding) and facilities, signposted walking routes and "Trim Trails", and more informal "free play" and "free activity" areas.

S&L1.2 The approval of any new, enhanced or improved sport or leisure facility will be subject to assessment of the design and impact, amenity and light emission of the proposed development in relation to its setting and other policies in this Plan. It would not be appropriate to introduce flood-lighting into dark areas or cause larger volumes of traffic to need to negotiate minor rural roads.

### **Justification for Policy S&L1**

11.3 According to minimum guidelines set by the National Playing Fields Association there should be 40.8 hectares of outdoor playing space for a town of our size (27.2 allocated to outdoor sport, 13.6 for children's' play areas). Brixham currently falls way short of this (approx. 13 ha total), and whilst our geographical location goes some way to mitigating the impact of this there is much work to be done in improving the opportunities and facilities for outdoor play.<sup>73</sup>

### **Policy S&L2:**

#### **Sport and recreational facilities in new developments**

New residential development proposals will be required to provide sport and recreational facilities integrated into the development in accordance with Torbay Council adopted standards. Where appropriate the financial contributions to the improvement of existing or provision of new off-site facilities will be acceptable as an alternative.

### **Justification for Policy S&L2**

11.4 Both YES and Indigos Go Wild have been recognised nationally for the work they have been doing with young people. They should be supported in expanding their operations to reach a larger number of younger residents and their families.

11.5 For such work to continue alongside future development, merely commending voluntary groups for such extraordinary achievements is not enough. Crucially,

<sup>73</sup>National Playing Fields Association, 2001, PPS 8: Open Space, Sport and Outdoor Recreation – Summary of the National Playing fields, Association Minimum Standard for Outdoor Playing Space, cited in Torbay Council's Planning Portal.

the use of land in and around new development must include clearly defined space for recreation purposes. Wherever possible easily supervised space for children's outdoor play areas or parks will be provided.

11.6 Careful consideration from the local community must be given to the desirability or otherwise of including dog-walking within these areas.

11.7 Public open space, sports and recreational standards are set out in the Torbay Council Planning Contributions and Affordable Housing Supplementary Planning Document (2017). Wherever possible Section 106 or CIL monies will be sought through the planning process to provide high-quality equipment or resources for such purposes.

## 12 Art and culture (A&C)

### **Policy A&C1:**

#### **Promotion and protection for the arts and local culture**

Subject to compliance with the other policies of this Neighbourhood Plan, proposals for developments supporting artists, activity, places and the use of heritage assets and promote or create new space for cultural activity will be supported. Developments that threaten the cultural activities and/or facilities of our communities will be resisted.

#### **Justification for Policy A&C1**

- 12.1 The communities of Brixham Town and its satellite villages, including Kingswear, both support and benefit from a diversity of cultural and artistic activities. Many are directly linked to our rich heritage.
- 12.2 This Neighbourhood Plan strongly promotes and celebrates this aspect of community life in full realisation of its vitality to our thriving communities, both for those who just want to enjoy and watch events as well as those who participate so brilliantly in so many of our activities and events.
- 12.3 The health, wellbeing and educational benefits seem obvious, but proposals for other types of development may threaten the sustainability of this aspect of community life, especially where available land or suitable space are at such a premium. Hence, there is a great need to protect our theatre, performance areas, display sites and outdoor space for all our festivals, celebrations and cultural events.

## **Appendix 1**

### **Important aspirations**

#### **Aspiration 1 - To encourage more people into town by sustainable means**

Achieving this Aspiration will require:

- **A greatly improved park and ride facility to create a central transport hub for the peninsula, that includes a range of on-site amenities and facilities**
- **Development of cheap, family friendly alternative means of getting into town to encourage its use**
- **A new town centre public transport hub as described in the Town Centre Master Plan**

Difficult choices are required to increase vibrancy and boost the economy of our town centre. Bolton Cross, having been identified as a priority Air Quality Management Area, one of only two in the whole of Torbay, has recently undergone significant improvement to increase traffic flows through the junction, though with no discernible benefit to pedestrians crossing. This is somewhat in conflict with the wishes of the business community's goal of attracting more people, mostly in cars, to the town centre to increase business for local traders. There seems little sense in making these environmental gains only to flood the town centre with more motor traffic. Hence this policy seeks to increase footfall to all our businesses and attractions whilst avoiding further harm to the environment. By linking Neighbourhood Plan aspiration with our Highways Department's strategic intent we hope to ensure that new developments do not place even greater strain upon our infrastructure which is already the source of so much dissatisfaction amongst residents and visitors alike. Evidence from many coastal towns in the South West shows that restricting motor traffic from town centres and increasing pedestrian zones by introducing good quality park-and-ride schemes significantly boosts the local economy.

**Aspiration 2 - The potential of our coastal location should be maximised**  
**The excellent work already being done by local organisations in meeting the needs of young people should be recognized, and their experience and expertise used to support future development. Presumption will be in favour of new developments of watersport and coastal recreational facilities as well as proposals that enhance existing recreational and sporting amenities along our coastal hinterland.**

Several organisations including Brixham's Yacht Club, Gig Club, Swimming Club, British Sub-Aqua Club, Sea Angling Club and IbeX Canoe Club all organise water-based activities safely and expertly. Developments where these clubs seek to enable many more opportunities for people, young and old, local and tourist alike to get involved will be encouraged. Watersports could be developed at, for example, Breakwater, Shoalstone, Elberry and Broadsands in a way that would benefit tourism as well as the local community. Shoalstone Pool should also be recognised as a unique and prized aspect of our heritage and should not solely be reliant on the extraordinary community effort and commitment of volunteers for its future support and investment. This policy would also endorse the work of the Torbay Coast and Countryside Trust that encourages ecotourism, bird-watching and dolphin watching.

## **Appendix 2**

### **Priority projects to evolve from Neighbourhood Plan policies**

#### **A1.1 Projects to support employment in the Brixham Peninsula**

A1.1.1 The following projects have been identified during the consultations and work undertaken in preparing the Employment Site Assessment contained in this Neighbourhood Plan.

A1.1.2 **Construction of the Northern Arm.** This project has been on the table for many years and, in order to attract more investment into the town, particularly within the Harbour area, protection for the harbour is urgently required. It is paramount that as soon as the funds are available this project is given top priority.

A1.1.3 **Development of Brixham Town Centre car park land as per the Town Centre Master Plan.** This land has been underutilised for over 10 years and the Town Square has been used for additional car parking for a similar term. This open space is the last sizeable available brownfield site in the town available for employment and could support a mix of uses. The Town Centre Master Plan has been produced from community consultation and ideas.

A1.1.4 **Development of Oxen Cove land as per the Town Centre Master Plan.** During consultations it has been clear that the fishing industry needs more facilities in Brixham to be able to retain and develop their businesses. To maintain their boats, owners currently are forced to travel elsewhere, which is time consuming and costly. There is great potential to draw in business from other areas where working boat and leisure craft owners require maintenance.

A1.1.5 If the industry is to thrive here and for Brixham to retain its premier position as Best Port in the UK, investment and redevelopment need to be given priority.

A1.1.6 Guideline plans have been formulated and can be found in the Town Centre Master Plan and in the Harbour Authority Port Master Plan.

**A1.1.7 Broadsands Beach facilities for visitors.** Both the immediate community and those regular visitors to Broadsands from the rest of the Peninsula and beyond believe the dilapidated state, poor design and inadequate facilities of the existing beach-head buildings are long overdue major improvement or a complete rebuild. A project has been proposed by the Broadsands Community to hold a competition to design a building and associated facilities fit for the 21st century.

A1.1.8 It is believed that if a plausible plan were on the table developers may show interest in building a facility fit for the requirements of an area where the natural amenity, high-quality beach, plentiful parking and easy accessibility are of such a standard that Broadsands Beach could easily become the most popular beach in the Bay.

## **A1.2 Projects to reduce the risk of flooding on the Brixham Peninsula**

A1.2.1 Whilst improvements in drainage have lessened the frequency of flooding the loss of trees, including those felled due to disease near Strawberry Bend, and the developments at Summercombe and on both sides of New Road since the 1960s and 1970s, which have reduced infiltration, are all factors that may have increased risk, on top of the underlying climate change.

A1.2.2 Given that properties in Churston Village have flooded in recent years (e.g., in 2014), there remains a high risk of flooding in Galmpton, and there remains a high risk of flooding in the Town of Brixham from the Higher Brixham watercourse (main river) and the Lupton watercourse, further study is required to investigate the most appropriate engineering solutions to flooding problems.

### **A1.3 Proposed projects to support transport policies**

A1.3.1 To **improve road safety** the following need attention.

A1.3.2 Milton Street, Drew Street, Monksbridge and Burton Street have become increasingly busy in recent years. All serve as main traffic artery routes for the populace of Berry Head, St Mary's and Summercombe.

A1.3.3 Public opinion expresses a variety of options for improvement, of which the widening of Monksbridge commands some support, which is also favoured by Torbay Highways Department. Others suggest this will merely speed up traffic, increasing pressure at the junction with Greenover Road and encouraging even more traffic in Burton Street.

A1.3.4 The proposal here is that the whole area requires further research as to whether piecemeal improvements will provide a sustainable solution or whether a more comprehensive solution is required. A one-way system, such as exists on the Furzeham side, including a variety of traffic calming measures combined with improved signage, widening of pavements and a dedicated cycling link from the area to the cycle path along the A3022 would be the preferred option for the longer term. This would include safe crossings at the bottom of Monksbridge and at the bottom of Laywell Road for pedestrians and cyclists alike.

A1.3.5 In order of priority the following are recommended:

- Priority must be given to road safety on Burton Street, with widening of pavements including build-outs supported by a 20mph speed limit and priority over on-coming vehicle road signs. Consideration must then be given to a 20mph speed limit along all four streets of Milton Street, Drew Street, Monksbridge and Burton Street.
- The Quay, The Strand, lower King Street all require urgent assessment for their suitability for "shared space" traffic management, to improve road safety, especially for pedestrians and cyclists. Whilst it is too early to assess the benefits, both to air management and congestion, from the

improvements just completed at Bolton Cross, this should also be assessed, either for “shared space” or other means of improving safety for all travellers including wheelchair users.

- As long as the main cycle route to Paignton directs users to leave the A3022 at Churston Cross, to travel through the village to complete the route to Windy Corner via the Bascombe Road, then a 20mph speed restriction is required right up to Windy Corner to protect walkers, cyclists and horse-riders.
- To address the significant increase of recent years in congestion along the A3022, a redesign of the Windy Corner junction is required. The preferred option on grounds of its least environmental impact on Churston Common may not prove a sustainable improvement. The current proposal will increase traffic flow from Brixham, by providing an increased length of dual carriageway as drivers choose to take the Dartmouth Road towards Paignton or the ring-road towards Yalberton. This is achieved by building a short length of additional carriageway on the Eastward side of the A3022 (for Brixham bound traffic) at the entrance to Bascombe Rd for about 150 metres before rejoining the existing carriageway. This enables a lengthening of both Paignton bound carriageways on the approach to the junction from the Brixham direction. The junction re-design will include safe provision for cyclists and walkers crossing all adjoining roads. Note that, currently, it is unclear how this will be achieved. Whilst funding has already been identified to take this proposal forwards this year, the Neighbourhood Forum advise waiting until the implication of completing the improvements to the ring-road are fully understood.
- To address a specific road safety problem, the length of southbound carriageway along the A379 between Waterside bus stop and Broadsands Park Road junction needs revision of the usage of the inside lane. Currently, stipulated for exclusive use by buses and cyclists, this has been reported as a frequent danger, especially to southbound traffic wishing to turn left into Broadsands Park Road, which also accesses Waterside

Holiday Park and Blue Waters Drive. The danger is compounded by drivers seeking to exceed the 30mph speed limit by using the inside lane to undertake both the traffic observing the speed limit as well as vehicles queuing to turn right into Cherry Brook Drive.

A1.3.6 Such problems arise directly from the increased traffic flows throughout the year between Paignton and the Brixham Peninsula where new developments have not been integrated with appropriate improvements to highways.

A1.3.7 To **change preferred modes of transport** the following are needed.

A1.3.8 A park-and-ride scheme fit for the 21st century with:

- car parking provision for 350–500 vehicles at Churston
- improvement to the pick-up/drop-off facilities for the number 12 Stagecoach bus route offering a cheap transfer fare. Alternatively, a tramway option to be explored.
- a taxi rank
- bicycle hire, with clearly sign-posted family friendly cycle routes into town
- a tourist information centre if a town centre facility cannot be developed
- allocated parking and drop-off points for visiting coaches with their passengers utilising the linked bus service. Coach parking may be included on this site
- tourist operators to have allocated parking to pick up passengers and take them directly to the destination of their planned activity, i.e. Agatha Christie bus tour, Fishing or Sea Trip companies, Steam Trainrides
- a café facility and toilets

- well-designed intrusive signage such as “Turn left for Park & Ride” along the A3022 combined with electronic signs indicating the current status of town centre parking spaces
- inexpensive parking and transfer fare, with negotiation with Stagecoach to secure cheap transfers in line with the charges made by similar schemes in Plymouth and Exeter. Depending on outcomes, parking rates yet to be determined but kept very inexpensive to ensure popular use
- in addition to the park-and-ride scheme, within Brixham itself, in association with the developing town centre plan, parking for local businesses, residents, commercial travellers and people with disabilities in the form of a “shoppers’ car-park”
- in light of the virtual absence of on-street parking in the town centre, free parking for half an hour with an escalating scale of reasonable charges up to a maximum of 3 hours.

A1.3.9 This provision will take the pressure off Brixham Town Centre as a parking destination, particularly where day visitors are concerned as it will be possible for visitors to reach whichever part of the Peninsula or beyond that they are heading for, from a single arrival location. Whilst not all components may be achievable in the short term, the long-term view of the Neighbourhood Plan is that all will be required to achieve these policy aims.

A1.3.10 Improvements for all users of **sustainable means of transport** to include:

- the provision of a cycle route to Churston, either along the old railway track or beside/along America Lane (originally Quay Lane), via Furzeham and Oxen Cove
- a cyclepath/walkway link from Higher Brixham, via Horsepool/Mathill Road or Summer Lane and alongside Laywell Road (on the other side of the west-side hedge) to link up with Laywell bus stop and cycle path towards Strawberry Bend, which could be created relatively easily

[Both the above would make the provision of a safe cycle route between either side of Brixham to Churston Grammar School and on to South Devon Technical College a reality.]

- an alternative aspiration to the bus mode of transferring visitors from the Park & Ride into town. Either a light-weight railway or tramway carrying passengers to the Furzeham side of town, using land alongside America Lane or the old railway line, combined with an innovative means of getting down to sea-level must be kept alive as a future project.

A1.3.11 The Association of Train Operating Companies included Brixham as one of 14 towns that, based on 2009 data, would benefit from a new railway service. This would be an extension of the First Great Western service on the Riviera Line from Exmouth as far as Churston, which would then act as a railhead for Brixham. It would also serve other housing developments in the area since the opening of the steam railway, and may require the doubling of that line between Paignton and Goodrington Sands.<sup>74</sup>

A1.3.12 In light of the above, negotiations with Network Rail and local train providers should be entered into, to explore bringing main line trains, currently terminating at Paignton, as far as Churston. With adequate parking provision and cycle routes to the station a substantial shift in commuter travel to Exeter, (also linking with Exeter Airport) and Plymouth can be achieved.

#### **A1.4 Projects to regenerate tourism on the Brixham Peninsula**

A1.4.1 To attract extra visitors, there needs to be a new unique reason for them to visit which is not just a place or an attraction but an “experience”. Over recent years the Agatha Christie experience has been developed within Torbay and has proved highly successful. Brixham has a unique marketing opportunity in its Fish Market tours and the Heritage Trawler fleet. Development of a combined

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<sup>74</sup><https://en.wikipedia.org/wiki/Brixham>.

package of a land and sailing experience could provide a unique experience to draw new visitors.

A1.4.2 Several specific projects and facilities to enhance the tourist offer will be featured in the Town Centre Master Plan currently under development.

A1.4.3 The following list of suggestions, whilst not by any means exhaustive, are all proposals that have received strong community support:

- a dedicated manned prominently situated Tourist Information Office, well sign-posted, providing a full tourist service including available accommodation
- a Town Square fit for the 21st century, as a community focal point and a space for outdoor events, fairs and markets
- a dedicated Town Centre Manager to co-ordinate marketing, promotion of the Town and liaison with the Council, Chamber of Commerce and local businesses
- improved information and directional signs, and electronic “information points”
- innovations that connect to international audiences, e.g. promotion of our William of Orange heritage to attract visitors from the Netherlands
- the establishment of our own brand through high-quality, locally made Brixham merchandise, or a “Made in Brixham” brandname
- replacement of the promenade building at Broadsands Beach with a sympathetically designed facility suitable for the 21st century
- enhancement and promotion of the nature trails, art trails and historical routes, for walkers and cyclists, with good signage and descriptions en-route, seating areas at viewpoints, dog bins and refreshment points where possible

- promotion of the historical Churston Golf Course designed by Harry Colt in 1929, known as one of the greatest course designers in history so that enthusiasts travel the world to play on his courses.

A1.4.4 Strong opinions have expressed a real sense that we are not making the best of so much of our tourism offer, ranging from the need for better promotion of our natural environment and heritage with all its special designations and protections, the wide range of outdoor activities on offer and especially the status as a Global Geopark. Many local residents as well as visitors are unaware of this extraordinary attraction. Much more can be made of our wonderful tourist and environmental capital that can both promote sustainable economic advantage at the same time as protecting what is so richly valued by all, residents and visitors alike.

## Appendix 3 Settlement Gaps

The following photographs show Settlement Gaps from principle viewpoints.  
The photograph numbers shown correspond to the numbers on the Policy  
Maps.

### E3.1 View point 1.

View across to the river Dart and the Dart valley AONB



Brixham Peninsula Neighbourhood Plan  
**E3.2 View point 2.**

View across Galmpton Warborough Common towards Hillhead



**E3.3\_View point 3.**

View across Broadsands beach into Broadsands barrow



**E3.4 View point 4.**

View across Churston Golf Course opposite Bridge Road looking right (south east) and left (north west).



**E3.5 View point 5.**

View across pastureland towards Hillhead



**E3.6\_View point 6.**

View across land at Brokenbury towards Churston Village



## Appendix 4 List of Public Open Spaces

### Brixham Town

- E5 – 1: Brixham AFC Football Ground – Haycock Lane
- E5 – 2: Brixham College Playing Fields
- E5 – 3: Chestnut Heights School Playing Field
- E5 – 4: Churchill Memorial Gardens
- E5 – 5: Dixons Field Allotments
- E5 – 6: Drew Street Allotments
- E5 – 7: Field off Summercourt Way
- E5 – 8: Garlic Rea and North View Road Greens
- E5 – 9: Indigos Go Wild
- E5 – 10: Monksbridge Road Brixham Skate Park
- E5 – 11: Mount Pleasant Allotments
- E5 – 12: North Boundary Road Playpark
- E5 – 13: Parkham Field
- E5 – 14: Penn Meadows Allotments
- E5 – 15: Penn Meadows extended green verges
- E5 – 16: Rowan Way Play Area
- E5 – 17: St Margaret Clitheroe Primary School Playing Field
- E5 – 18: St Mary's Hill Play Area
- E5 – 19: Top of Queens Steps Kings Street
- E5 – 20: Wall Park Allotments
- E5 – 21: Washbourne Close Green
- E5 – 22: Wishings Field

### Churston Galmpton and Broadsands

- E5 – 23: Brokenbury Field
- E5 – 24: Ferrers Green
- E5 – 25: Field off Blue Waters Drive
- E5 – 26: Galmpton Memorial Playing Field





## **Policy Maps**

2012–2030

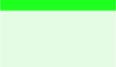
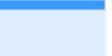
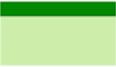
*An integral part of the Brixham Peninsula Neighbourhood Plan*



## Contents

1. Policy Map of the Brixham Peninsula Neighbourhood Plan area which shows site allocations and identifications with enlarged maps for:
  1. Berry Head
  2. Brixham Town Centre
  3. St Marys
  4. Sharkham
  5. Churston – The Grove
  6. Churston Cross
  7. Higher Brixham
  8. Lupton Park
  9. Clennon & Goodrington
  10. Galmpton – Broadsands
  11. Galmpton – Brokenbury
  12. White Rock
  
2. For information purposes, a repeat of the Policy Map which shows rejected housing sites.

## Key to Maps

Neighbourhood Plan Area		Policy BH5: Town / Village Area	
Policy E2: Settlement Boundary		Policy J1: Identified Jobs <sup>1,2</sup>	
Policy E3: Settlement Gap <sup>3</sup>		Policy BH3: Committed Housing <sup>1</sup>	
Policy E4: Local Green Space		Policy BH3: Allocated Housing <sup>1</sup>	
Policy E5: Public Open Space		For info: Rejected Housing	

### Notes:

*General – The text on allocated and identified sites (e.g., E4–4) cross refers to the Policy Document. The first part of the text is the policy number (e.g., E4–Local Green Space) and the second part of the text is the policy clause (e.g., 4–Berry Head), with the exception of housing sites labelled 'H' rather than 'BH3'.*

1. *For definitions see footnotes in Policy Document, Policy J1, Table 1 and Policy Document, Policy BH3, Table 2.*
2. *Also includes Policy J5: Sustaining a vibrant harbour-side economy.*
3. *Arrows show principle viewpoints as per photographs in Policy Document, Appendix 3.*

# Brixham Town Council

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## Policy Maps

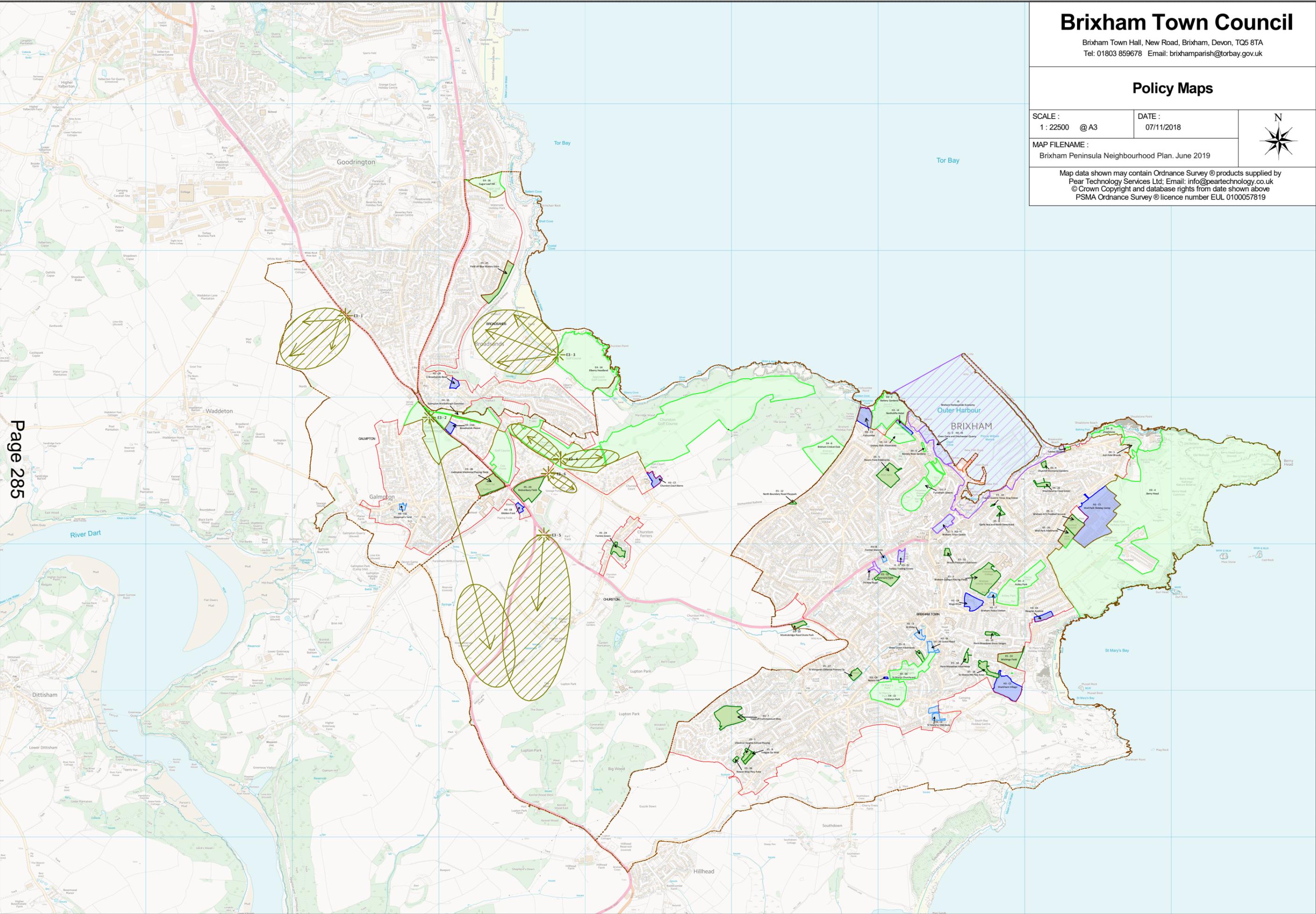
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DATE :  
07/11/2018



MAP FILENAME :  
Brixham Peninsula Neighbourhood Plan. June 2019

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# Brixham Town Council

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Tel: 01803 859678 Email: brixhamparish@torbay.gov.uk

## Policy Maps Summary

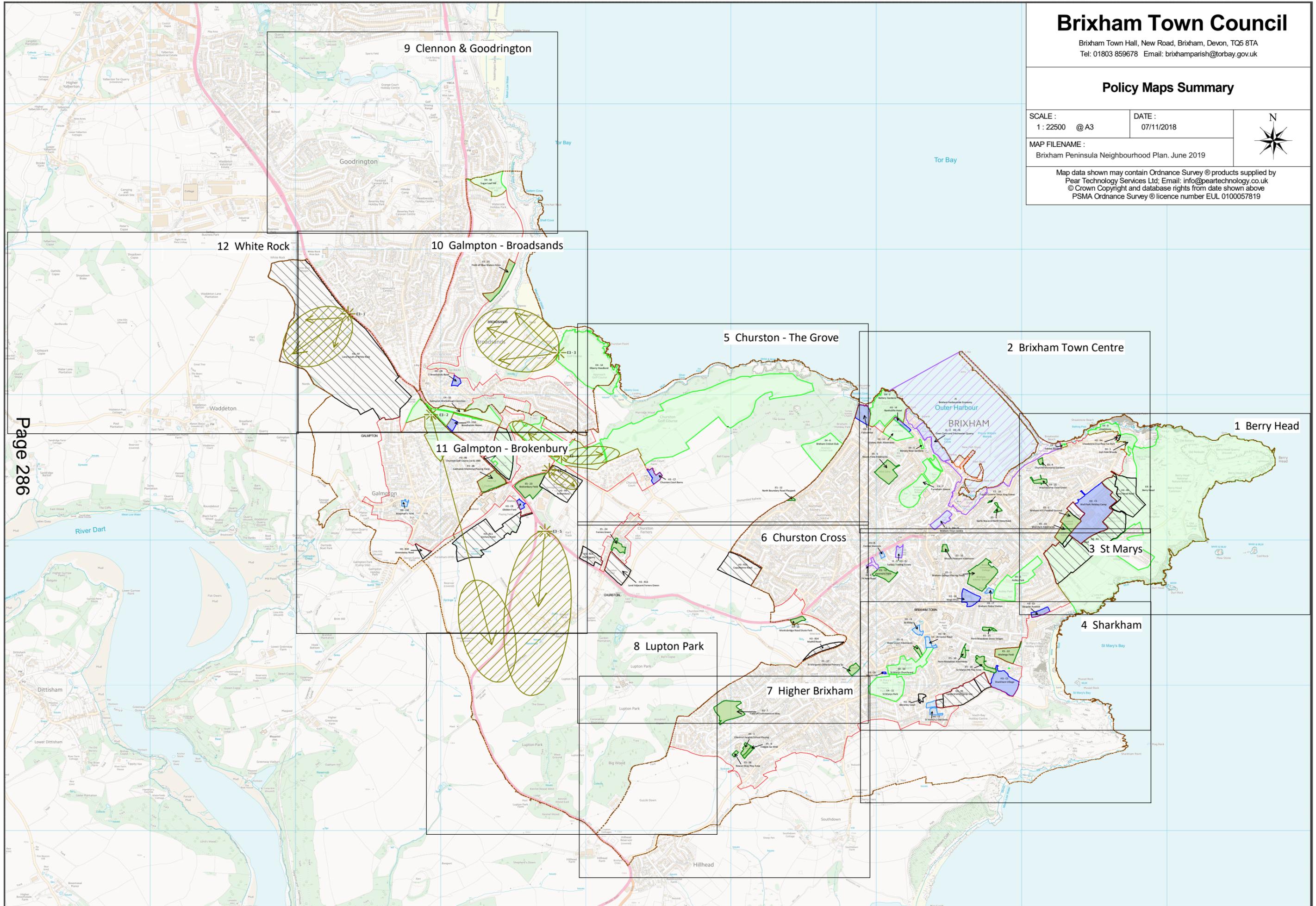
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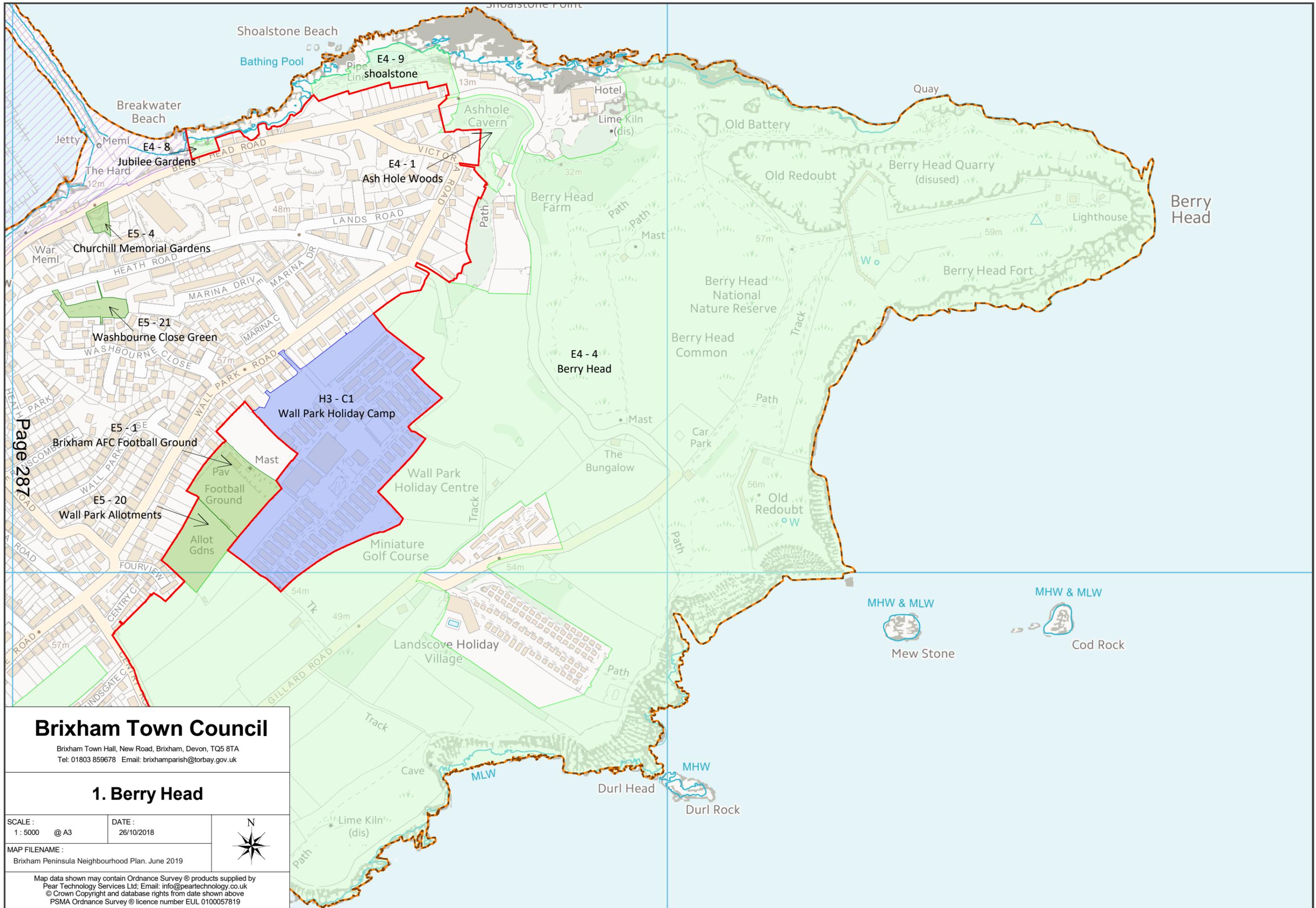
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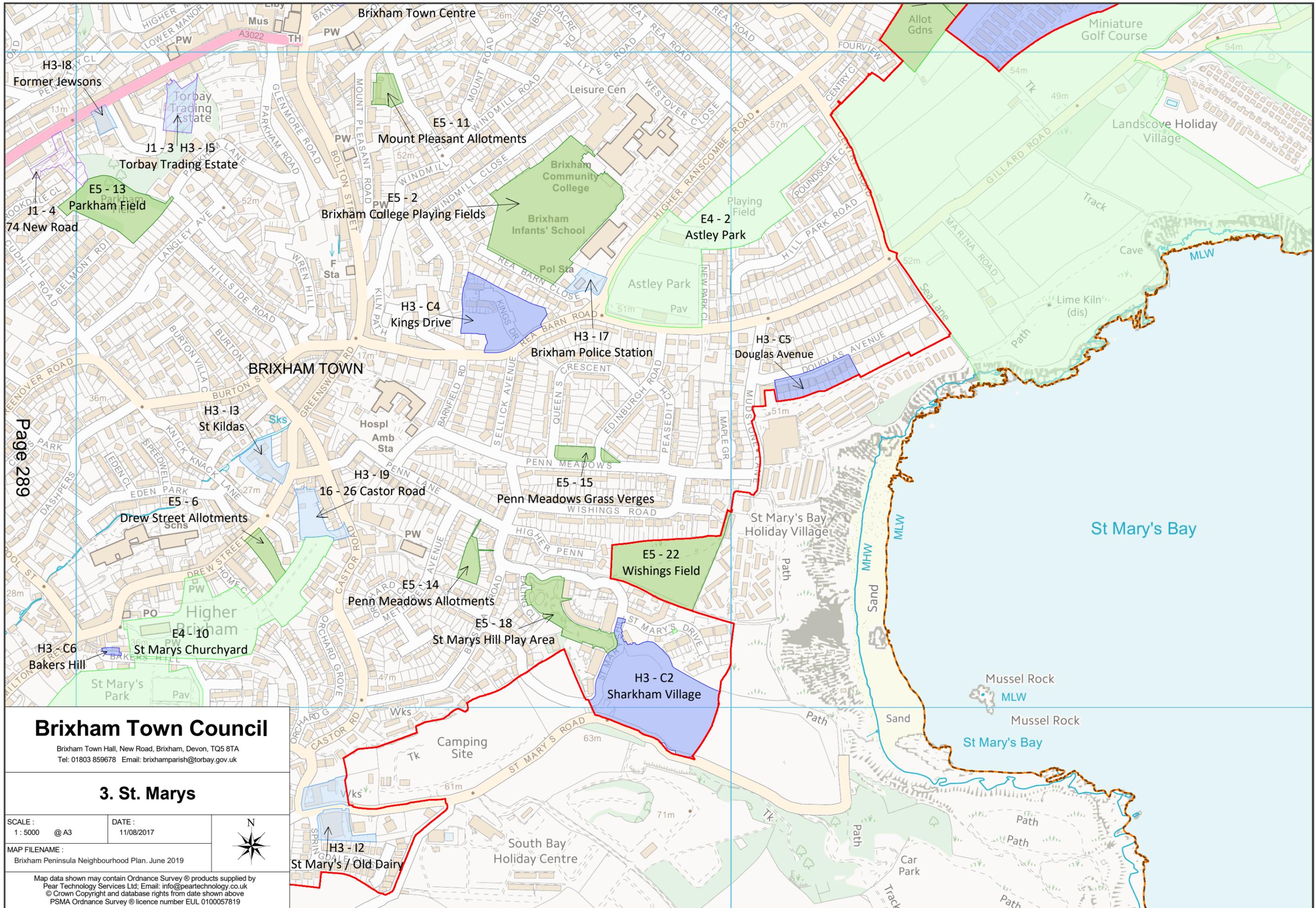
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## 1. Berry Head

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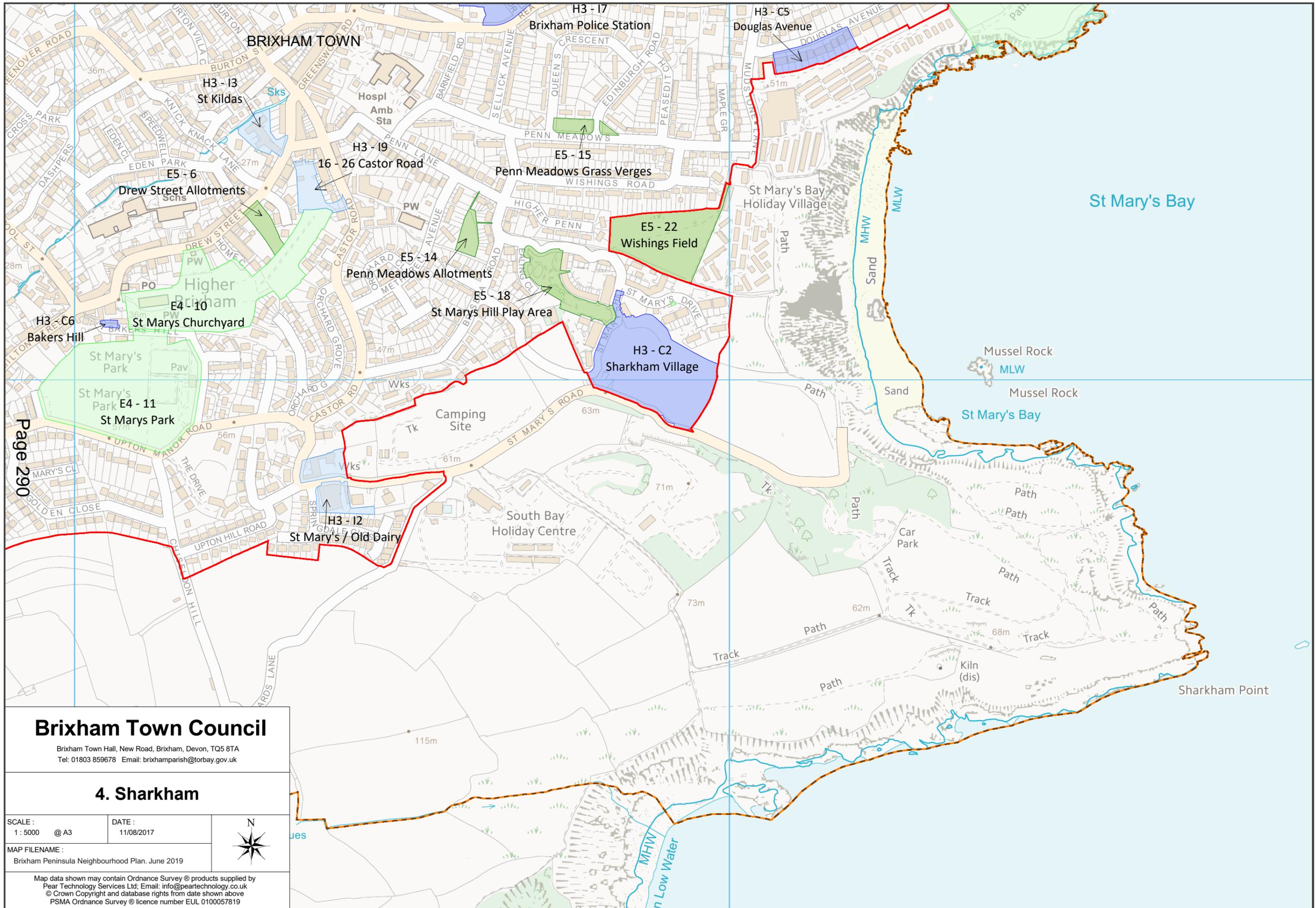
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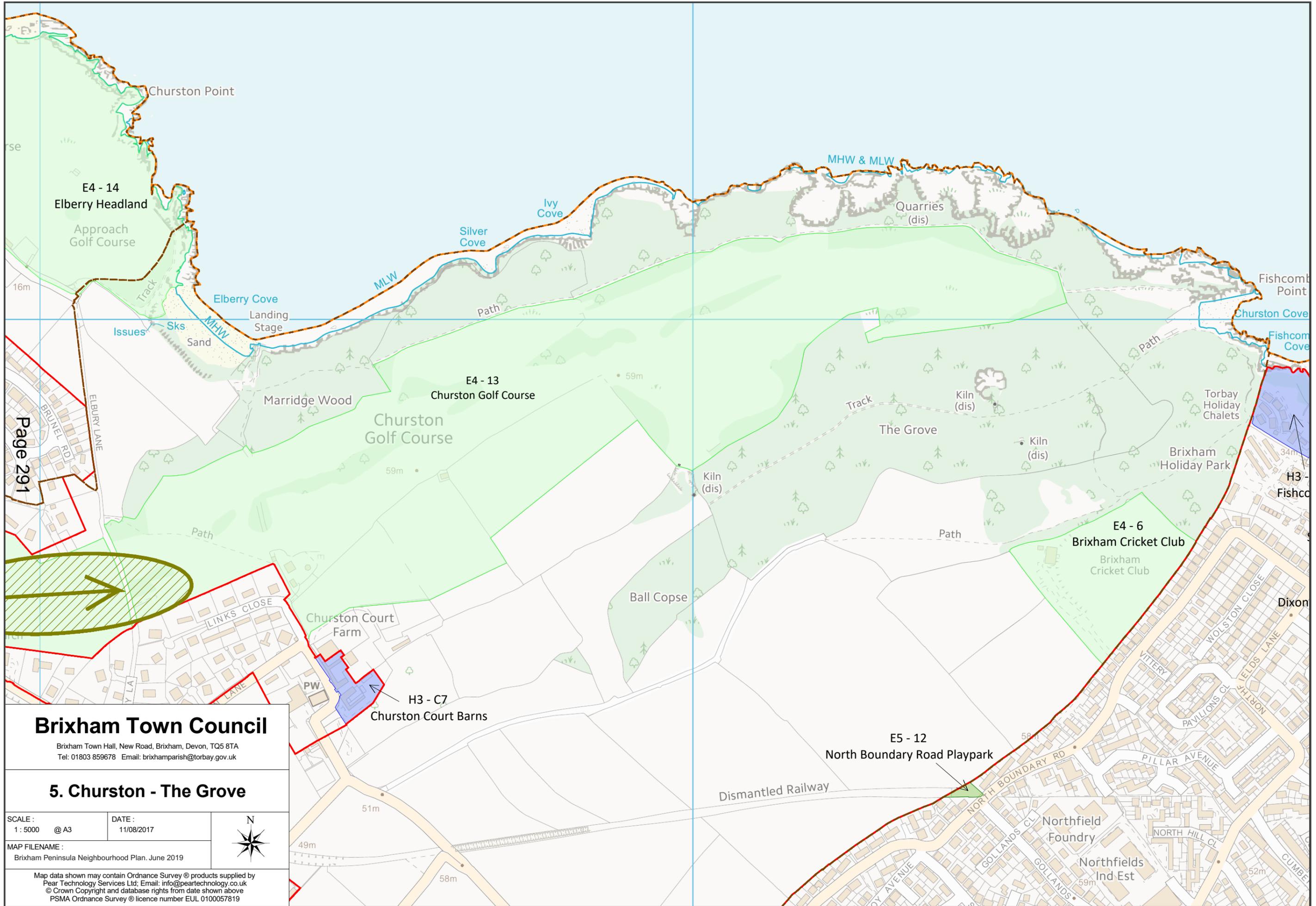
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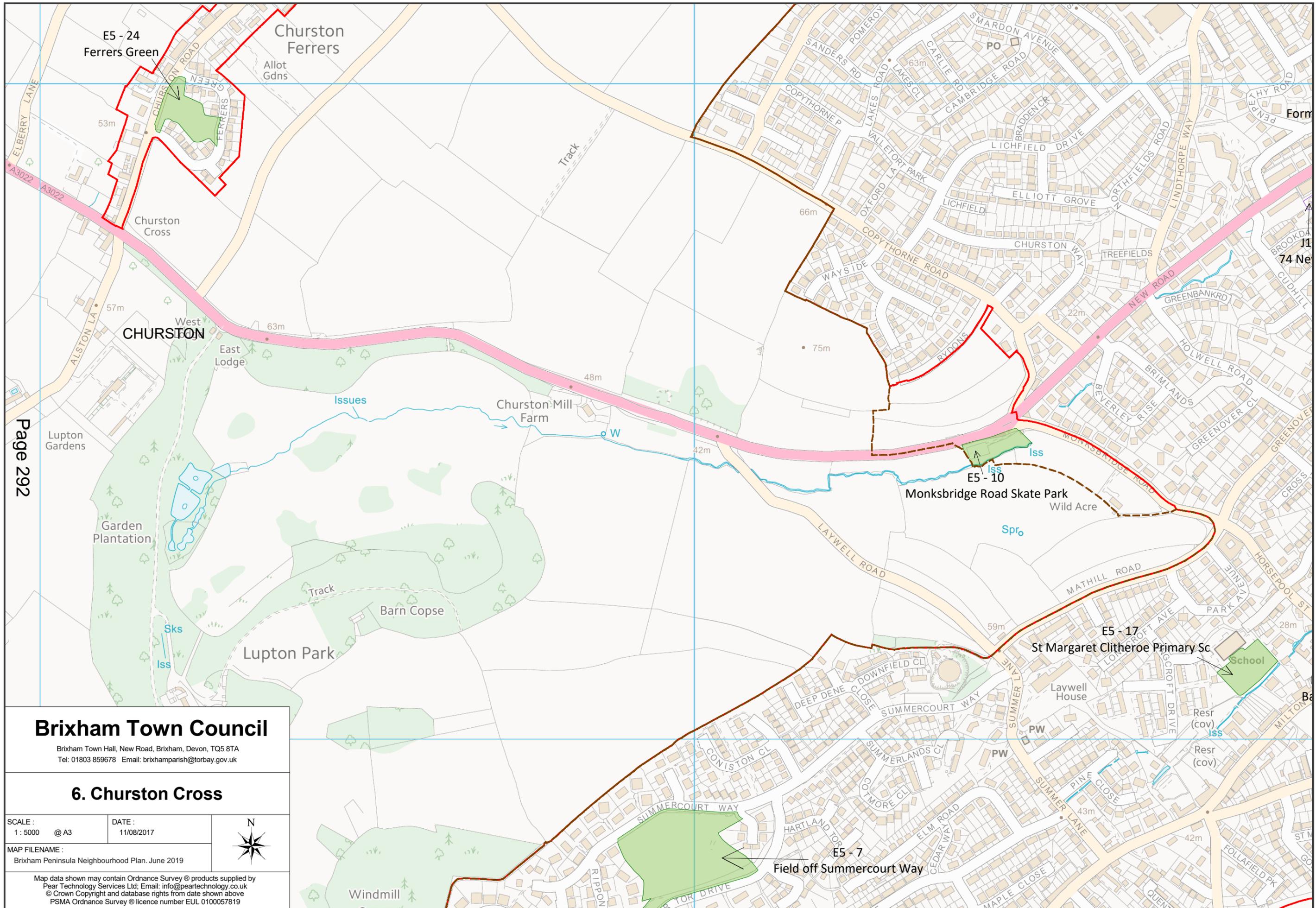
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## 5. Churston - The Grove

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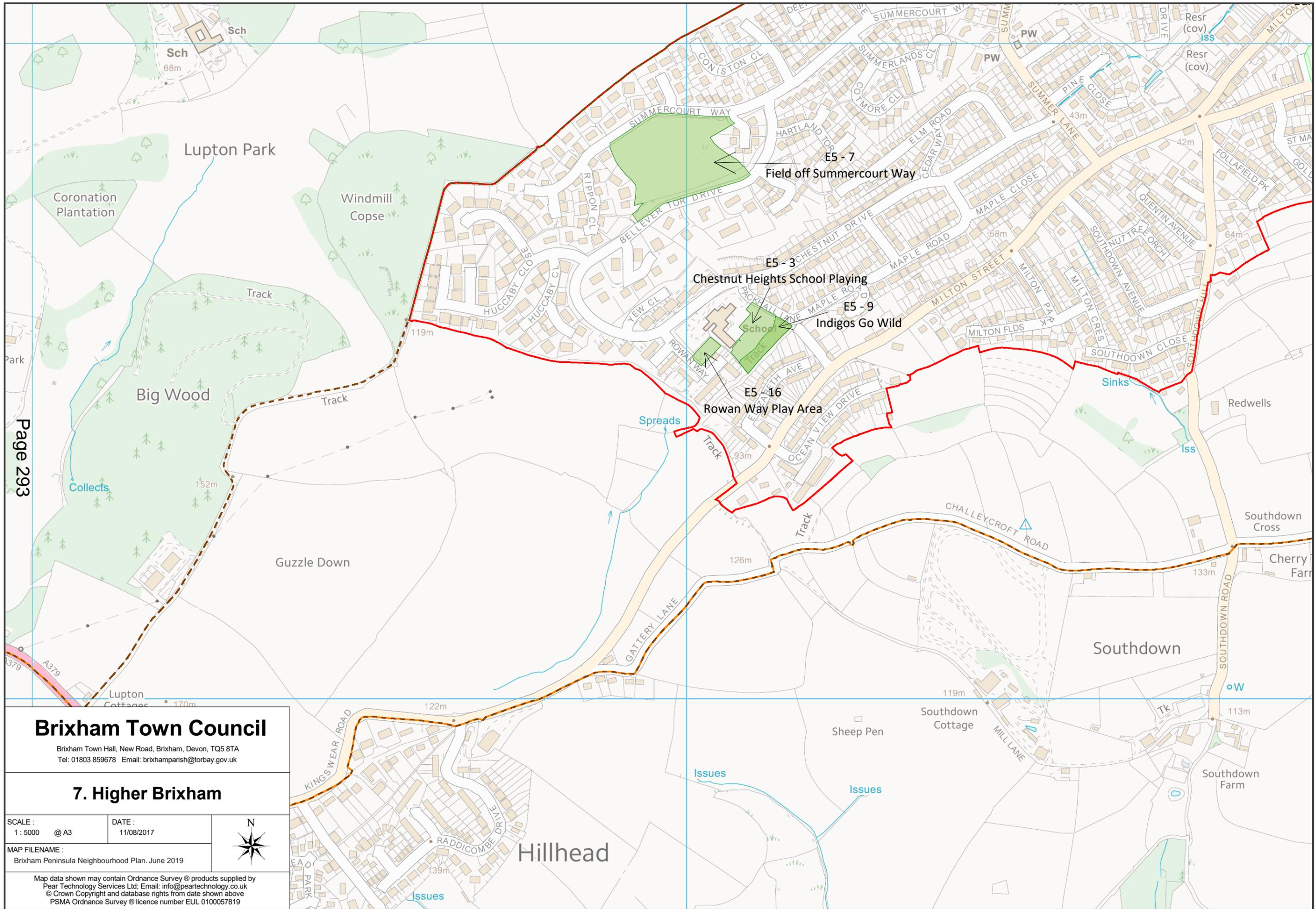
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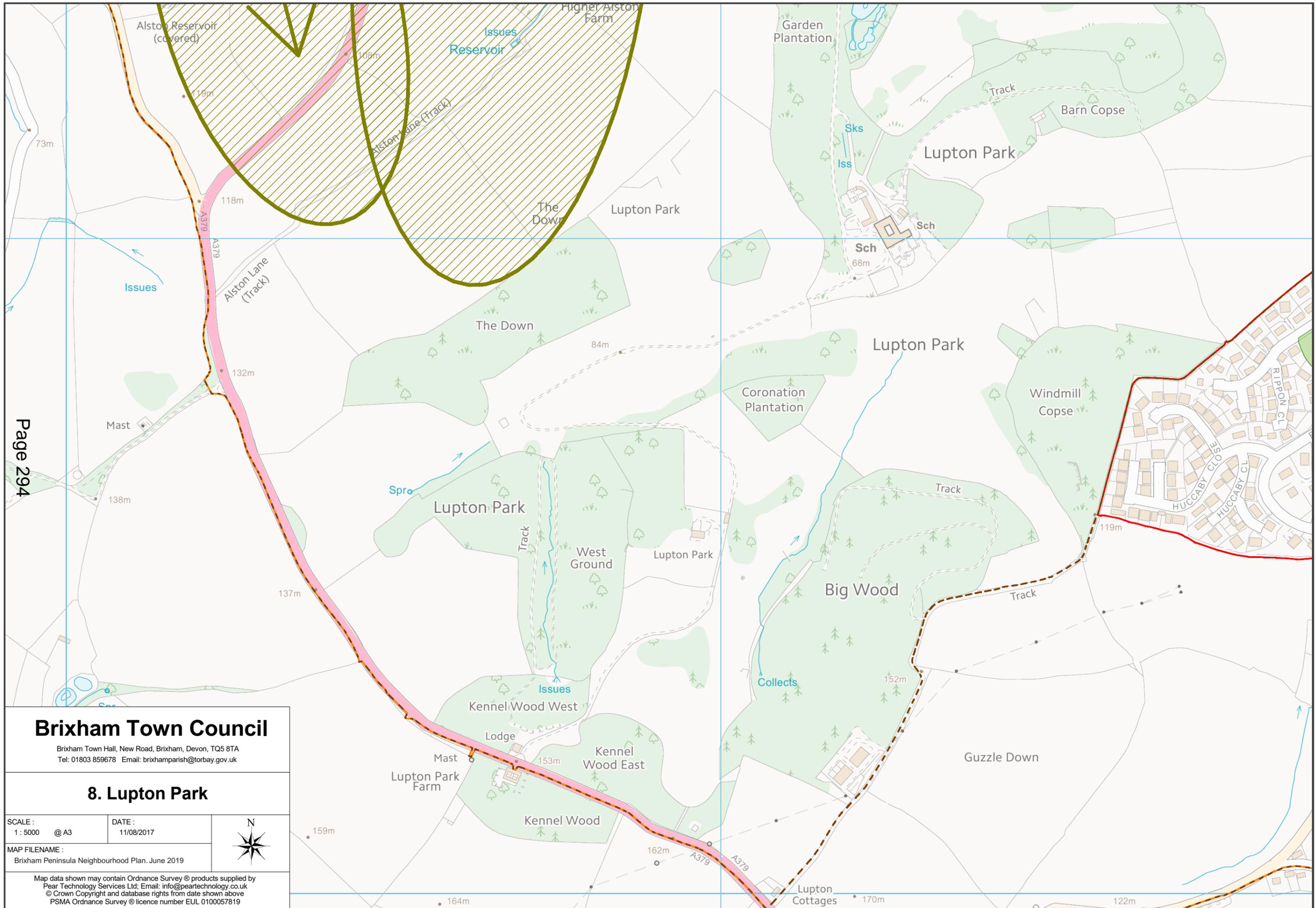
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## 7. Higher Brixham

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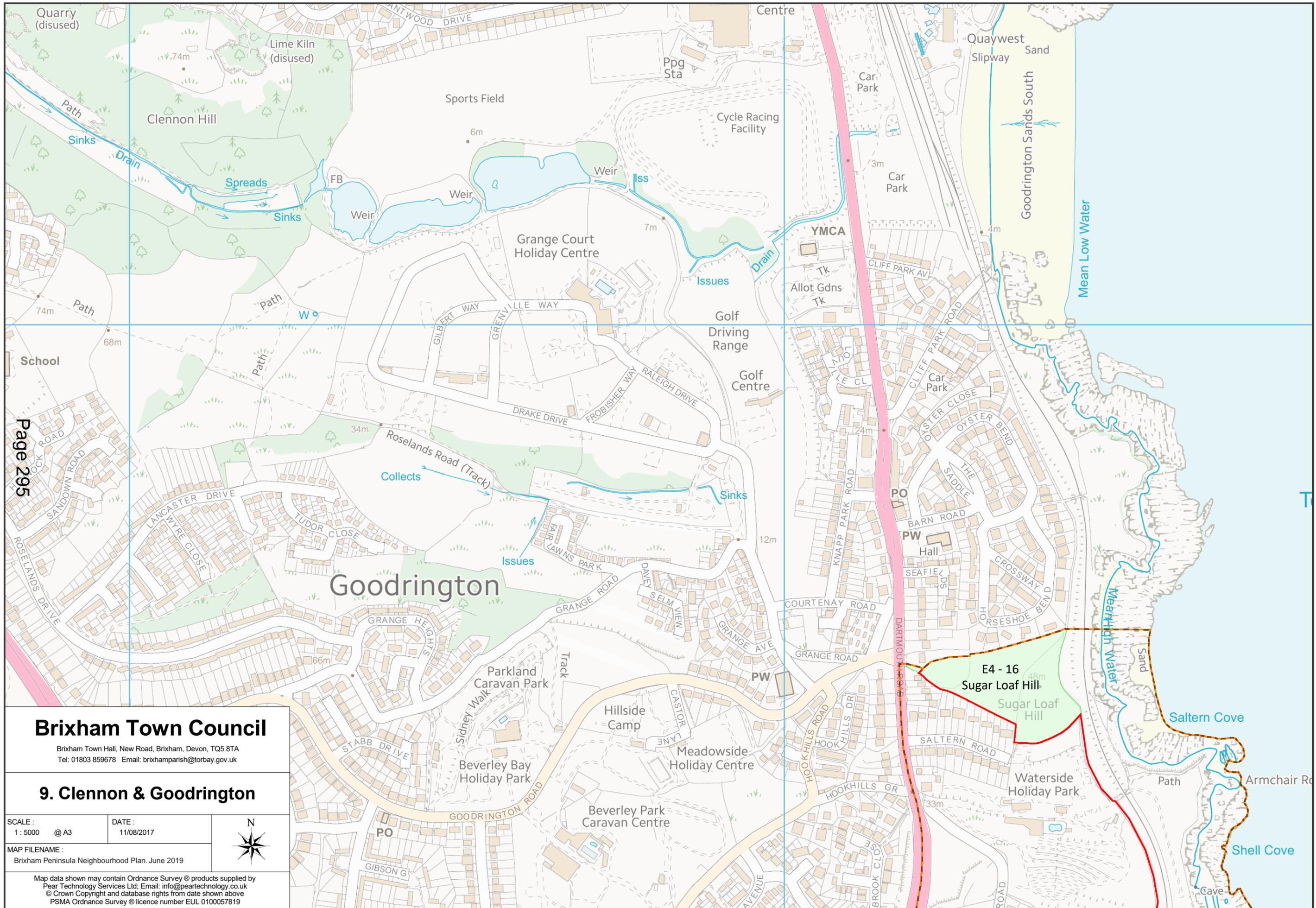
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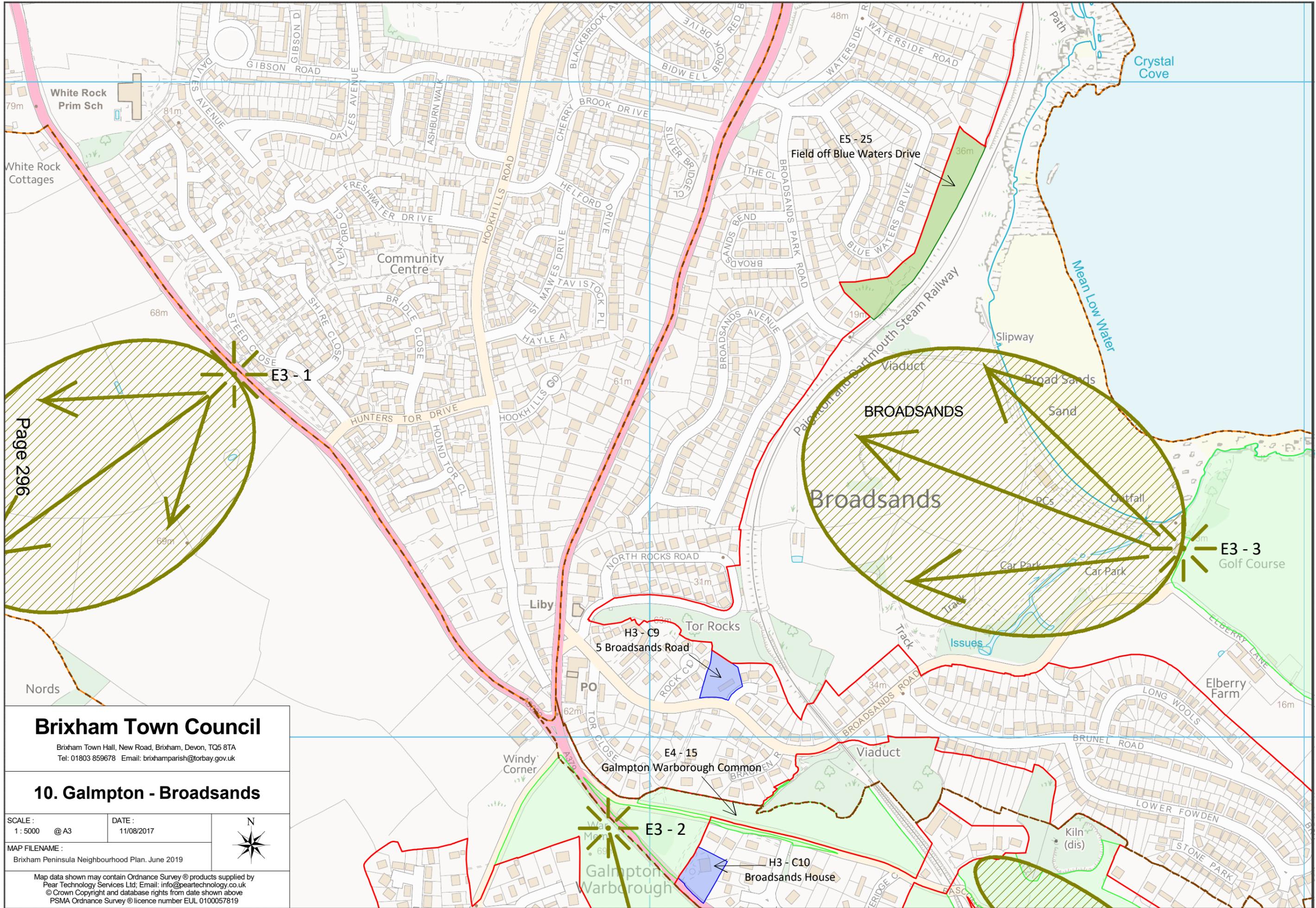
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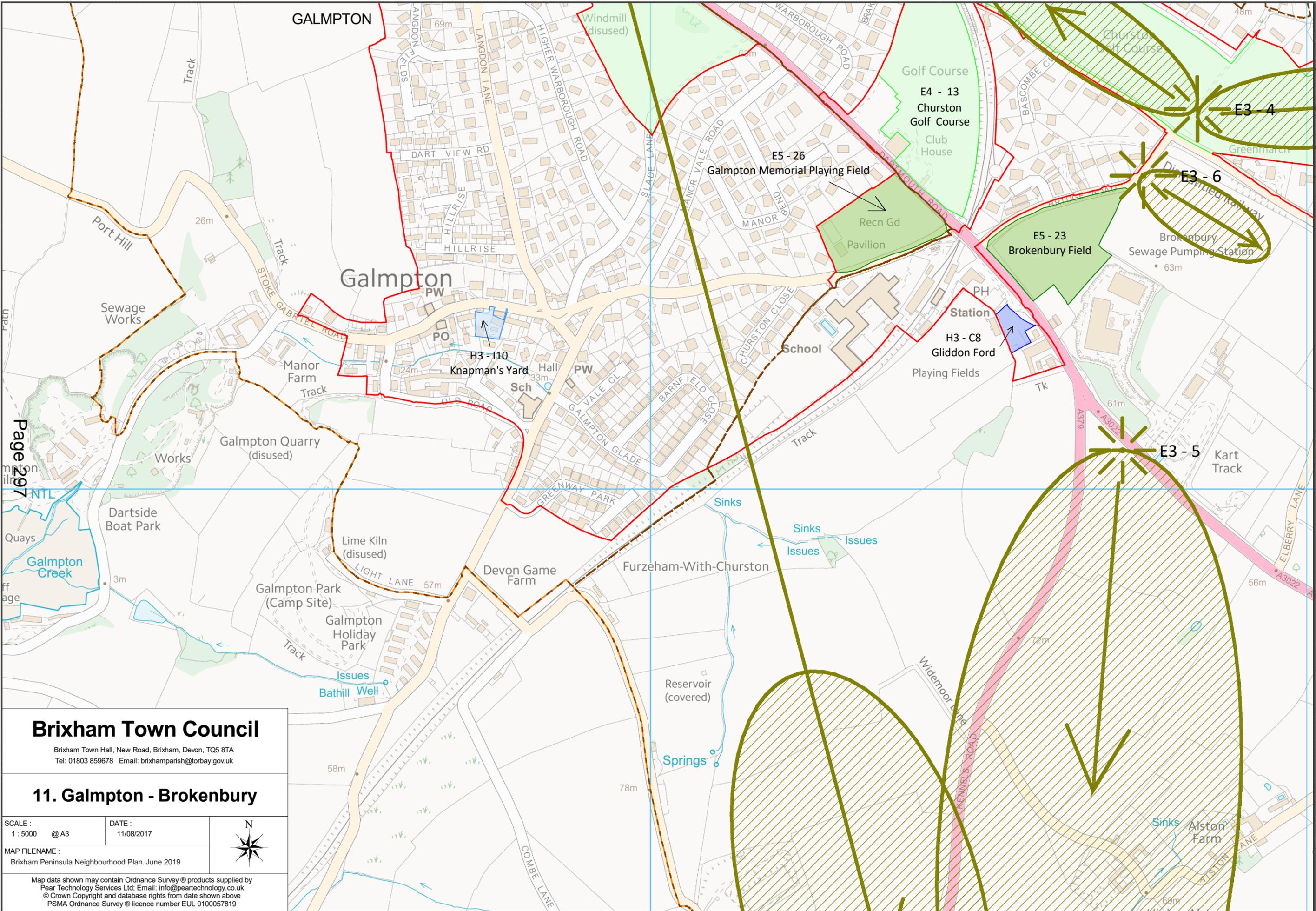
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## 10. Galmpton - Broadsands

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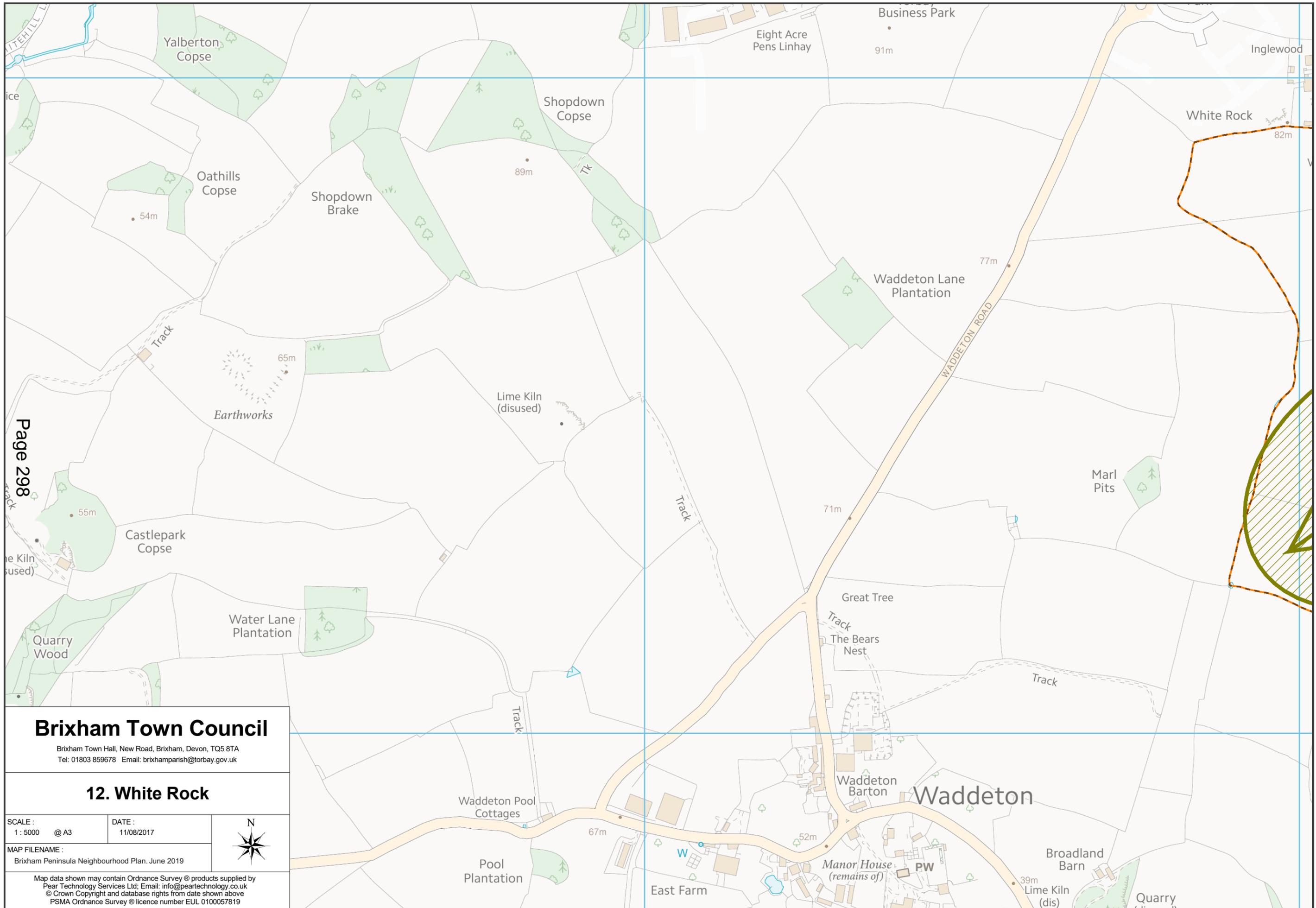
## 11. Galmpton - Brokenbury

SCALE : 1 : 5000 @ A3 DATE : 11/08/2017



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### 12. White Rock

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## Maps of the Neighbourhood Plan Area

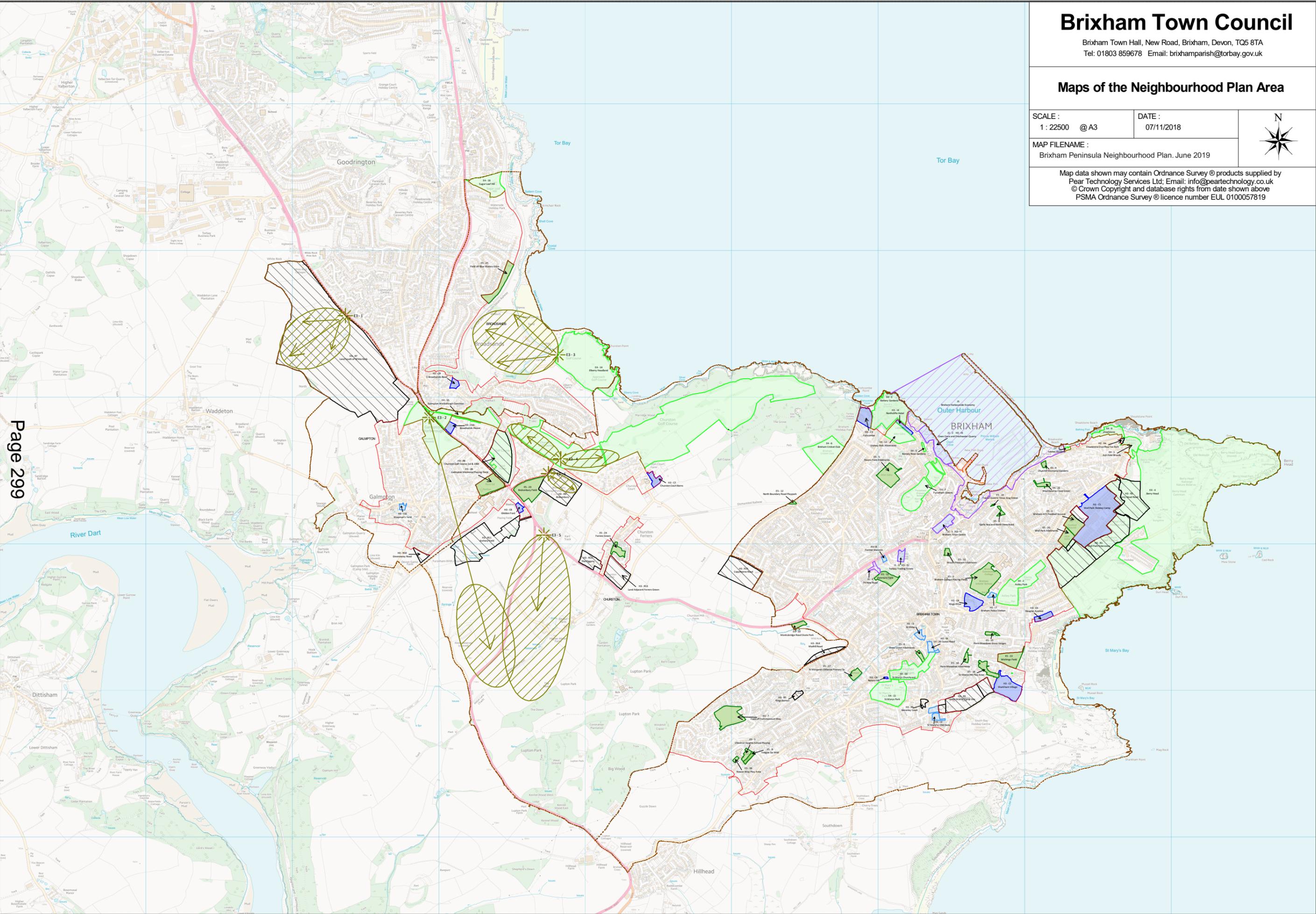
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Typeset by Sunrise Setting Ltd, Brixham

Brixham Peninsula Neighbourhood Plan 2012–2030. Adopted June 2019

**Brixham Peninsula Neighbourhood Plan  
Referendum Version**

**Habitats Regulations Assessment  
Appropriate Assessment  
March 2019**

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# 1. Introduction

This Report sets out stage 2, Appropriate Assessment (AA), of the Habitats Regulations Assessment (HRA) process based on the Brixham Peninsula Neighbourhood Plan (BPNP) Examiner's recommendations and further modifications made post examination. The AA considers the policies that were screened out subject to recommended mitigation measures at the screening stage<sup>1</sup>. The approach to considering mitigation measures at stage1 screening has been influence by the Judgment of the European Court of Justice, *People over Wind & Sweetman v Coillte Teoranta* case C-323/17 on 12 April 2018, which interpreted that *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of a plan or project on the site"*.

Following the Sweetman/People over Wind judgment the Habitats Regulations Screening has accordingly been revisited in this AA, taking into account the judgement.

The BPNP Examiner's Report was published in July 2018<sup>2</sup>. Paragraph 12.9.4 of the Report states that *"On the basis that Waterside Quarry is deleted from the plan, I am satisfied that the HRA 'Screening Stage' does substantively meet the requirements, subject to the mitigation measures identified in the BPNP HRA"*. The Council, as the competent authority, considers the information provided at the screening stage is sufficient to meet the Habitats Regulations of the Post Examination Plan.

## 2. The Screening Report Outcome

The BPNP HRA Screening Report<sup>1</sup> shows that the BPNP<sup>1</sup> policies were screened out with exception of policy J1 (Employment land – proposed, retained and refurbished) and BH3 (Delivery of new homes), which were screened out subject to recommended mitigation measures. The two policies have allocated/identified housing and employment sites respectively. Seven of these sites were found to have no likely significant effects and were therefore screened out at the HRA screening stage. The remaining seven sites in the Post Examination Plan have undergone an Appropriate Assessment to ensure the Plan accords with the 'Sweetman'/People over Wind judgment.

### Policy BH3: Delivery of new homes

The Policy has allocated 11 housing sites (see Table 2, page 25, Policy BH3 (BPNP, 2017)). One site (Waterside Quarry) has subsequently been deleted. Four sites were screened out at the HRA Screening stage. These are listed below:

1. Brixham Town Centre;
2. Torbay Trading State;

---

<sup>1</sup> AECOM (2017) - Habitats Regulations Assessment Screening: Brixham Peninsula Neighbourhood Plan (2012-2030)

<sup>2</sup> <https://www.torbay.gov.uk/media/11664/bpnpindependentexaminersreport.pdf>

3. Brixham Police Station; and
4. Former Jewson.

The further six sites were screened out subject to recommended mitigation measures and therefore have been further assessed in part 3 the Appropriate Assessment. These are listed below:

1. St. Mary's / Old Dairy;
2. St. Kilda;
3. Northcliff Hotel;
4. Oxen Cove and Freshwater;
5. Knapman's Yard; and
6. Castor Road.

### **J1: Employment land – proposed, retained and refurbished**

The Policy has identified<sup>3</sup> four employment sites (see Table 1 Policy J1 (BPNP, 2017)), three of which were screened out at the HRA Screening stage. These are listed below:

1. Brixham Town Centre;
2. Torbay Trading Estate; and
3. 74 New Road<sup>4</sup>;

The remaining site (Oxen Cove and Freshwater Quarry) was screened out subject to recommended mitigation measures and therefore has been considered in part 3 the Appropriate Assessment to ensure it accords with the recent EU ruling; even though the site is not allocated and has no policy weight.

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<sup>3</sup> 'Identified' J1 employment sites: These are not allocated sites and do not have policy weight but recognise a potential development site for consideration through the development management process primarily for employment investment subject to other policies in the Development Plan.

Committed J1 employment sites have extant planning permission. If this planning permission expires, any proposal will be considered on the basis of the Development Plan unless material considerations indicate otherwise. A site's planning history is likely to be a material consideration.

<sup>4</sup> A committed development (P/2015/0235)

## 3. Appropriate Assessment

This section addresses stage two Appropriate Assessment of the HRA process (Article 6(3) of Council Directive 92/43/EEC). The AA assesses the adverse effects on European sites in light of the conservation objectives and recommends mitigation measures as required. Along with the strategic policy mitigations already in place, the mitigation measures recommended in the AA should be incorporated into the BPNP. A record of the assessment for the likelihood of significant effects and proposed mitigation measures were set out in Appendix A; and a summary is provided in this section below.

Section 3 of the Screening Report summarises the main factors that could potentially affect the integrity of the European sites as a result of the in-combination effect of the Neighbourhood Plan proposals. These are:

### South Hams SAC

- Fragmentation, loss and disturbance of commuting routes and foraging areas for greater horseshoe bats; and
- Recreational pressure on the calcareous grassland and European dry heath

### Lyme Bay and Torbay Marine SAC

- Water quality effects on the reefs
- Recreational damage to the sea caves from diving-related tourism

### 3.1 Recreational pressure

Recreational pressure on the South Hams SAC and Lyme Bay and Torbay Marine SAC was covered in the Screening Report<sup>1</sup> (Sections 5.2 – 5.3) and Appendix B of this report. The policy framework in the Torbay Local Plan Policy NC1 and the BPNP Policy E8 include measures to control additional recreational pressure resulting from the proposed development in the BPNP on the South Hams SAC calcareous grassland and European dry heath and the Lyme Bay and Torbay Marine SAC.

### 3.2 Housing and Employment sites

The AA has examined the following sites in more detail. The mitigation measures included in this assessment have been extracted from the Screening Report and other available sources such as the Torbay Local Plan HRA and planning applications (relevant references were provided in Appendix A).

#### 3.2.1 St. Mary's / Old Dairy

The site is currently occupied with light industrial buildings. While the main area of the site offers no foraging opportunities, GHBs have been recorded commuting through this area. Consequently, disturbance from new development (through increased light pollution and/or loss of lines of trees and

habitat on the eastern part of the site) could result in a likely effect on the South Hams SAC; particularly by severing this established flyway known from the radio-tracking studies<sup>5</sup>.

From the previous radio-tracking studies, it is clear that GHBs use St Mary's Lane and the adjacent fields on either side to reach open countryside to the south-west of Brixham. It is therefore important that any development proposals for the St Mary Industrial Estate do not impair potential flight routes. It is apparent from the radio-tracking studies that the bats will, over limited distances, pass through built up areas in this part of Brixham and indeed it appears that they must fly through the gaps between buildings around the existing development at St Mary's Industrial Estate.

### Mitigation Measures

Effective mitigation measures would have to be provided to ensure:

- no additional light spill into adjacent areas and boundary features (e.g. tree lines along the eastern and northern boundaries);
- no loss of these boundary features so that they continue to function as strong linear features in the landscape;

It is important that all existing mature trees and hedge lines are retained and protected to provide continued commuting habitat/features for the bats as they pass through this point. In addition, development should seek to retain the rural character of the St Mary's Lane (e.g. narrow and relatively unlit) with no light spill greater than 0.5 lux outside the boundaries of any new development e.g. a dark corridor must be retained.

While it is clearly possible that the tree lines can be retained, and for lighting on site to be designed in such a way as to limit light spill, it must be recognised that development may need to be set back at sufficient distance from the northern hedge line to achieve mitigation objectives.

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

### 3.2.2 St. Kilda

St. Kilda's site is located centrally in Brixham off Drew Street. The Higher Brixham Watercourse, runs in the northern part of the site, may provide a more sheltered and darker potential commuting corridor for bats. The site was assessed as low bat roosting potential; negligible bat roosting potential for bats of the horseshoe family<sup>1</sup>. The light levels on site appear to be high, there is an abundance of overlooking

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<sup>5</sup> Natural England (2010) – South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance

residential buildings with external lighting and good street light provision. This creates no obvious dark corridors to be used for bat commuting in proximity of the existing building.

### **Mitigation Measures**

Light spill should be retained to no greater than 0.5 lux at the Higher Brixham Watercourse that runs at the northern part of the site.

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

### **3.2.3 Northcliffe Hotel**

The site lies on top of the cliffs overlooking Brixham Harbour. It is relatively flat and open and provides little or no semi-natural foraging habitat (although the adjacent allotments may be a source of invertebrates). Roosting and commuting opportunities would also appear limited by virtue of its position on the cliff tops. The West and North West parts of the site is surrounded by the Battery Grounds and Battery Gardens respectively.

### **Mitigation Measures**

The key issue for development in this location is to ensure that light spill is minimised and does not extend to the West, North West or over the open water in Brixham Harbour (something that is considered highly unlikely from a residential development as is being considered).

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

### **3.2.4 Oxen Cove and Freshwater Quarry**

The site, allocated for housing and identified for employment use, consists of two car parks. The car parks are unsuitable for bats but surrounding habitat, namely steep rock faces covered in ruderal vegetation, have been assessed<sup>9</sup> as providing foraging opportunities and night roosts for low numbers of bats.

The site lies within flood risk zone, development of the site could potentially impacts upon the marine features of the Lyme Bay and Torbay SAC as a result of increased sedimentation.

### **Mitigation Measures**

The mitigation measures aim to ensure there is no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine SAC". This could be achieve through:

- managing recreational pressure on the interest feature i.e. reefs and sea caves
- considering sustainable urban drainage and water sensitive urban design to protect the site.

Effective mitigation measures for South Hams SAC should ensure the South and South West boundaries of the site retained dark i.e. light spill should be retained to no greater than 0.5 lux.

The Torbay Local Plan Policy NC1, ER2 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

### 3.2.5 Castor Road

The Neighbourhood Plan states that Castor Road is proposed for the construction of 10 homes. It was subject to a planning application P/2016/0947<sup>6</sup> and is technically a committed site. The site is comprised of a meadow of semi-improved grassland on the back of residential housing.

Greena Ecological Consultancy identified an open-fronted shed during the 2017 surveys in the south-western part of the site which was deemed as having moderate potential for a night roost for horseshoe bats. The shed itself would not compromise the ability to deliver development on this site even if its potential roost feature had to be retained or recreated.

#### Mitigation Measures

Appropriate design and mitigation should be put in place, including limiting light spill to no greater than 0.5 lux outside the boundaries of the new development.

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

### 3.2.6 Knapman's Yard

This site is presently a builders' yard enclosed by residential properties on Stoke Gabriel Road in Galmpton. The site gently slopes downwards from the road, and is currently used for car parking and the storage of building materials. As a brownfield site, the development would not cause the loss of any potential bat foraging habitats. The surrounding properties and position of the site make it unlikely that development would have significant adverse effects on the character of the street or wider area.

Night roosting potential was identified, on the site visit, in the structures at Knapman's Yard. This was concluded purely based on the appearance of the properties, their construction and materials used, therefore the areas of mature trees and vegetation around the site should be preserved.

Majority of the buildings at Knapman's Yard are too light to support day-time bat roosting. No evidence of bat presence, current or past, was found within the buildings.

#### Mitigation Measures

The areas of mature trees and vegetation around the site should be preserved.

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<sup>6</sup> Note: Application refused 16 December 2016; Appeal Allowed Decision 13 July 2017

The Torbay Local Plan Policy NC1 and the Neighbourhood Plan Policy E8 require the above measures to be implemented.

### 3.2.7 In-combination Assessment

The Habitats Directive requires all significant effects of plans and projects, whether they are alone or in combination with other plans and projects, be assessed in view of the conservation objectives of the European site. The focus of in-combination assessment will be on relevant plans that promote future growth or encourage tourism or recreation.

The two European sites (the South Hams SAC and the Lyme Bay and Torbay SAC), as well as Torbay, are within South Hams District and Teignbridge District. Along with the Torquay and Paignton Neighbourhood Plans, these Plans will be considered in combination with the BPNP:

- Teignbridge Local Plan 2013-2033 (adopted 6th May 2014);
- South Hams Local Development Framework 2006-2016 (adopted July 2010); and
- The emerging Joint Plymouth and South West Devon Local Plan (currently at the examination)

The five plans were subject to HRA, and contain policies that provide the highest level of protection and enhancement of European protected sites. Subject to implementation of the proposed mitigation measures, the impacts of additional development in Brixham would be reduced to an insignificant level and therefore the Brixham Peninsula Neighbourhood Plan policies will not affect the integrity of any of the European sites identified alone or in-combination with other plans and projects and the conservation objectives of these sites would be sustained.

## 4. Conclusions and Recommendations

The BPNP has been screened to check for the likelihood of significant effects on any European site. Torbay Council as a competent authority needs to ascertain whether the plan is likely to have a significant effect on European sites (either alone or in combination with other plans or projects). The assessment only considers the habitats and species that are qualifying interest features of the European sites.

These findings, identify that BPNP is not likely to have an adverse effect on the integrity of four out of the six European sites identified within 20 km of Torbay boundaries; either alone or in combination with other plans or projects. Based on the precautionary principle, the potential negative significant effects on Lyme Bay and Torbay Marine SAC and South Hams SAC have been assessed at stage 2 Appropriate Assessment.

The AA involves an assessment of Policy J1 and BH3. The record of the assessment for the likelihood of significant effects and proposed mitigation measures were set out in section 3 above and Appendix A. Subject to implementation of the proposed mitigation measures, the impacts of additional development in Brixham would be reduced to an insignificant level and therefore the Brixham Peninsula Neighbourhood Plan policies will not affect the integrity of any of the European sites identified alone or in-combination with other plans and projects and therefore the conservation objectives of these sites would be sustained.

## 5. References

1. AECOM (2017) - Habitats Regulations Assessment Screening: Brixham Peninsula Neighbourhood Plan (2012-2030).
2. Brixham Peninsula Neighbourhood Forum (2017) - Brixham Peninsula Neighbourhood Plan (submitted version)
3. Kestrel Wildlife Consultants Ltd. (2014) - HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan).
4. Sunflower International Ecological Consultancy (2015) - Castor Road, Brixham Ecological Appraisal.  
<http://www.torbay.gov.uk/W2Planning/StreamDocPage/obj.pdf?DocNo=11145771&PageNo=1&content=obj.pdf>

## Appendix A: Appropriate Assessment Matrix

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
1. Brixham Town Centre (25) (Housing and employment)	The site lies within the sustenance zone for greater horseshoe bats, but consists primarily of hard standing in the form of an active car park with no structures or vegetation. It is not a suitable habitat for bats.	Yes	No	N/A	Tables 2 and 3, BPNP HRA Screening Report (2017)
2. St. Mary's / Old Dairy (5)	The site is currently occupied with light industrial buildings. While, as a result, the main area of the site offers no foraging opportunities, GHBs have been recorded commuting through this area. Consequently, disturbance from new development (through increased light pollution and/or loss of lines of trees and habitat on the eastern part of the site) could result in a likely effect on the South Hams SAC; particularly by severing this established flyway known from the radio-tracking studies.	No	Yes	<p>It is important that all existing mature trees and hedge lines are retained and protected to provide continued commuting habitat/features for the bats as they pass through this point. In addition, development should seek to retain the rural character of the St Mary's Lane (e.g. narrow and relatively unlit) with no light spill greater than 0.5 lux outside the boundaries of any new development e.g. a dark corridor must be retained.</p> <p>Effective mitigation measures would have to be provided to ensure:</p> <ul style="list-style-type: none"> <li>no additional light spill into adjacent areas and boundary features (e.g. tree lines along the eastern and northern boundaries); and</li> <li>no loss of these boundary features so that they continue to function as strong linear features in the landscape.</li> </ul>	Table 3, BPNP HRA Screening Report (2017) & HRA Site Appraisal Report Addendum (2014)
3. St. Kilda (12)	The site was assessed as low bat roosting potential; negligible bat	No	Yes	Light spill should be retained to no greater than 0.5 lux at the Higher	Table 3, BPNP HRA

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
	roosting potential for bats of the horseshoe family. The light levels on site appear to be high, there is an abundance of overlooking residential buildings with external lighting and good street light provision. This creates no obvious dark corridors to be used for bat commuting in proximity of the existing building. The Higher Brixham Watercourse runs in the northern part of the site. The stream may provide a more sheltered and darker potential commuting corridor for bats.			Brixham Watercourse that runs at the northern part of the site.	Screening Report (2017)
4. Northcliff Hotel (15)	The site is relatively flat and open and provides little or no semi-natural foraging habitat (although the adjacent allotments may be a source of invertebrates). Nor are any obvious opportunities for roosting and commuting opportunities would also appear limited by virtue of its position on the cliff tops. The West and North West of the site is surrounded by the Battery Grounds and Battery Gardens.	No	Yes	Effective mitigation measures aim to restricting light spill into adjacent areas of woodland. This could be provided through a combination of sensitive lighting design in association with sympathetic new landscape planting.	Table 3, BPNP HRA Screening Report (2017) & HRA Site Appraisal Report Addendum (2014)
5. Torbay Trading Estate (15) (Housing and employment)	The site is located within South Hams SAC greater horseshoe bat sustenance zone but not within a strategic flyway. The landscape around the site is too light and the wooded land to the east of the site is not considered to be suitable for roosting or foraging bats. The site was found unsuitable for bat roosting. Potential egress points are limited and the rooms under the carpark appear too light to support day-time	Yes	No	N/A	Tables 2 and 3, BPNP HRA Screening Report (2017)

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
	roosting. No evidence of bat presence was found.				
6. Oxen Cove and Freshwater Quarry (10) (Housing and employment)	The site, consists of two car parks, has been identified for employment within the Torbay Local Plan. The site lies within the sustenance zone for greater horseshoe bats. The car parks are unsuitable for bats but surrounding habitat, namely steep rock faces covered in ruderal vegetation, have been assessed as providing foraging opportunities and night roosts for low numbers of bats. The site lies within flood risk zone, development of the site could potentially impacts upon the marine features of the Lyme Bay and Torbay SAC as a result of increased sedimentation.	No	Yes	<p>The mitigation strategy aims to ensure there is no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine SAC". This could be achieved through:</p> <ul style="list-style-type: none"> <li>managing recreational pressure on the interest feature i.e. reefs and sea caves</li> <li>considering sustainable urban drainage and water sensitive urban design to protect the site.</li> </ul> <p>Effective mitigation measures for South Hams SAC would have to be provided to ensure the South and South West boundaries of the site retained dark i.e. light spill is no greater than 0.5 lux.</p>	Tables 2 and 3, BPNP HRA Screening Report (2017) & HRA Site Appraisal Report Addendum (2014)
7. Brixham Police Station (7)	The site is brownfield land surrounded by well-lit areas. Due to its modern construction and location in a highly illuminated urban area is both, unsuitable and with no potential roosting provision for Horseshoe bats. The two Urban Protection Areas located to the North and East of the site are managed in a way that is not suitable for greater horseshoe bat.	Yes	No	N/A	Table 3, BPNP HRA Screening Report (2017)
8. Former Jewson (20)	The site has limited potential egress points in the building and has been	Yes	No	N/A	Table 3, BPNP HRA

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
	deemed as unsuitable for horseshoe bats. The surrounding habitat is formed by commercial buildings and hard standing which considered unsuitable for foraging and commuting bats.				Screening Report (2017)
9. Castor Road (10)	<p>Ecology assessment, extended phase1 habitat (P/2016/0947)<sup>7</sup> hasn't resulted in finding any interest features. Whilst the site is considered to be of limited ecological value, it is located within a sustenance zone for the South Hams Greater Horseshoe Bat SAC. It thought to be possible that the site lies on the edge of a GHB flyway from Berry Head to western outskirts of Brixham. The site lies outside the broad corridor that has been mapped as being within a strategic flyway. The site is well clear (130m) of flight paths<sup>8</sup>. The site is surrounded by urban development on all sides, so developments within the site itself would have minimal to no impact any of these sites.</p> <p>The DBRC biodiversity data search has indicted a bat survey in not required, nor would it be justifiable. The site lies outside the strategic flyway for greater horseshoe bats, dispersing to forage from the Berry Head roost site.</p> <p>Natural England advises that the proposal, if undertaken in strict accordance with the details submitted,</p>	No	Yes	<p>Appropriate design and mitigation should be put in place, including limiting light spill to no greater than 0.5 lux outside the boundaries of the new development.</p> <p>The shed itself would not compromise the ability to deliver development on this site even if its potential roost feature had to be retained or recreated.</p>	Table 3, BPNP HRA Screening Report (2017) & Castor Road, Ecological Appraisal

<sup>7</sup> Castor Road, Ecological Appraisal 2015

<sup>8</sup> Marquis & Lord and Penny Anderson Associates, data collected by radio tracking April 2010.

Site	Screening Assessment	Screened out?	AA required?	Mitigations Measures	Reference
	is not likely to have a significant effect on the interest features for which South Hams SAC has been classified.				
10. Knapman's Yard (6)	The site is located within South Hams SAC greater horseshoe bat sustenance zone but not within a strategic flyway. The landscape around the site is hard standing within well-lit built-up area. Night roosting potential was identified in the structures at Knapman's Yard. This was concluded purely based on the appearance of the properties, their construction and materials used. Majority of the buildings at Knapman's Yard are too light to support day-time bat roosting. No evidence of bat presence, current or past, was found within the buildings.	No	Yes	The areas of mature trees and vegetation around the site should be preserved.	Table 3, BPNP HRA Screening Report (2017)
74 New Road (Employment)	It is a committed site (P/2015/0235) most of it is hard standing within well-lit built-up area. It fall within greater Horseshoe bat sustenance zone but not in a strategic flyway.  Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the South Hams SAC has been classified.	Yes	No	N/A	BPNP HRA Screening Report (2017)

## Appendix B: Recreational Pressure

### Recreational pressure on the calcareous grassland and European dry heath<sup>1</sup>

The Torbay Local Plan HRA states that the decline in calcareous grassland and European dry heath at Berry Head indicates that current visitor numbers are beyond the carrying capacity of the site. Recommended measures to control recreational pressure include:

- Raising the awareness of visitors;
- Establishing new surfaced footpath routes;
- Reducing dog-fouling;
- Preventing unauthorised vehicle access;
- Continued management of scrub; and
- Extending grazing across the cliff slopes.

Policy NC1: Biodiversity and geodiversity in the Torbay Local Plan states “Developer contributions will be sought from development within the Brixham Peninsula towards measures needed to manage increased recreational pressure on the South Hams SAC resulting from increased housing numbers or visitor pressure”.

The Torbay Local Plan is adopted, and therefore developments within the Brixham Peninsula,, specifically those within Policy H3: Delivery of New Homes, would need to adhere to Policy NC1. No specific policy is therefore required within the Brixham Peninsula Neighbourhood Plan as this is an issue that applies to Torbay District more widely and applicants can't refuse to comply with the District Council requirement for developer contributions. Nonetheless, the Neighbourhood Plan does clarify the protection conveyed to the European site in Policy E8 where it states that 'To demonstrate compliance with paragraphs E8.1 and E8.2 development will require at the time it is considered a full report setting out, in addition to that already required by way of national and local policy, for the ... dry heaths and calcareous grassland at Berryhead, an assessment to show that additional recreational pressure can be mitigated to an acceptable level'. Demonstration of the provision of adequate financial contribution to management of the SAC in line with Local Plan Policy NC1 would be an example of how a smaller developer could illustrate compliance with this policy.

### Recreational pressure and water quality on Lyme Bay and Torbay SAC

Lyme Bay and Torbay SAC is located adjacent to the Neighbourhood Plan area and designated only for reef and sea caves. While reefs can be affected by boat abrasion, they will be actively avoided by boat operators and drivers, and while reefs could be affected by dredging and active removal of material, this is not within the remit of the Neighbourhood Plan, nor is any increase in moorings. Although the Neighbourhood Plan has policies generally supportive of the fishing industry, it can't actually control that industry or result in (for example) an increase in the fishing fleet.

The Site Improvement Plan for Lyme Bay and Torbay SAC does identify that the sea caves are vulnerable to recreational damage as follows; “A number of the coastal cave features are accessible to visitors. If access is left unregulated, coasteerers, kayakers, diver visits and casual visitors using the entrances in the coastal cliffs could impact the delicate fauna and rare species. Coasteering is growing in popularity as a sport, so the sea caves are likely to be visited more frequently in future. At least two commercial dive operators organise dives at Watcombe Sea Caves. The biological communities at risk are highly delicate”. This would appear to be more of a tourism issue and (in particular) a function of the number of dive operators in an area, rather than relating to the number of residents within Brixham.

Nonetheless, it is recognised that Local Plan HRA states ‘There will be additional pressure placed on Lyme Bay and Torbay Marine SAC from the level of growth suggested by the Local Plan, alone or in-combination with other plans and policies, including risk of water pollution and recreational activities on the interest features (reefs and sea caves). Due to the distance involved, the level of water-based traffic entering Lyme Bay from Torbay area is likely to be minimal and therefore would have insignificant effect on the reefs in Lyme Bay. The risk from human activities resulting from the Local Plan therefore considered to be limited to Mackerel Cove to Dartmouth’. This therefore includes the area around Brixham. The Brixham Neighbourhood Plan does not seek to exceed the levels of housing set out for the area in the Torbay Local Plan. As such, this is an issue that is already addressed by that strategic over-arching plan and would not specifically arise from the Neighbourhood Plan’s decision to identify particular sites suitable for housing. Moreover, since this is a strategic issue that is arguably more related to tourism than local population growth there is a limit to the tools available for the Neighbourhood Plan to address any impact. Nonetheless, some recommendations were made in the preliminary HRA, as below.

The HRA of the Local Plan also identifies that the level of growth suggested by the Local Plan could potentially have negative impacts on water quality from contaminated run-off. Impact from discharge of sewage around Hope’s Nose has already been reported although assessments made under the WFD indicate that relevant coastal waters in and adjacent to the SAC boundary are of good quality. Wastewater treatment is a strategic issue that is already addressed by the Torbay Local Plan and its HRA, and ensuring that measures are incorporated into development proposals to comply with pollution legislation is a role for Torbay Council’s planning application approval process. Following recommendations, including from Natural England, that text to be included in the Neighbourhood Plan to make it clear that measures to avoid pollution should be included in all developments Policy E8 was revised to include such provision.



**Meeting: Council**

**Date: 19 June 2019**

**Wards Affected:** Barton with Watcombe, Cockington with Chelston, Ellacombe, Shiphay, St Marychurch, Tormohun, Wellswood

**Report Title:** Torquay Neighbourhood Plan Adoption

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** On or before 26 June 2019

**Executive Lead Contact Details:** Cabinet Member for Infrastructure, Environment and Culture – Councillor Morey, [mike.morey@torbay.gov.uk](mailto:mike.morey@torbay.gov.uk)

**Supporting Officer Contact Details:** Andrew England, Assistant Director Planning and Transport, 01803 208848, [andrew.england@torbay.gov.uk](mailto:andrew.england@torbay.gov.uk)

**1. Proposal and Introduction**

1.1 The Torquay Neighbourhood Plan (the Plan) was considered by Full Council on Thursday 15<sup>th</sup> November 2018 following an independent public examination. The Council agreed that the Decision Statement (considered with the Plan) shall be adopted and published and that the Plan, with Modifications agreed by that Council set out in the Decision Statement, be submitted to a Referendum.

1.2 That Referendum was held on Thursday 2<sup>nd</sup> May 2019 and the Returning Officer announced on Friday 3<sup>rd</sup> May 2019 that the result was:

Yes	14,062 (87%)
No	2,103 (13%)
Turn-out	33.5%

Therefore more than half of those voting voted in favour of the plan and accordingly the Plan has become part of the Development Plan, alongside the Local Plan. Council must now consider whether to Make (adopt) the Plan.

1.3 Linked with the making of Neighbourhood Plans is a change in the proportion of Community Infrastructure Levy (CIL).

**2. Reason for Proposal**

2.1 The Plan has been through the relevant statutory process including:

- Area designation
- Pre-submission consultation
- Submission
- Publication consultation

- Independent Examination
- Plan Proposal decision
- Referendum

The next stage is to 'make' the plan as part of the Development Plan for Torbay.

- 2.2 In accordance with the Planning and Compulsory Purchase Act 2004 Council are required to make (which means to adopt) a Neighbourhood Development Plan if more than half of those voting at a Referendum have voted in favour of the Plan, and if so, must make the Plan as soon as reasonably practicable after the Referendum is held but no longer than eight weeks.
- 2.3 Planning law indicates that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. All explanatory and justification text will be a material consideration.
- 2.4 Council can only decide to refuse the Plan at this stage if it considers that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 2.5 Since the decision was made by Council in November 2018 to approve the Plan with modifications in accordance with the decision statement, the policy document and maps were updated to reflect the agreed changes.
- 2.6 At this stage of the process, no further changes are permitted to the Plan beyond correcting typographical errors and clarifying the version of the Plan for consideration, in this case removing references to Referendum and inserting adopted with the relevant date. The final version of the Plan, as agreed with the Neighbourhood Forum, is in Appendix 1.
- 2.7 Following Council's decision in November 2018, it was necessary to ensure that the changes were compatible with the Habitats Directive. This required further consultation with Natural England. The final Habitats Regulations Assessment (HRA) (including Appropriate Assessment) (March 2019), as prepared by Council officers and agreed by Natural England, is included in Appendix 2. Further documents relating to this are available on the Council's website, linked under Background Documents.
- 2.8 Natural England are satisfied that the proposals meet the Directive and do not raise any objections. In any case, the Local Authority remains responsible for ensuring compliance as the competent authority and hence members considering the matter in this report.
- 2.9 The Appendix 2 HRA states that it relates to the Referendum version of the Torquay Neighbourhood Plan. As the Referendum version of the plan was approved by the community, and there have been no substantive changes from the Referendum version to the final version in Appendix 1 (as noted in para 2.6) the existing HRA remains both relevant and appropriate.
- 2.10 The Council has a duty to support communities who are preparing Neighbourhood Plans. The Regulations detail the Council's responsibilities. The Plan has been independently examined and agreed by Council to meet the Basic Conditions; it has been endorsed by the community at Referendum and has otherwise complied

with all the legal requirements of plan production. It is considered that the Plan meets European legislation and is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

- 2.11 There are a number of approaches to the Meaningful (Neighbourhood) Portion of Community Infrastructure Levy (CIL) that could be implemented. What is fixed is that, when made, each of the Plan areas will be due 25% of CIL receipts arising from permissions granted after the Neighbourhood Plans have come into force. Without Plans the areas were due 15%. Within the Brixham Town Council administrative area, this funding will be managed by them, transferred from Torbay Council to the Town Council at appropriate times. Outside of their administrative area, and within the Paignton and Torquay Neighbourhood Areas Torbay Council will remain responsible but must spend the funding in consultation with the community.

### **3. Recommendation(s) / Proposed Decision**

- 3.1 That, following the outcome of the Referendum held on 2<sup>nd</sup> May 2019:
- 3.1.1 the Torquay Neighbourhood Plan Habitats Regulations Assessment (Appropriate Assessment) set out in Appendix 2 to the submitted report be approved;
  - 3.1.2 the Torquay Neighbourhood Plan set out in Appendix 1 to the submitted report is made, with this report and the record of this meeting collectively forming the required Decision Statement, in accordance with s.38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended).

### **Appendices**

Appendix 1: Torquay Neighbourhood Plan

Appendix 2: Torquay Neighbourhood Plan Habitats Regulations Assessment (Appropriate Assessment)

### **Background Documents**

Further documents relating to the Neighbourhood Plan, including the submission, consultation and examination, as well as the Habitats Regulations Assessment (Appropriate Assessment) are available to view at [www.torbay.gov.uk/torquay-np](http://www.torbay.gov.uk/torquay-np)

<b>Section 1: Background Information</b>	

1.	<p><b>What is the proposal / issue?</b></p> <p>The matter for consideration is whether the Council should make (or adopt) the Neighbourhood Plan as part of the Development Plan for Torbay, or whether there are reasons (in accordance with legislation) not to do so.</p>
2.	<p><b>What is the current situation?</b></p> <p>In November 2018, Council approved the Torquay, Paignton and Brixham Peninsula Neighbourhood Plans for Referendum.</p> <p>Those Referendums were held on 2<sup>nd</sup> May 2019 at which all three were supported by more than 50% of those voting.</p> <p>The next step for Council is to confirm the making (or adoption) of the Plans into the Development Plan for Torbay. This decision must be made, in accordance with the Neighbourhood Planning Regulations unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p>
3.	<p><b>What options have been considered?</b></p> <p>Options in relation to the content of the Plans were considered in November 2018. At this stage the only option is whether or not to make the Neighbourhood Plan.</p> <p>Discussions with Natural England following the November 2018 Council decision were positive and the completed Habitats Regulations Assessment (Appropriate Assessment) is provided with this report. This assessment confirms that the Plans, as put to Referendum and supported by the community, are not in breach and are not incompatible with relevant EU obligations.</p> <p>Officers are satisfied that the Plans are also not in breach or otherwise incompatible with other EU obligations or any of the Convention rights.</p>
4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The Neighbourhood Plan is in general conformity with the Local Plan and both set out various policies which support the Ambition, Principles and Targeted Actions of the Corporate Plan.</p>
5.	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p>

	Various policies set out within the Neighbourhood Plan seek to positively address this.
<b>6.</b>	<p><b>How does this proposal tackle deprivation?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address this.</p>
<b>7.</b>	<p><b>How does this proposal tackle inequalities?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address this.</p>
<b>8.</b>	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>Various policies set out within the Neighbourhood Plan seek to positively address health and wellbeing.</p>
<b>9.</b>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>All residents, employees, and visitors in Torbay will be affected by Neighbourhood Planning as it will impact directly on the 'Place'.</p>
<b>10.</b>	<p><b>How will you propose to consult?</b></p> <p>Consultations have been completed (firstly by the Neighbourhood Forums and secondly by the Council), prior to the Referendum.</p>

## Section 2: Implications and Impact Assessment

<p><b>11.</b></p>	<p><b>What are the financial and legal implications?</b></p> <p>The direct financial implication of making the Neighbourhood Plan will be in respect of the Community Infrastructure Levy (CIL). All receipts for development in the Neighbourhood Area, in relation to applications approved after the making of the Plan, will contribute 25% rather than the existing 15%. This funding will need to be spent in consultation with the community.</p> <p>The Plan forms part of the statutory Development Plan. The Council is required by law to make planning decisions in accordance with the Development Plan unless material considerations indicate otherwise. For clarity, any decisions that are then appealed by applicants will be for the Council to defend and any costs associated with this will lie with the Council.</p>						
<p><b>12.</b></p>	<p><b>What are the risks?</b></p> <p>There is a risk of legal challenge if the decision is not implemented given the outcome of the Referendum which is, subject to the EU obligations and Convention rights, binding on the Council.</p> <p>Council can only decide to refuse the Plan at this stage if it considers that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p>						
<p><b>13.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable.</p>						
<p><b>14.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The Neighbourhood Forum gathered data, alongside that gathered for the Local Plan, to support the content of the Neighbourhood Plan.</p>						
<p><b>15.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>The outcome of the Referendum on 2<sup>nd</sup> May 2019 was:</p> <table border="1" data-bbox="422 1803 1109 1915"> <tr> <td>Yes</td> <td>14,062 (87%)</td> </tr> <tr> <td>No</td> <td>2,103 (13%)</td> </tr> <tr> <td>Turn-out</td> <td>33.5%</td> </tr> </table> <p>Earlier consultations provided various responses which were considered between the submission consultation, through independent examination, and the November 2018 Council meeting.</p>	Yes	14,062 (87%)	No	2,103 (13%)	Turn-out	33.5%
Yes	14,062 (87%)						
No	2,103 (13%)						
Turn-out	33.5%						

<b>16.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  No substantive changes have been made since the November 2018 Council meeting. Minor typographical and formatting errors have been corrected in agreement with the Neighbourhood Forum. References to the 'Referendum Version' have also been removed or updated to ensure the Plan set out in Appendix 1 is the final version for adoption.

## Equality Impacts

17.	<b>Identify the potential positive and negative impacts on specific groups</b> The Torquay Neighbourhood Plan has been subject to Sustainability Appraisal throughout its evolution. In particular, Sustainability Appraisal reports accompanied the consultation and submission versions of the plan. Details of the latest report can be found here - <a href="https://www.torbay.gov.uk/media/10356/sa-report-submission.pdf">https://www.torbay.gov.uk/media/10356/sa-report-submission.pdf</a> . The Sustainability Appraisal process, has provided useful information and evidence to support further consideration of how the Torquay Neighbourhood Plan is likely to impact upon equality issues arising from the Equality Act 2010.		
	<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>
Older or younger people	The Torquay Neighbourhood Plan contains various policies and community aspirations that specifically support the needs of older and younger people, particularly those relating to housing (TH) and health & wellbeing (THW).		
People with caring Responsibilities			No differential impact
People with a disability	The Torquay Neighbourhood Plan contains various policies and community aspirations that specifically support the needs of people with a disability, in particular those policies relating to the environment (TE) and health & wellbeing (THW).		
Women or men			No differential impact
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No differential impact

Religion or belief (including lack of belief)			No differential impact
People who are lesbian, gay or bisexual			No differential impact
People who are transgendered			No differential impact
People who are in a marriage or civil partnership			No differential impact
Women who are pregnant / on maternity leave			No differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The Torquay Neighbourhood Plan contains various policies and community aspirations that specifically support address socio-economic impacts, including in particular those policies relating to housing (TH), health & wellbeing (THW), employment (TJ)		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The Torquay Neighbourhood Plan contains various policies and community aspirations that specifically support address public health impacts but in particular those policies relating to health & wellbeing (THW)		
<b>18. Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	The Torquay Neighbourhood Plan sets out a planning framework for sustainable development in Torbay which will become part of the development plan alongside the Torbay Local Plan 2012-2030, including the provision of homes and jobs, the protection and enhancement of the environment and biodiversity. The plan also is compatible with corporate priorities in terms of securing a prosperous and healthy Torbay. Where changes are made in Council wide policy, those with spatial implications, including all Council-led development, have to be in accordance with the policies of the adopted development plan. As a		

		consequence, the development management process should help to reinforce the positive impacts of development and ensure mitigation of any harmful effects.
<b>19.</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	The Torquay Neighbourhood Plan sets out a planning framework for sustainable development in Torbay which will become part of the development plan alongside the Torbay Local Plan 2012-2030, including the provision of homes and jobs, the protection and enhancement of the environment and biodiversity. Where changes are made across other public services, those with spatial implications similarly have to be in accordance with the policies of the adopted development plan. As a consequence, the development management process should help to reinforce the positive impacts of development and ensure mitigation of any harmful effects.



The Community's Plan to 2030

Adopted Plan - June 2019

# The Torquay Neighbourhood Plan

Page 330



*...to be the best place to live, work  
or visit in the West...*

Agenda Item 12  
Appendix

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# Foreword

Our Plan forms part of the statutory development plan for Torbay and provides a **community inspired plan for the future of Torquay; by our community for our community.**

Our ambition is to see Torquay as the **best place to live in the West Country** - a vibrant and well balanced economic area, with sufficient well paid jobs and homes that are suitable and affordable for all with a revitalised central area offering quality retail, leisure, homes and office space.

**The Torquay Neighbourhood Plan Forum is a community group made up of the Community Partnerships and stakeholders in Torquay** who have been working over the last few years to produce a Neighbourhood Plan for the whole of Torquay; anyone who lives or works in Torquay have been welcomed to be a member of the Torquay Neighbourhood Plan Forum.

**The concept of Neighbourhood Plans was introduced in England by the Localism Act, 2011. Their purpose is to give local communities the power to truly shape development at a local level.** This Plan has been prepared through an extensive programme of consultation with local residents, businesses, Community Partnerships, our Council and other interested parties.

Our Plan sits beside the Plans for Paignton and Brixham that together shape the whole of Torbay and give detail to the strategic policies contained within the adopted Torbay Local Plan and complies with National Planning Policies. **It will help shape development in Torquay over the period to 2030 and lay the foundations for a successful future;** it articulates how our communities wish to see their neighbourhoods change and where development should take place.

Our Plan is a statutory 'Development Plan' and provides **a statement from the community about how development will be managed positively for growth**

**while maintaining and enhancing the area's distinctive character and landscape.** It also ensures **the community truly benefits** from the right development, both homes and businesses, in the right places. **It also grants our most precious greenspaces with a special level of protection as 'Local Green Spaces'.**

**Our Plan has positively supported the 'ambitious' jobs growth predictions contained within the Local Plan** and it is also accompanied by a full sustainability appraisal that concludes **it is in compliance with the provision of sustainable development.**

The Neighbourhood Plan supports sustainable housing growth through the provision of housing land and does so in general conformity with the Local Plan.

The Torquay Neighbourhood Plan went to Referendum on 2 May 2019 and was supported by 87% of those who voted, based on a 33.5% turnout. It was 'Made' (which means 'adopted') by Torbay Council on 19 June 2019. In consequence, the Adopted Torquay Neighbourhood Plan is part of the development plan for Torbay. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Leon Butler  
Chair, Torquay Neighbourhood Plan Forum

# Introduction

## Why does Torquay need a Neighbourhood Plan?

Torquay is a traditional seaside town in a beautiful setting with an international reputation as the English Riviera. It is one of England's most visited holiday destinations and its mild climate and superb setting make for an excellent quality of life. It is home to some 65,000 people, many drawn here in retirement.

Torquay's undoubted attractions are counter-balanced by a stagnating economy with deep-rooted needs for affordable homes, new well paid job opportunities, good quality health and social care and investment in the town's physical and social infrastructure. It is a town of enormous contrasts, with some relatively wealthy parts but areas of genuine deprivation.

We want to see Torquay's economy and communities growing stronger as we cherish the best of our rich heritage and nurture sustainable growth for a successful future. Torquay needs to change, it needs targeted care and attention, it needs our Plan.

## What area does the plan cover and how has it been prepared?

The plan covers the whole of Torquay.

A group of local residents and business representatives came together in late 2011 to start the process. A public meeting was held, and in November 2011 the Torquay Neighbourhood Forum was established to steer the plan.

The nine local Community Partnerships have taken a leading role within the Torquay Neighbourhood Forum, each one aiming to ensure that the needs and aspirations of its area are included in the plan. Those partnerships are:

1. Barton and Watcombe
2. Cockington, Chelston and Livermead
3. Ellacombe
4. Shiphay and The Willows
5. Hele and Lower Barton (Hele's Angels)
6. St Marychurch and District
7. Torre and Upton
8. Torquay Town Centre
9. Wellswood and Torwood

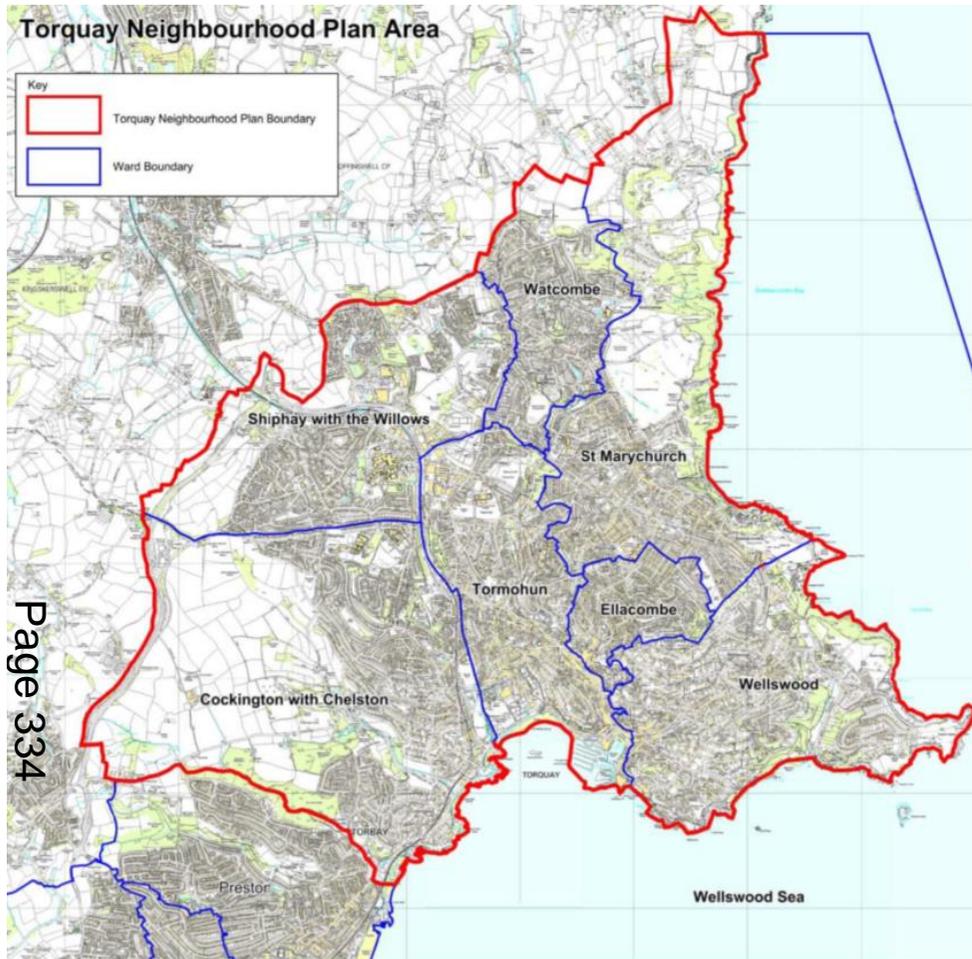
In active collaboration with the whole community, the steering group of the Forum and local Community Partnerships have shaped the plan for our town.

The Prince's Foundation for Building Community was commissioned to help support development of the Plan. During 2012 the Foundation identified key issues for Torquay including:

- size and complexity of area
- housing need
- defining the tourism offer
- town centre decline
- areas of growth

The policies and proposals of this plan respond to the issues identified and the aspirations of the communities, setting out their shared priorities and aspirations for Torquay's future planning.

The Torbay Local Plan with its supporting documentation and the National Planning Policy Framework (NPPF) have been used to draft those policies and to ensure our Plan is in general compliance with the strategic policies of the Local Plan and the NPPF.



*Note – for further detail see accompanying Torquay Neighbourhood Plan Policies Maps*

## Who is the plan for and how will it be used?

The plan is for anyone and everyone with an interest in Torquay – residents,

visitors, businesses and investors. It is a Statutory Development Plan and will be used to promote investment in the town and our community, signpost new development to the most suitable sites, protect valuable assets, help secure improvements of all kinds, give a continuing voice to the community and promote a better quality of life for current and future generations.

## How is this plan related to other plans?

The Torquay Neighbourhood Plan (the Plan) has been developed in parallel with the new Torbay Local Plan which was adopted by Torbay Council in December 2015, and the Plans for Paignton and Brixham.

The Neighbourhood Plan has to have regard to national policy and advice, be compatible with European legislation and be in general conformity with the strategic policies of the Local Plan.

## What time period does the Plan cover?

The plan, in common with the Local Plan, covers the period from 2012 to 2030. The development proposals it contains relate to the same period as the Local Plan's development horizon.

## Vision and Aspirations

Torquay is enviably situated, with an outstanding coastal location and a temperate climate. The quality of life it offers attracts business investors, visitors and new residents. After many years of anticipation, it has also been connected to the rest of Devon by a major new road – the South Devon Highway. Torquay is open and ready for new business and investment.

To retain this quality of life, the beauty of the town and its setting should be preserved and enhanced. There have already been measures to conserve the coastal margins and areas of countryside; new buildings are being designed to

improve the town's appearance while our heritage is being cared for and maintained.

Our Plan aims to reinforce this balance – attracting new interest and investment while protecting and enhancing the considerable assets and attractions of Torquay.

We want a happy and attractive town, growing economically stronger and healthier each year. We want to share the best of Torquay with our visitors and enjoy its continual improvement.

The Plan aims to express a simple, memorable and distinctive vision for the town and its communities, capturing the shared aspirations of the community as a whole and setting out clear achievable objectives to guide the way ahead.

#### **The Vision for Torquay**

- We want to protect and support the best of Torquay's heritage, its cherished neighbourhoods and villages and the distinctive local character of each one; while securing their future as vibrant communities and attractive places to live, work and visit.
- We want to drive and support sustainable development delivering economic recovery and sustainable growth through rebalancing the economy, providing a sustainable future with new businesses, new jobs and infrastructure supported by the required number of new homes; helping our communities to flourish as it meets present and future demands.
- We want to improve health, social and cultural well-being including sport and leisure for all, ensure facilities and services are in place to meet local needs and help to grow a vibrant community that provides for and supports people of all ages.
- We want to create a more effective, safe, accessible and efficient transport and travel network for pedestrians, cyclists, motorists and users of public transport
- We want to protect and enhance our natural, built and historic environment.

# Objectives

## Planning and Development

We want to drive and support sustainable development to meet economic growth and help our communities flourish as they meet present and future demands by delivering:

- recovery and growth in investment and new businesses
- economic diversity through rebalancing the economy away from the dominance of Tourism and the Public Sector
- new homes and infrastructure to support net jobs growth.
- holistic planning for the whole town and clear aspirations for each of its neighbourhoods (Community Partnership areas)
- a planning processes that has real community involvement
- provision of a good range of quality, appropriate and affordable homes for all sections of the community
- Brownfield development is prioritised before Greenfield
- a framework to ensure that public funds collected in connection with new developments (through the Community Infrastructure Levy or similar) are used to address local priorities identified by the community.

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## The Economy

We wish to drive the change to a diverse economy away from the dominance of Tourism and Public Sector to a broad range of job creation businesses including high tech, light industrial and office based:

- change to a higher quality/higher value year round and sustainable tourism sector through change of use of unsustainable tourism businesses through clear planning policies.
- retain our purpose built job creation areas and make space for new areas within the well-connected Edginswell Gateway area located at the end of the new South Devon Highway.

## Services and Facilities

We want to improve health, social and cultural well-being for all, ensure facilities and services are in place to meet local needs, and help to grow a vibrant community that provides for and supports people of all ages:

- identify valued green spaces and public spaces, protect them and promote their improvement
- produce Community Partnership statements identifying local community needs and aspirations
- produce aspirations and policies within our Plan on Sports and Leisure, Health and Wellbeing and Arts and Culture.

## Traffic and movement

We want to create a more effective, safe, accessible and efficient transport and travel network for pedestrians, cyclists, motorists and users of public transport:

- improve the flow of traffic and improve signposting in to and around Torquay.
- make it easier to find the way in to and around Torquay, especially to the town centre, identify visitor accommodation and attractions.
- improve safety and ease of access for pedestrians, cyclists and all users of public transport.

## Environment

We want to protect and enhance our natural, built and historic environment:

- protect and enhance the local natural, built and historic environment.
- secure recognition of the features and characteristics which shape and contribute positively to the identity, character and unique qualities of Torquay and its communities.
- protect, conserve and enhance those features and characteristics that make Torquay special.
- protect all our highly valued green spaces.
- protect local, nationally and internationally important sites and species

## The Town Centre

We want to celebrate and enhance the vibrancy and uniqueness of Torquay town centre and harbour front and to increase the residential element of the centre to maintain and grow a mix of quality retail, social, entertainment and evening economy fit for the future:

- continue the process of improving the flow of traffic and supporting pedestrian use by signposting and routing traffic more directly into the town centre and making shopping a positive experience for pedestrians.
- enhance the shopping and social experience in a town centre that is sustainable and fit for purpose
- assure good quality and safe access for all.
- improve car parking access and quality of provision meeting the needs of a future town centre experience.
- increase residential density in the current town centre, promoting increased residential use of upper floors and redevelopment of redundant sites.

## The Gateway to Torquay

We want to deliver a gateway of significance for the town. A gateway of mixed use, well-connected with sustainable communities, robust in structure and adaptable in form to allow change and growth as the economy expands:

- promote well-designed new buildings providing structured growth based on net job creation and inward investment while positively enhancing the appearance of the gateway to Torquay.
- support, integrate and strengthen existing neighbourhood centres at Shiphay, Barton and The Willows.
- preserve and enhance employment areas
- preserve and enhance the habitats for protected species

**The following section contains the planning policies of our Neighbourhood Plan, which are in general conformity with the strategic policies of the Torbay Local Plan and have regard to the National Planning Policy Framework. These Policies will form part of the development plan and be used to manage development through the planning process.**

**The Neighbourhood Plan also identifies a number of Community Aspirations. Whilst these are not Neighbourhood Plan Policies and have no land use planning policy status, their inclusion in the Neighbourhood Plan relate to associated land use matters and are intended to capture some of the aims and aspirations of communities in Torquay, as identified through the plan-making process. Appendix 1 also contains a set of further Community Aspirations, including those identified by the Community Partnerships of Torquay.**

# General Policies and Aspirations

This is a Plan for the whole of Torquay and for each of its neighbourhoods, aimed at securing sustainable development to promote investment in the town's physical and social fabric, strengthening its economy, conserving its heritage, promoting its natural beauty and growing a safer and healthier community.

The policies in this section are designed to help deliver those aims for:

- Housing
- Economy and Jobs
- Tourism
- Health and Wellbeing
- Sports and Leisure
- Transport

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## Policy TS1 – Sustainable Development

The Torquay Neighbourhood Plan provides a framework which contributes to the achievement of sustainable development in Torquay.

Development proposals should accord with the policies contained in the Torquay Neighbourhood Plan, where relevant, unless material planning considerations indicate otherwise.

This Plan's policies aim to steer and shape development. The policies of this Plan and the Local Plan are complementary, together providing a platform for promoting, enabling and delivering sustainable development.

When the plan is formally made by Torbay Council it will become part of the statutory development plan. That means it will be a material consideration in the determination of planning applications.

## Master Plans

Master Plans were adopted by Torbay Council for Torquay Town Centre and The Torquay Gateway (Edginswell) Future Growth Area in 2015 and form key Supplementary Planning Documents (SPD) that give guidance to development proposals. They were prepared during the parallel-process of preparing the Torbay Local Plan and the Torquay Neighbourhood Plan.

To be an effective planning tool, Master Plans should be kept up to date to reflect changes to the local economy, regeneration aspirations, viability, new constraints, new thinking and align with the policies contained within a Neighbourhood Plan.

## Policy TS2 - Master Plans

Major development proposals within the town centre and Torquay Gateway areas will be supported where they contribute to meeting the objectives of the Torquay Neighbourhood Plan for these areas and they conform to the area wide Master Plans adopted by the Council as SPDs where those masterplans are in compliance with the policies of this Plan.

## **Community led planning**

To support the continuance of community led planning and accord with the Localism Act, community involvement at an early stage in the planning of new development is encouraged. The Community Partnership network within Torquay is an established community-based, properly constituted, consultation network set up by Torbay Council for the purposes of channelling ideas and feedback on Council policies and services.

### **Policy TS3 - Community led planning**

Early engagement with the relevant Community Partnership in respect of all proposals for major development, new housing or business proposals on non-allocated, greenfield land, will be supported.

## **Greenfield and Brownfield Land**

The NPPF provides a definition of brownfield (previously developed) sites. This definition is important in the context of policies contained in this plan.

*“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

Other sites will be classed as greenfield for the purposes of this Plan.

Most sites available for development within Torquay are Brownfield or previously developed sites. Most are within the town centre and other urban areas. Our communities support the urgent need for regeneration and the NPPF supports that Brownfield sites are redeveloped in preference to Greenfield.

The development of the Future Growth Area would be required to support a substantial and very optimistic net jobs growth contained within the strategic economic policies of the Local Plan. Net jobs growth has been negative since the start of the Local Plan period and although jobs are being created the loss of employment opportunities within Torbay has been greater. This has meant residents need to travel outside the area to seek employment and therefore a risk of unsustainable development.

### **Policy TS4 - Support for Brownfield and Greenfield development**

Development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in this plan.

Development of greenfield sites can have an adverse impact through the loss of green space, so will be supported where this is an allocated site within the Plan or the loss is required to meet the strategic economic policies within the Local Plan.

# Housing

The Torquay Neighbourhood plan recognises the importance of new housing developments to provide the homes to support the job creation plans identified within the Local Plan and creating thriving and sustainable communities. It is in full compliance with the Local Plan requirement for homes over the Plan period.

The strategy is to provide good quality housing to meet the needs of Torquay's communities now and through to 2030. The Local Plan sets the overall strategy; our Neighbourhood Plan sets out to provide the detail to achieve this strategy by ensuring our communities benefit from the provision of new quality homes and that policies are in place to shape their development to maximise the value to the community in terms of quality of life.

There are relatively few opportunities for sustainable, major new housing development (particularly those greater than 20 units) on greenfield sites within Torquay other than the Future Growth Area at Edginswell.

The provision of affordable housing from sites with good inherent viability while protecting our environment by promoting brownfield developments will be priorities for housing policies within the Plan.

## Allocated Housing Sites

Our Plan allocates sites for housing (and employment).

The Torbay Local Plan is 'jobs led' with an ambitious target for net job creation. The allocation of residential (and employment sites) within our Plan will meet the needs of the economy and the projected demand within the Torbay Local Plan.

The greenfield Future Growth Area at Edginswell will represent a small but significant proportion of the possible housing growth (approx. 12.5%) while most of the sites arise from allocated sites and windfall developments (less than 6 homes).

This is in contrast to a currently stagnant economy, and little demand for housing. Our Plan supports housing growth where this is linked to job creation and an improving economy but recognises that to achieve the ambitions contained within the Local Plan may be challenging and may significantly affect housing demand.

Our Neighbourhood Plan, together with the adopted Torbay Local Plan, allocates sufficient housing sites to meet the strategic growth target of approximately 3969 dwellings between 2012 and 2030 (18 years). This housing figure is made up of committed sites (1156 dwellings) and the future growth area (550) within the Local Plan; plus housing site allocations made in our Plan and a proportionally significant windfall provision of smaller sites (below 6 dwellings) of 1040.

Our Plan allocates specific sites for more than 1223 dwellings, drawing almost entirely from the pool of identified/potential sites in the Local Plan (minimum 1111 dwellings), and has added a number of new sites (minimum of 112 dwellings). There are just two sites that were proposed as a potential development sites within the Local Plan (TNPH48 and TNPH6) that have not been supported.

TNPH48 forms a strategic link between key designated Local Green Spaces and is a wildlife corridor; during consultation on the Local Plan it received more than 80% of the representations, unanimously opposing development of the site. This was further supported in Neighbourhood Plan public consultations.

TNPH6 is designated a Local Green Space within this Plan.

Table 1 and 2 presents a breakdown of housing supply by source.

The number of units on each site is a notional number based on an assessment of the site’s potential and the aspirations of the relevant Community Partnership for types of homes provided. The number of units could be changed subject to material Planning considerations, the policies within our Plan and the Local Plan.

**Policy TH1 - Housing Allocations**

The Torbay Local Plan allocates sites within Future Growth Areas for residential development. The Neighbourhood Plan allocates further sites for residential development, as shown on Table 1 and 2 below, with the approximate number of houses to be delivered on each site shown alongside.

Site specific plans, clearly identifying site boundaries, are provided in the Policies Maps to this Plan. For clarity, the Policies Maps also set out (in a Table and on Plans) all of the housing allocations in Torquay during the plan period. These include the commitments contained in the Torbay Local Plan.

Development on housing sites must be in a manner which is compatible with Habitats Regulations requirements as relevant – see Policy TE6. The *Torquay Neighbourhood Plan Habitats Regulations Assessment* identifies relevant considerations.

Table 1: Neighbourhood Plan allocated sites			
Site ref	Name	Yield	CP area
TNPH1	Holiday Park, Kingskerswell Rd	45	SHIP
TNPH2	Torquay Holiday Park	150	SHIP

TNPH3	North of Nuthatch Drive	100	SHIP
TNPH4	Starpitten Lane	15	BART
TNPH5	Land off Plantation Way	10	SHIP
TNPH6	Site 2 Higher Cadewell Ln	12	SHIP
TNPH7	Site 1 Higher Cadewell Ln	18	SHIP
TNPH8	Foxlands, York Rd	12	STMD
TNPH9	TGGS Shiphay Manor	20	CHEL
TNPH10	Quintaville	10	ELLA
TNPH11	Torre Station	9	CHEL
TNPH12	16/18 Lower Thurlow Rd	6	TORR
TNPH13	Richwood Hotel	8	TORR
TNPH14	Transport Yard	8	ELLA
TNPH15	300-302 Union St	6	TORR
TNPH16	Sherwell Valley Garage	20	CHEL
TNPH17	Tor House & Gospel Hall	25	TORR
TNPH18	Zion Church	8	TORR
TNPH19	Town Hall Car Park regeneration	50	TORR
TNPH20	Laburnum St	8	TORRE
TNPH21	Barclay Court Hotel	8	ELLA
TNPH22	Market Street	89	ELLA
TNPH23	Ansteys Lea Hotel	9	WELL
TNPH24	Municipal Chambers	12	TOWN

TNPH25	Lower Union Lane, Temperance Street Regeneration	130	TOWN
TNPH26	Braddons St Disused Playground	9	TOWN
TNPH27	Roebuck House	20	TOWN
TNPH28	22-28 Union Street	13	TOWN
TNPH29	3-9 Pimlico	10	TOWN
TNPH30	Pimlico	50	TOWN
TNPH31	39 Abbey Road	12	TOWN
TNPH32	Shedden Hall Hotel	14	TOWN
TNPH33	Former Laundry site, Rock Road	30	TOWN
TNPH34	Brampton Court Hotel	10	TOWN
TNPH35	8-9 Braddons Hill Rd W	8	TOWN
TNPH36	Melville St Joinery Works	6	TOWN
TNPH37	40-44 Swan St	10	TOWN
TNPH38	Lansdowne Hotel	8	WELL
TNPH39	Fleet Walk	25	TOWN
TNPH40	Golden Palms	12	TOWN
TNPH41	Terrace Car Park	60	WELL
TNPH42	Hermosa	6	WELL
TNPH43	Ingoldsby	7	CHEL
TNPH44	La Rosaire	7	CHEL
TNPH45	Lee Hotel, Torbay Road	6	CHEL
NP1	Old Cockington School	20	CHEL

NP2	Dainton Storage Yard (Torre Station)	30	CHEL
NP3	Dairy Crest site (Parkfield Road)	40	TORR
NP4	Bancourt Hotel	12	TORR
NP5	Chilcote Close Car Park	10	STMD

	Total
<b>Commitments and other deliverable sites in Local Plan</b>	<b>1156</b>
<b>TNP allocated sites drawn from Local Plan pool of identified sites</b>	<b>1111</b>
<b>Additional TNP allocated sites</b>	<b>112</b>
<b>Future growth area in Local Plan</b>	<b>550</b>
<b>Windfalls</b>	<b>1040</b>
<b>TOTAL</b>	<b>3969</b>

Please note that the references used in Table 1 above are specific to the Torquay Neighbourhood Plan. References on the Torquay Neighbourhood Plan policy map accord with this table. For clarity these references do not accord with the references in the Torbay Local Plan 2012-2030 Appendix C, Table 26.

# Housing and Development Policies

## Community led development

Torquay has a well-developed network of Community Partnerships based on election ward areas. These areas often represent distinct neighbourhoods based on historic expansion areas to the town. They have in depth knowledge of their communities and have developed community consultation networks allowing them to be ideally placed to fully support and take a leading role in Neighbourhood Planning. We wish to ensure the continuation of a community led development plan for Torquay

COMMUNITY ASPIRATION

Any revision to the economic outlook that forms part of a future adopted Torbay Local Plan should include changes to the requirement for residential development. Any significant change to the economic outlook or housing needs for Torquay within a revised Torbay Local Plan should be accompanied by a revision to the Torquay Neighbourhood Plan.

## Design to reduce risk and fear of crime

To ensure developments support safe communities, the Plan fully supports the 'Secured by Design' initiative by the Police Designing Out Crime Officer's' protocol with Torbay Council.

### **Policy TH2 - Designing out crime**

New development should provide for a safe environment and consider opportunities to prevent crime or the fear of crime from undermining quality of life or community cohesion

## Affordable Homes

In the Torbay Local Plan Evidence Study Housing Requirement Report it states (S4.1.8) 'it is a truth that the more homes that are allocated with a policy clearly linking delivery to the provision of affordable units, the more affordable homes will be achieved'; also (S4.1.3) 'affordable housing constitutes about 60% of the overall housing requirement'.

S4.1.2 states, 'historically Torbay has had a very pressing need for affordable housing. The 2003 Housing Need Survey found a need comparable to Inner London'.

Torbay currently has a shortage of affordable homes but Torquay is recognised as having a nationally high demand. In 2012 the Council refreshed its waiting list, and as at March 2013 this shows that there is a waiting list of 3050 people for social rented properties (S 4.2.1); although only 1,648 are actually 'in need' (S4.2.2).

This all has a significant effect on the quality of life of the young and those in the low wage or benefits economy that predominates in our town. This critical issue has not been addressed during the past decades due to low economic growth fuelling low housing growth and a high volume of low viability sites that have avoided provision of affordable housing. Over the plan period we would like to

see this issue be positively addressed by policies to increase the supply of affordable housing to a nationally recognised level.

To achieve this there will be opportunities through private sector developments to provide or contribute towards providing affordable housing but it is also acknowledged that the provision of affordable homes over the last 10 years has not achieved the percentage rate required in the adopted Local Plans. Our Plan therefore identifies positive policy statements for affordable homes on greenfield development sites and aspirations for additional means of provision.

Our Plan acknowledges the value of land to developers is variable and directly related to profitability or potential viability within the known planning policies for that site. Our Plan does not want the provision of affordable housing and community facilities to be compromised.

By making the following policy for the Future Growth Area, it does not restrict the supply of land but prioritises obligations for the benefit of developing a sustainable community.

### **Policy TH3 - Future Growth Area priorities**

Within the Edginswell Future Growth Area, the delivery of affordable housing and community facilities will be given highest priority as part of the obligations arising from development proposals for the area after the provision of essential site specific matters to mitigate the impact of development.

### **COMMUNITY ASPIRATION**

The community would like to see, aspirations raised and the provision of affordable housing maximised through a range of measures applied through the private and public sector investment. To meet the high demand for affordable housing, if 20% of all new housing provided in Torquay was a combination of affordable and social homes over a rolling 5 year period, this would equate to approximately 850 homes overall and would make significant contribution to providing for local needs.

We recommend that the disposal of suitable Council owned land should be to Housing Associations and self-building schemes as part of an appropriate commercial arrangement, to ensure the level of provision of affordable and social housing is not less than 20% of total homes built during any rolling 5 year period. To enable this we accept that some open market housing may be required on those sites for viability purposes.

The following policy will ensure maximum benefit for the community from provision of affordable housing by providing flexibility for development proposals to achieve their affordable housing requirements, consistent with the approach of the Local Plan.

### **Policy TH4 - Affordable homes from greenfield developments**

To encourage a wider range of opportunities for the provision of affordable housing and priority use of brownfield land, development proposals for 20 units or more on greenfield sites will be supported where the provision to meet the affordable housing requirement of the Local Plan is achieved through, in sequentially preferred order:

- on-site provision, or;
- a mix of on-site and off-site provision, or;
- via commuted payments.

This policy supports on-site provision of affordable housing as the most preferred approach. Circumstances may arise where there are material reasons to indicate that providing affordable housing on-site may not be achievable, in those circumstances the provision of homes off-site on brownfield sites or via commuted payments will be supported.

### **Community Infrastructure Levy**

The Community has identified the specific need for Community Infrastructure Levy funds to regenerate the community facilities in the deprived Town Centre area.

COMMUNITY ASPIRATION

As part of the Community Partnership submissions that form part of this Plan there are a number of key projects that have been identified for each area. The community wishes that these projects and future projects that arise in each area are funded through the CIL levy and are prioritised across Torquay by the Neighbourhood Plan Forum or Community Partnership structure.

To help regeneration of the community facilities within the Town Centre Master Plan Area and Community Investment Area while acknowledging the range of site viabilities within that area; the community would like to see development where CIL contributions are not sought, but S106 contributions are, provide the equivalent amount of money to that from the normally prescribed neighbourhood portion CIL contribution be provided for the community's own spend decisions.

The community would also like to see the reduced CIL levy for the Town Centre Master Plan Area be reviewed and adapted to reflect changes in economic regeneration.

### **Homes for an ageing population**

Exeter and Torbay Strategic Housing Market Assessment 2007 Section 18/P10 states 'The household structure of Torbay UA follows from its older than average population. In particular 28% of all households were comprised of all pensioners, over half of which were single persons living alone.' In S19 'One of the key messages from stakeholders was that the ageing population of the area was having a considerable impact on the housing in the sub-region.'

The Torquay Neighbourhood Plan encourages downsizing for its ageing population so that more, larger homes will be available to families.

To acknowledge the needs of reduced mobility, later life homes must be in locations that provide essential services in close proximity

We therefore support the provision of purpose built homes for later life in suitable locations where there is ease of pedestrian access to local community facilities (for instance, typically a Doctor's surgery, a pharmacy, post office facilities, convenience food retail and public transport).

**Policy TH5 - Sustainable later life homes**

New residential units designed for retirement or accommodation for assisted living will be supported where their location makes them easily accessible by walking or public transport to shops, the town centre and community facilities.

## **Torquay Gateway (including the Edginswell Future Growth Area)**

The Neighbourhood Plan supports the development of the greenfield Torquay Gateway (Edginswell) site (the Future Growth Area) as part of a jobs led, phased development of Torquay.

Any development in this area should exploit its unique position adjacent to the new link road for good quality housing that meets sustainable housing growth and includes purpose built employment space to promote job creation.

The location is of prime value for both job creation and homes relying on the easy access to the stronger economies of Newton Abbot and Exeter via the new Link Road and dual carriageway network. This site is allocated as a Future Growth Area within the Torbay Local Plan.

Our Plan also seeks to rebalance the economy of Torquay away from the low value Tourism offer and towards higher value skilled jobs and therefore the development of this area must be of mixed use.

NPPF 8/70 states we should ‘deliver the social, recreational and cultural facilities and services the community needs’ while NPPF 8/72 states ‘the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities’.

There has been a history of ad hoc, unstructured development within the Willows area that has not developed the community infrastructure to support a sustainable community. A key priority for the current community is to ensure this is corrected by making sure any new major residential development within the adjacent strategic expansion area is integrated within the surrounding

communities by ensuring enabling connections are made and community facilities (for instance, typically a Doctor’s surgery, a pharmacy, post office facilities, convenience food retail and public transport) exist to support a sustainable community covering a large area.

### **Policy TH6 - Gateway sustainable community planning**

Development proposals within the Edginswell Future Growth Area should be developed with consideration of the immediate surrounding communities of Shiphay, the Willows and Barton. Opportunities to provide transport connectivity as well as complement, augment and/or support the provision of community facilities and primary schools which serve the wider area are important considerations for creating an integrated sustainable community.

## **Design and quality of development**

The redevelopment of larger properties often formerly used for Tourism has led to much low value poorly designed homes providing basic amenities often on an HMO basis that has in turn led to social issues and degradation of the surrounding communities.

We wish to see the stock of homes reflect a sustainable future and promote good quality living environments.

We therefore wish to see the redevelopment of Torquay support good quality design that sits comfortably within the existing built environment and supports the established character of the area.

**Policy TH7 - HMO's**

The provision of houses in multiple occupation (HMOs) will not be supported when they would adversely affect the tourism offer or worsen concentrations of deprivation or create conditions of community conflict.

**Policy TH8 - Established architecture**

Development must be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

Communities have identified lack of parking as a key issue within their areas often exacerbated by developments that have insufficient or no on-site provision causing congested on street parking, parking on pavements and destruction of community assets like grass verges and open spaces.

**Policy TH9 - Parking facilities**

All housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

In addition, any application for new residential units or additional bedrooms to existing units must be assessed for their impact on parking requirements and proposals shall identify suitable and appropriate parking arrangements so that parking will not add to the potential for antisocial behaviour or conflict within the community. New major developments must contribute to better pedestrian/cycle links where possible and encourage modal shift towards active travel.

**Conservation of the historic built environment**

Our Plan supports the preservation of our historic homes and other buildings through a policy that protects key historic elements and acknowledges the need for a sustainable future for such buildings.

**Policy TH10 - Protection of the historic built environment**

Alterations to Listed Buildings will be supported where they safeguard and enhance their historic qualities and elements according to their significance. In doing so, proposals which at the same time contribute to providing a sustainable economic future for such buildings will be particularly supported.

**Special protection for rural village environments**

To protect the character, historic environment and tourism value of unique rural enclave communities within a largely urban area there will be special provisions to restrict potential development within and on the fringes of the only two rural villages found within Torquay: Maidencombe and Cockington.

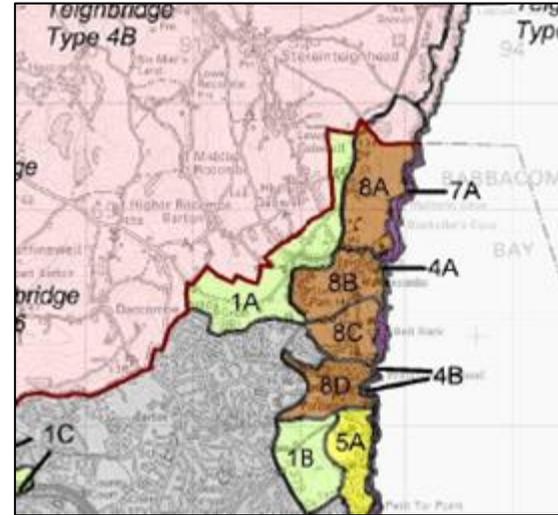
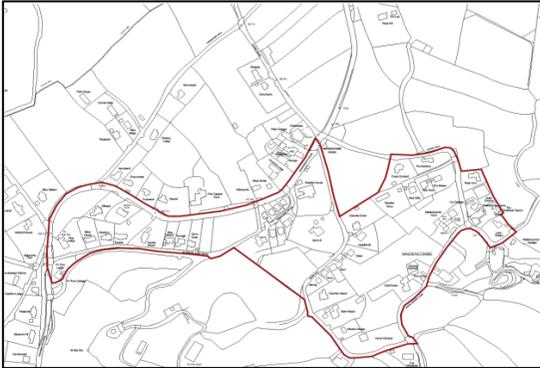
**Policy TH11 - Rural village conservation areas**

Within the Maidencombe and Cockington Village designated Conservation Areas, subject to other policies in this Plan, development proposals consisting of sensitive conversions, extensions and alterations will be supported where this would protect or enhance the character and setting of the designated Conservation Area and also have regard to the significance of existing open spaces in terms of their contribution to the Conservation Area.

## Special policies for Maidencombe

### Village Envelope

In conjunction with the LPA, local residents and in accordance with the Local Plan, the Village Envelope has been redefined and is designated in the policy mapping for the area and illustrated in the map below (and in more detail within the Torquay Neighbourhood Plan Policies Maps).



*For information - extract from 'Landscape Character Assessment of Torbay Part 2 (2010)*

To protect the character, historic environment and tourism value of this rural area development will be limited within the countryside and undeveloped coast in accordance with the Local Plan Policies C1, C2 and SS2.

### General environment

The St Marychurch & Maidencombe CP submission identifies extremely sensitive environmental issues for the Maidencombe area as it lies within the Countryside (C1) and Undeveloped Coast (C2) designation within the Local Plan and is a known habitat for internationally protected species. The landscape at Maidencombe is special and classed as highly sensitive according to the most recent Landscape Character Assessment which states that infill development and other significant changes will generally not be suitable and could have substantial adverse effects. Opportunities for infill development are therefore likely to be very limited in this regard due to those constraints. In particular areas identified as 8A, 8B and 8D of the 'Landscape Character Assessment of Torbay Part 2 (2010)' are classed as 'highly sensitive'.

### **Policy TH12 - Maidencombe area**

Any proposal for development within Maidencombe Village Envelope must demonstrate that it respects local character and it conserves or enhances heritage and landscape assets where it might impact on those assets.

To achieve this, any development must be of a scale, height, footprint, location and massing in keeping with its built surroundings and the overall physical characteristics within the Village Envelope; and to protect the amenity of existing homes.

Designs and construction materials must draw from and be in keeping with local features and design characteristics and be appropriate in relation to its landscape sensitivity. Development must take into account the value of the rural landscape and comply with the Local Plan policies in the designated Countryside Area (C1) and Undeveloped Coast (C2).

Major developments in C1 countryside, outside the Village Envelope, will not be supported and any greenfield development will be resisted unless it is compatible with the rural character and setting and it fits within the constraints of the existing landscape and visual character of the area.

### **Special policies for Cockington Village and Country Park**

Cockington Village and Country Park form an exceptionally well preserved historic and environmentally sensitive area; and visitor destination.

Cockington Village and Country Park form what was an old manorial village and private estate until 1933 when it was given to the people of Torbay. The manor house has become a crafts centre while the village has been uniquely preserved and has a quintessentially Devon thatched village environment with constrained historic development (the pub being the last significant development in the late 1920's). Being close to a Torquay means its popularity arose in Victorian times

and remains a seasonally busy day time visitor attraction with a largely residential population.

Visitors largely come to see the historic preserved village and use the recreational area of the Country Park that includes a crafts studios and manor house.

There has been a long standing balance between the residents' quality of life and commercial activities that has resulted in the community's support for the often intrusive day time commercial use; while protecting the peaceful evening and night time environment for the benefit of resident's quality of life.

Historically the visitor numbers have substantially decreased since their peak in the 1950's; the retail offering struggles to adapt to the changing market and its viability is low due to oversupply of similar product types. Some shrinkage in retail space would be beneficial to improve the long term viability of remaining outlets, improve the ambiance of the village centre and cater for a more demanding visitor market.

To reinforce the character if the Village and Country park and to complement the current C1 Countryside designation within the Local Plan, special constraints will be placed on some forms of development.

### **Policy TH13 – Cockington Village and Country Park**

Within Cockington Village and Cockington Country Park: the change of use to or new A3, A4 or A5 class use will only be supported if it is restricted to opening for trading in daytime hours (generally between 08.00 and 18.00).

New homes or new businesses will not be supported on greenfield sites;

Within Cockington Village, change of use from employment space to dwellings will be supported where there is no reasonable, viable prospect of the site being sustainable for employment uses and subject to the external appearance being retained or restored, where possible or appropriate, to its historic origins.

# Economy and Jobs

Our Plan supports the ambition of the Torbay Local Plan to increase net jobs created in Torbay and also to improve and diversify Torquay's economy for the benefit of our community's quality of life. A full assessment of the economy has been provided within the supporting evidence.

The Local Plan has a very ambitious goal of net job increase during the Plan period. The current published data shows a large net job loss for the first 4 years to 2016.

Currently Tourism and the Public Sector are responsible for over half the economy of Torquay. The Tourism industry employs around one third of the local workforce and is widely recognised as currently unsustainable due to limited growth in the traditional markets and lack of investment in support of future market demands from poor profitability.

There have been some recent significant signs that inward investment to Torbay is increasing in both high tech businesses and the tourism sector. This trend must be continued to enable the economy to support the increase in net jobs predicted by the Torbay Local Plan.

The Tourism policies in the Neighbourhood Plan require a managed transition of the Tourism industry to a higher visitor spending, higher quality accommodation and attraction provision, to encourage better paid full time jobs, and sustainable businesses.

This transition may reduce the net tourism jobs created within the first 10 years of the Plan and, with a potentially shrinking public sector, special emphasis in this Plan is on creating non-tourism jobs that will be required to provide the new jobs in Torquay as identified within the Torbay Local Plan.

There will be a net value of an improved economy to the local community from more and better paid jobs supporting better quality homes and secure futures.

A key part of job creation will be to revitalise the town centre and harbour area through development for homes and an effective fit for purpose retail and leisure area. This is the goal of the Torquay Town Centre Master Plan SPD; this goal has the general support of the Plan subject to continued review and updating based on the predicted needs of the changing high street retail and tourism sectors.

## **Supporting existing and new businesses**

To ensure the job creating enterprises can be in the best locations for businesses to flourish it is essential that their location offers the very best communications routes both within Torbay and to surrounding centres of population, and the reduction of existing purpose built permanent employment areas is resisted by the Plan.

The following policies are designed to encourage new businesses in to Torquay and prevent further loss of employment space.

The following policy designates key Employment Sites for Torquay for the retention and 'smarter' use of existing space and also highlights opportunities for new space for instance that which is allocated through the Local Plan within the Edginswell Future Growth Area (consistent with the adopted Masterplan SPD) and at Nightingale Park (possible employment uses associated with sports and recreation, consistent with the retention of significant public greenspace).

Other sites may be considered as significant employment sites within the context of this Plan. The Town Centre area is defined to protect a key retail/leisure area that will form the foundation of a revitalised 'town centre' experience. The intention is that the front facing street level units will be protected for

employment but residential will be allowed above and behind subject to Policy TC4 in the Local Plan.

### **Policy TJ1 – Employment**

New development should help contribute to the strategic needs for employment land for Torquay, as set out in in the Local Plan.

The provision of new employment space will be supported across Torquay, consistent with policies for managing development contained within the Torquay Neighbourhood Plan and the Torbay Local Plan.

Loss of employment uses at the following sites which are allocated for employment use in this plan will be resisted. Support will be given to the retention and improvement of employment space.

- TNPE01 – Torbay Hospital
- TNPE02 – Woodlands/Lawes Bridge
- TNPE03 – Kerswell Gardens
- TNPE04 – Lymington Road Area and Chatto Road Industrial Estate
- TNPE05 – Lummaton Quarry
- TNPE06 – Torquay Town Centre street level (Fleet Walk)
- TNPE07 – Broomhill Industrial Estate
- TNPE08 – Newton Road commercial area
- TNPE09 – Browns Bridge
- TNPE10 – Edginswell Business Park
- TNPE11 – Barton Hill/Barton Way/Hele Road commercial and industrial area

The provision and delivery of new employment uses on sites at Nightingale Park (see TSL2) and at the Edginswell Future Growth Area (consistent with Policy TS3) will be given support.

Development on employment sites must be in a manner which is compatible with Habitats Regulations requirements as relevant – see Policy TE6. The *Torquay Neighbourhood Plan Habitats Regulations Assessment* identifies relevant considerations, including in relation to TNPE10 Edginswell Business Park and TNPE03 Kerswell Gardens.

There is a trend towards home based enterprises and home working. The following policy will ensure homes are built to accommodate this trend for fit for purpose space.

### **Policy TJ2 - Home based enterprises**

All new residential units should have fibre optic superfast broadband connected or provision made for retrospective fitting where this is not possible at the time of development.

## **Protection of the historic commercial environment**

Our Plan supports the retention of historic street scenes in Conservation Areas

### **Policy TJ3 - Commercial street scenes**

Development within Conservation Areas should conserve or enhance commercial heritage assets and their settings.

# Tourism

## ‘Torquay – a destination in transition’

**The vision is to be ‘the best in the west’: a quality, all year round sustainable tourist destination based on: coast, countryside, culture and cuisine.’**

Torquay’s tourism sector is acknowledged as requiring transition to a higher value, higher quality, year round offering to improve the sustainability of the sector and provide one foundation of a secure and prosperous economy for Torquay. The following policies underpin this transition.

‘Turning the Tide for Tourism’ identifies an oversupply of in the small B&B guest house sector (less than 10 rooms) with significant oversupply of low quality low value added small hotels. There is an identified lack of good quality large hotels and branded chains.

### **Increase in the quality and sustainability of the accommodation sector**

The foundation for the transition of Torquay to the ‘best in the west’ should be by the following aspirations:

#### **COMMUNITY ASPIRATION**

The community would like to see, and where possible will work towards enabling the following:

- A thorough and on-going bed audit and research key accommodation data to support the investment in rebalancing of the quantity and quality of bed spaces in each accommodation sector. This research should include a

professionally assessed market evaluation and predicted future (20 year) trends. The results should be published and advice and guidance to Tourism businesses should be provided on the implications of the data.

- The transition of tourism should be managed through the delivery of the Local and Neighbourhood Plans within the framework of the Planning process whereby the bed audit and market evaluation will provide evidence for decision making.
- Businesses should be allowed to change use where there are areas of over-supply or low quality or low spend value by a presumption in favour of a change of use to other high quality accommodation or homes, or
- New developments should be allowed in those areas that support the vision for our resort and are on Brownfield sites.
- Visitor infrastructure investment priorities by the Council should be concentrated in the Core Tourism Investment Areas (CTIA’s).
- The Council should support and promote the investment in and development of quality, accessible and green tourism businesses.
- There should be no Houses in Multiple Occupation (HMO’s) or other hostel accommodation allowed in established tourism areas.
- The Council should persuade or use their power to serve Section 215 Notices on landlords and owners of properties to improve maintenance and visual appearance in established tourism areas.
- The planning process should protect the green open spaces within Torquay’s environment by restricting new holiday accommodation and tourism sites to the extensive availability of existing or Brownfield sites.
- Council policies should encourage tourism businesses to improve quality, trade all year round and provide quality jobs.
- The Council should support the creation of an international hotel school to underpin the change to a high quality Tourism Sector.
- The Council should support good quality sustainable conference facilities to underpin all year round tourism.
- Key tourism and retail areas outside the Core Tourism Investment Areas (CTIA’s) and town centre should be well signposted.

## **Concentrate tourism investment within CTIA's to develop a vibrant, quality visitor experience**

Two CTIA's are created within the Local Plan:

- The coastal strip from Livermead Cliff Hotel to the Imperial Hotel including the areas around Torre Abbey/RICC, Lower Belgrave Road and harbour, and
- Babbacombe cliff and coastal strip.

Although in general key serviced accommodation businesses within a CTIA should be retained where possible it is important to improve the ambiance of the overall tourism offer across Torquay by change of use of unsustainable businesses to high quality, mixed use developments of holiday apartments, homes, retail or restaurant/café uses with a design sensitive to the heritage value of the area. This policy should be extended to the redevelopment of any sites not trading so that the visual amenity value of the area is improved.

### **COMMUNITY ASPIRATION**

The community would like to see, in general, key serviced accommodation businesses within CTIA's being retained where possible as it will be more important in the first 5 years of this Plan to improve the ambiance of the area by change of use of unsustainable businesses to high quality, mixed use developments of holiday apartments, homes, retail or restaurant/café uses with a design sensitive to the heritage value of the area. This approach should be extended to the redevelopment of any sites not trading so that the visual amenity value of the area is improved.

### **Policy TT1 - Change of use constraints within and outside a CTIA**

#### *HMO*

Change of use from tourism accommodation within a CTIA to HMO or student halls of residence or hostel type accommodation will not be supported.

Change of use from tourism accommodation outside a CTIA to HMO or student halls of residence or hostel type accommodation will not be supported where this would detrimentally affect the holiday character of the area.

#### *Outside CTIAs*

The change of use to residential dwellings from tourism properties outside the CTIA's will be supported subject to the site being of limited significance to the tourism setting (typically 10 letting rooms or less of serviced holiday accommodation), or there is a lack of viability for tourism (including that it can be demonstrated that the current business has been marketed on realistic terms for 12 months without sale), or at least half of the units within the property are already of Class 3 residential status.

#### *Within CTIAs*

The change of use to residential units from tourism accommodation within a CTIA will be supported if there is no reasonable prospect of the site being used or redeveloped wholly for tourism accommodation and where tourism related use at street level (such as retail and/or cafes/restaurants) is provided that would not detract from and would add to the tourism offer of the CTIA.

The planning process must protect the built environment within conservation areas and help develop sustainable uses for historic buildings that are or have been used for tourism accommodation.

The following policies recognise the importance of the sustainable use of heritage assets through the protection and enhancement of existing properties:

### **Policy TT2 - Change of Use in Conservation Areas and Listed Buildings**

Within designated Conservation Areas or where Listed Buildings are involved, whether inside or outside of a CTIA, change of use from tourist accommodation and other development proposals requiring consent will be supported in principle (subject to other policies in this Plan) to ensure a sound future for such heritage

assets and wherever possible unsympathetic development of the past is removed or altered to enhance the historic environment.

A vital part of the long-term strategy is the general amenity value of tourism accommodation areas and this requires a robust and systematic approach to the improvement of run-down or derelict properties and sites.

Section 215 of the Town & Country Planning Act (1990) provides a method of supporting the overall improvement of these areas by a robust and systematic approach serving notices for improvements to run-down or derelict properties and sites.

#### COMMUNITY ASPIRATION

The Neighbourhood Forum would like to encourage Torbay Council to serve notices if the property or site is having a substantial negative impact on the visual quality of the surrounding area and the local community requests action.

### Torquay Seafront and harbour area

This is the primary CTIA for Torquay and should be the main focus for investment to create and retain high quality, high value tourism based accommodation, entertainment, retail, cafes and restaurants to underpin the transition to a higher spending visitor base.

#### COMMUNITY ASPIRATION

The community would like to see, and where possible will work towards enabling the following:

- The harbour area should have café, bars and restaurants creating a safe, al fresco experience in the summer months with good quality public space all year round.
- The beach and harbour-side environment should be a key investment area for refurbishment and maintenance to provide a high quality visitor experience while retaining its heritage, scale and resort ambiance.
- Provide e-information platform for visitors to access all information on Torquay at key points as technology improves.
- Invest to improve maintenance of roads, pavements and the street scene from public and private sector investments.
- Move fairground activities from Torre Abbey and transform the area to become a green space for summer festivals, music and other events.
- Develop national standard, good quality conference facilities to support all year round tourism and quality hotels by promoting the redevelopment of the Riviera International Conference Centre site to incorporate a top quality integrated conference hotel and fit for purpose sustainable conference centre and promoting hotel accommodation in the local area to support delegate requirements.

### Babbacombe

Babbacombe is recognised as a satellite resort and secondary CTIA with two distinct areas, the beach side and the green downs area with its Victorian buildings.

Although some hotel businesses will thrive, in general the tourism based accommodation will be allowed to shrink by change of use unless it forms part of the key front line cliff top properties. This area forms an open green area popular for visitors to Babbacombe and would be enhanced by investment in a range of cafés/restaurants and retail units to assure economic viability of the whole area. To achieve this change of use should have some flexibility to provide incentive for redevelopment and support viability.

### **Policy TT3 - Change of use constraints on Babbacombe Downs CTIA**

Within the Babbacombe Downs CTIA and subject to other policies in this Plan, support will be given in principle to change of use from tourist accommodation to:

- a) residential use, except where it would involve introduction of HMO accommodation or loss of high quality tourist accommodation;
- b) tourist related use at street level such as retail and/or cafes/restaurants that would not detract from and would add to the tourist offer of the CTIA.

Any proposal involving new buildings should be of a design sensitive to the historic character of the area and comply with other policies within this Plan

### **Integrate water based sports and activities into the tourism offer.**

#### COMMUNITY ASPIRATION

The community would like to see, and where possible will work towards enabling the following:

Support the development of improved harbour and beach side facilities to support a quality tourism offer and develop regional and national standard sports facilities and water sports provision as an integral part of the broader Tourism offer and support the recently approved Cultural Strategy.

Positive actions to include:

- make access to the water easier for all users
- make storage and launching small craft from beaches and harbours easier
- maintain beaches to a high standard and ensure investments are made in infrastructure support Blue Flag/Quality awards for all beaches and provide good quality fit for purpose beach fronts.
- provide quality public toilets with extended opening and availability all year.

- redevelop Meadfoot west beach area with a quality sea view restaurant to support the new beach hut development and the local area's quality accommodation providers.

### **Develop Torquay as the cultural centre of the west with a broadened range of tourism infrastructure to diversify the visitor appeal.**

#### COMMUNITY ASPIRATION

The community would like to see, and where possible will work towards enabling the following:

- Promote a range of quality all year round festivals based on coast and countryside, culture and cuisine linking to the objectives of the adopted Cultural Strategy and those submitted by Torbay Action for Art.
- Promote Heritage, Literary, Geology and Arts Trails.
- Promote walking and tour guides and bring to visitors' attention the 'hidden jewels' of Torbay.
- Identify a suitable site for a Torbay open air theatre.
- Support a Torbay Culture/Arts Centre on a suitable site.
- Support investment in all year round, quality indoor attractions and a major national attraction comparable with the Eden Project.
- Help businesses create packaged themed breaks and a resort tourist pass.
- Create a dedicated Agatha Christie centre housed in an iconic building such as the Pavilion where her life and works are also celebrated with history and live performances.
- Develop a festival/music/large event location on Torre Abbey green space in place of the fair.
- Support the development of a quality retail offering through town centre regeneration as an integral part of tourism offer by initiatives that bring together the tourism and retail sectors.

## COMMUNITY ASPIRATION

The community would like to see, and where possible will work towards enabling the following:

Transition night-time economy to provide a quality harbour area to attract high spenders and visitors who use quality accommodation

- Support positive management of night time economy by retaining Purple Flag award.
- Establish zero tolerance policing of any anti-social behaviour, including but not limited to drunkenness, rough sleeping and begging.
- Promote a quality café/restaurant/bar/mixed accommodation area around harbour.
- Encourage relocation of clubs to distributed locations away from established residential areas but integrated with the main tourism accommodation areas
- Promote a dedicated entertainment complex with cinema/pubs/clubs/casino/retail integrated with the main tourism area such as the top end of town.
- Encourage continued investment in quality food and drink providers to encourage higher spend.
- Introduce 20 mph speed limit and pedestrian friendly areas around the harbour to provide a safer environment.

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- Ensure all routes are accessible.
- Encourage development of existing railway buildings in to related uses.
- Route in to hub via Rathmore/Falkland Road from Avenue Road with a roundabout at the junction with Torbay Road (this will require the reversal of the current one way routes)
- Improve direct rail links working with the Torbay Development Agency (TDA) and the Heart of the West Local Enterprise Partnership (HOSWLEP) to ensure continued investment.
- Incorporate controlled crossings for safe pedestrian access to transport hub.
- Consider a mass transportation system linking key areas within Torquay and the rest of Torbay.
- Encourage the linking of harbours along the South West coast with a coastal ferry service.

## COMMUNITY ASPIRATION

The community would like to see, and where possible will work towards enabling the following:

Create a transport gateway hub at Torquay train station for trains, coaches, buses, bikes, taxis and the town centre land train

- Train station, coach drop off/collection facilities, bus stop to link with main routes (and land train), taxi rank and cycle hire with link to wider cycle/foot path routes.
- Sheddon Hill car park as coach park.

# Environment

The quality and character Torquay's rural, urban and maritime landscapes have long been recognised as a valuable asset. Countryside and beaches are the top attractions for visitors to the area of South Devon and as such the environment within Torquay is vital to the tourism industry; as well as giving a significant motivation for new residents to move to the area. However, this means that the landscape is under continuous pressure for change from development, changes in land management practices, and the effects of climate change. Torquay's rural landscape is heavily influenced by their patchwork of green spaces, undeveloped coastal fringe and agricultural activity. The continuation of agriculture is vital for the continued conservation and enhancement of the landscape.

## Protection of environmentally important species and habitats

The Plan area contains a number of sites of or is in close proximity to designated sites of European or National importance for bio and geodiversity.

- South Hams Special Area of Conservation
- Lyme Bay and Torbay Marine SAC and Torbay Marine Conservation Zone (MCZ)
- Lummaton Quarry SSSI
- Babbacombe Cliffs SSSI
- Hopes Nose to Walls Hill SSSI
- Kents Cavern SSSI
- New Cut SSSI
- Meadfoot Sea Road SSSI
- Daddyhole SSSI
- Dyer's Quarry SSSI
- Occombe SSSI

## Promoting Brownfield sites for new tourism developments

Landscapes perceived as beautiful, tranquil and 'natural' improve mental wellbeing by reducing stress and evoking positive emotions, and help improve physical fitness by providing inviting and inspiring environments to exercise. Access to the countryside and green spaces, such as via the public rights of way network, is important for these benefits to be fully realised.

Growth in visitor numbers and the resident population will exert further pressure on Torquay's landscape; this needs to be managed carefully to maintain the high quality and distinctive character of the landscape to secure future economic prosperity, health and wellbeing.

Torquay has a large number of Brownfield and redundant tourism sites providing a significant pool of assets for redevelopment and hence reducing the pressure on the few remaining green areas in Torquay.

### **Policy TE1 - Tourism accommodation on brownfield sites**

New tourism developments will be particularly supported where they make use of brownfield land for the provision of that development.

## Designated Local Green Spaces

Torquay has many open green spaces because of its location on the coast and because the large developments in the 19<sup>th</sup> and early 20<sup>th</sup> century placed special emphasis on provision of public access parks.

Each Community Partnership has audited their green spaces and identified their list of Local Greenspaces in compliance with NPPF 8/76

76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

Many other green area sites were rejected because they did not meet the strict criteria for designation so those designated have special significance to the local community be it historic asset, recreational, sport or food production use or wildlife refuge. It is of note that almost all homes within Torquay are in a largely urban area and local communities highly value those public access green spaces within walking distance of their homes. The preservation of these assets has been a high priority identified in public consultations.

The number of sites is considered unexceptional to the large urban area that the Plan covers, representing c. 1 green space for every 200 homes (with many supporting the Tourism industry). This is not disproportionate to that expected in contemporary urban planning.

It is recognised that some sites suffer from a lack of maintenance caused by a reduction in Torbay Council funding; this must not be taken as a lack of worth to the community.

Local Green Space justifications are contained within the supporting evidence document: Basic Conditions Statement.

### Policy TE2 - Local Green Spaces

The areas listed below, indicated on the accompanying plan and shown in detail on the Neighbourhood Plan Policies Maps, are designated as areas of Local Green Space, where development is ruled out, other than in very special circumstances.

Very special circumstances may include the provision of a new railway station at Edginswell, the provision of a new structure providing a café, beach facilities and toilets at Hollicombe Park. In addition, minor improvements to community access, or facilities that support their use for public recreation or amateur sports, or development allowing reasonable small extensions in a style that reflects the setting and the local area which would be consistent with the LGS designation, will be supported.

**Table 3: Designated Local Green Spaces**

Map Ref	Local Green Space Name	Community Partnership area
TLGSB1	Barton Downs	Barton & Watcombe
TLGSB2	Brunel Woods	Barton & Watcombe
TLGSB3	Firlands Green	Barton & Watcombe
TLGSB4	Great Hill	Barton & Watcombe
TLGSB5	Steps Cross Playing Field	Barton & Watcombe
TLGSB6	Woodend Project	Barton & Watcombe
TLGSC1	Armada Park	Cockington, Chelston & Livermead
TLGSC2	Ashfield Gardens	Cockington, Chelston & Livermead
TLGSC3	Cockington Country Park	Cockington, Chelston & Livermead
TLGSC4	Corbyns Head	Cockington, Chelston & Livermead

TLGSC5	Crownhill Park	Cockington, Chelston & Livermead
TLGSC6	Goshen Triangle	Cockington, Chelston & Livermead
TLGSC7	Highlands/Sherwell Valley Allotments	Cockington, Chelston & Livermead
TLGSC8	Hollicombe Park	Cockington, Chelston & Livermead
TLGSC9	John Coad Park (Innerbrook/Sandford Green Space)	Cockington, Chelston & Livermead
TLGSC10	Kings Gardens	Cockington, Chelston & Livermead
TLGSC11	Occombe Farm	Cockington, Chelston & Livermead
TLGSC12	Piggeries Green Space	Cockington, Chelston & Livermead
TLGSC13	Preston Primary School Play Park	Cockington, Chelston & Livermead
TLGSC14	Rocket Park	Cockington, Chelston & Livermead
TLGSC15	Sherwell Park	Cockington, Chelston & Livermead
TLGSC16	Sherwell Valley/Grenville Green Space (Markham Plantation)	Cockington, Chelston & Livermead
TLGSC17	St Matthews Field	Cockington, Chelston & Livermead
TLGSC18	Torre Valley North & South Sports Fields	Cockington, Chelston & Livermead
TLGSC19	Rugby/Cricket Club & Bowling Club	Cockington, Chelston & Livermead

TLGSC20	Two Parks	Cockington, Chelston & Livermead
TLGSC21	Victoria Park	Cockington, Chelston & Livermead
TLGSC22	Hollicombe Brake	Cockington, Chelston & Livermead
TLGSC23	Scadson Valley Green Space	Cockington, Chelston & Livermead
TLGSE1	Belmont Park	Ellacombe
TLGSE2	Brewery Park	Ellacombe
TLGSE3	Castle Road Park	Ellacombe
TLGSE4	Ellacombe Park	Ellacombe
TLGSE5	Quinta/Windsor Road Allotments	Ellacombe
TLGSE6	Stentiford Hill Park	Ellacombe
TLGSE7	Warberry Copse	Ellacombe
TLGSH1	Cricket Field Playing Field	Hele, Watcombe & Lower Barton
TLGSH2	Daison Wood	Hele, Watcombe & Lower Barton
TLGSH3	Truro Bank	Hele, Watcombe & Lower Barton
TLGSH4	Windmill Hill Playing Fields	Hele, Watcombe & Lower Barton
TLGSM1	Babbacombe Downs	St Marychurch & District
TLGSM2	Brunel Manor Gardens & Grounds	St Marychurch & District
TLGSM3	Cary Park	St Marychurch & District
TLGSM4	Easterfield Playing Fields	St Marychurch & District
TLGSM5	Glen Sannox Memorial Gardens	St Marychurch & District

TLGSM6	Hartop Road Allotments	St Marychurch & District
TLGSM7	Haytor Park	St Marychurch & District
TLGSM8	The Fields	St Marychurch & District
TLGSM9	Maidencombe Community Orchard	St Marychurch & District
TLGSM10	Maidencombe Village Green	St Marychurch & District
TLGSM11	Millenium Copse	St Marychurch & District
TLGSM12	Petitor Downs	St Marychurch & District
TLGSM13	Quinta Road Allotments	St Marychurch & District
TLGSM14	Quinta Road School Playing Fields	St Marychurch & District
TLGSM15	Plainmoor Recreation Ground	St Marychurch & District
TLGSM16	Tessier Gardens	St Marychurch & District
TLGSM17	The Grove	St Marychurch & District
TLGSM18	King George V Memorial Playing Fields	St Marychurch & District
TLGSM19	The Rose Garden	St Marychurch & District
TLGSM20	Valley of the Rocks	St Marychurch & District
TLGSM21	Walls Hill	St Marychurch & District
TLGSM22	Walls Hill Slopes	St Marychurch & District

TLGSM23	William's Field	St Marychurch & District
TLGSS1	Cadewell Park Green	Shiphay & Willows
TLGSS2	Darwin Park	Shiphay & Willows
TLGSS3	Ellacombe Plantation	Shiphay & Willows
TLGSS4	Exe Hill Green Space & Playground	Shiphay & Willows
TLGSS5	Furzebrake Plantation	Shiphay & Willows
TLGSS6	Green Space at Newton Road	Shiphay & Willows
TLGSS7	Huntacott Way Green Space & Playground	Shiphay & Willows
TLGSS8	Kitson Park	Shiphay & Willows
TLGSS9	Lindisfarne Park	Shiphay & Willows
TLGSS10	Lloyd Avenue Village Green	Shiphay & Willows
TLGSS11	Montserrat Rise, Barton/Willows	Shiphay & Willows
TLGSS12	Riviera Way Woodland	Shiphay & Willows
TLGSS13	Shiphay Park	Shiphay & Willows
TLGSS14	South Parks Allotments	Shiphay & Willows
TLGSS15	Beechfield Allotments	Shiphay & Willows
TLGST1	Cary Green	Torquay Town Centre
TLGST2	Promenade; Princess Gardens & the Sunken Gardens	Torquay Town Centre
TLGST3	Royal Terrace Gardens (Rock Walk)	Torquay Town Centre
TLGST4	Abbey Park and Meadows	Torquay Town Centre
TLGST5	Old Maids Perch	Torquay Town Centre
TLGSTU1	Brunswick Square	Torre & Upton
TLGSTU2	Chapel Woods	Torre & Upton
TLGSTU3	Memorial Gardens	Torre & Upton
TLGSTU4	Parkfield Road Gardens	Torre & Upton

TLGSTU5	Stantaway Hill & Allotments	Torre & Upton
TLGSTU6	Torre Churchyard	Torre & Upton
TLGSTU7	Upton Park	Torre & Upton
TLGSW1	Daddyhole Plain	Wellswood & Torwood
TLGSW2	Ilsham Valley	Wellswood & Torwood
TLGSW3	Lincombe Woods	Wellswood & Torwood
TLGSW4	Manor Gardens	Wellswood & Torwood
TLGSW5	St Johns Wood	Wellswood & Torwood
TLGSW6	Stoodley Knowle Meadow	Wellswood & Torwood
TLGSW7	Thatcher Pines & Thatcher Point	Wellswood & Torwood
TLGSW8	Torwood Gardens	Wellswood & Torwood
TLGSW9	Wellswood Green	Wellswood & Torwood

## **Green Infrastructure**

People want to live, work and visit attractive places and the Bay's identity is its natural setting and stunning coastal environment. It is important with the increasing pressures that are being placed on Torbay's green infrastructure, that these qualities are not compromised. The value of green infrastructure, for the health of Torbay, needs to be acknowledged and measures put in place for long term investment. The economic regeneration of the Bay needs to consider green infrastructure alongside the built environment; only then can sustainable communities be created for the future.

### COMMUNITY ASPIRATION

The Neighbourhood Forum would like to highlight the importance to the community of the Torbay Green Infrastructure Delivery Plan 2010 and would like to see its provisions taken into account wherever possible.

The diversity of landscapes in Torquay is striking, whether it is the rugged coastlines of rocky cliffs and sweeping bays, secluded valleys such as Cockington and Maidencombe, rolling hills of traditionally managed farmland, or its rich historic character. Torquay contains a number of valuable landscapes which have been designated in recognition of their international, national and local significance, in particular the approval of the whole area as a UNESCO Global Geopark, one of only 120 in the world. The Geopark provides a tool for promoting the area's geology and natural resources through education, and supporting the sustainable economic development of the area, especially through tourism.

Just as it is necessary to strategically plan and deliver roads, utilities and drainage, it is also important to plan strategically in order to deliver a healthy natural environment. Both require the same level of attention. A Green Infrastructure network is made up of interconnected open spaces that provide multiple environmental, economic and social benefits, linked together throughout the urban landscape and out to the wider countryside, coast and sea. These spaces provide a mix of functions including recreation, sustainable transport, education, wildlife habitat, flood risk management, local food production, energy production and ecosystem services. Often these functions are overlapping, for example woodland can be a recreational asset, a wildlife habitat, a landscape feature and a fuel supply all at once.

## Parks, woodlands and green spaces

Our parks and green spaces are rightly valued as amongst our most precious assets.

### COMMUNITY ASPIRATION

The Community would like to see the following:

- Improve the appearance of green space.
- Improve accessibility, especially for the disabled.
- Challenge people's perceptions of green spaces so they are seen as areas to value, visit and use more often.
- Improve facilities that support recreation.
- Increase numbers of sustainable events/entertainments where this does not adversely affect the quality of life of the surrounding community.
- Develop opportunities for using green spaces for learning.
- Promote and protecting the heritage assets of Torquay's green spaces.
- Promote green spaces as drivers for economic activity while protecting them.
- Develop opportunities for using green spaces for appropriate sporting activities thus contributing to peoples' health and wellbeing.
- Recognise, protect and enhance the biodiversity value of green space.
- Encourage children to play and be active

By rising to meet these challenges, we will enhance biodiversity and landscape character, improve economic prosperity and support regeneration of the Bay, benefit people and create healthy communities, adapt to climate change support a low carbon economy and safeguard our ecosystems.

A co-ordinated approach needs to be taken by all agencies to promote green tourism, and to increase and enhance the maritime offer for both residents and visitors. The number of sea based activities has declined in recent years, so there are many opportunities for businesses to be encouraged, making sure that there

are no threats to the actual environment. Tor Bay is now designated a Marine Conservation Zone, and not enough is currently being done to inform the public about this, either through education in our schools, or through tourist information.

Maintaining the health of the environment provides a wealth of benefits which strengthen the economy and aid regeneration by offering more jobs, reduced need for healthcare, pride of place, improved tourism offer, better adaptation for climate change and increased property values. Outdoor education is an important part of a child's development and Green Infrastructure provides access to open air classrooms and opportunities to explore nature first hand.

Our climate is changing and it is now established that we need to adapt in response. Green Infrastructure offers mechanisms to limit the effects of climate change by, for example, reducing the threat of flooding through incorporating Sustainable Urban Drainage Systems in new developments and restoring wetlands and ponds, which will store run-off. The cycle network being created across Torbay will reduce the need to use cars and provides sustainable transport links. A good network of urban trees and woodlands reduces the urban heat island effect and also provides shelter and insulation from cold temperatures, reducing the need for air conditioning in summer time and heating in winter, as well as cleaning the air that we breathe.

Our Plan wishes to protect established woodland, link green corridors and increase net tree planting. Torbay is a critical drainage area and established woodland and tree planting is known to reduce runoff and consequently reduce flood risk.

### **Policy TE3 Development on Established Woodland**

Development on established woodland will not be supported unless it is related to the sustainable management of that woodland and/or improved public access.

Inappropriate tree species within domestic gardens or roadside locations can become a nuisance if left to outgrow the space and can lead to degradation in the quality of life of residents. A flexible approach to tree protection can enhance the number and diversity of tree planting while allowing mistakes to be corrected.

Torquay is a largely urban area surrounded by countryside and coastline. New large scale developments are on Greenfield sites that are close to countryside or coast.

To help protect the environment and promote access for wildlife to pockets of habitat the following policy supports the linking of existing areas of green space, woodland and hedgerows when greenfield development takes place.

#### **Policy TE4 - Green Corridors**

Greenfield development should, where deliverable and viable, support the provision and/or enhancement of green infrastructure through the provision of green corridors and/or links to existing green infrastructure, to facilitate the natural movement of wildlife.

## **Protected Species and biodiversity**

All protected species under National and European Law must be protected from development that adversely has a negative impact on them. It is also important to ensure biodiversity is not lost

The Habitats Regulations Assessment for our Plan identifies Torquay as outside of the South Hams SAC sustenance zone for Greater Horseshoe bats; however there are two flyway ends; one at Sladnor Park and the other at Edginswell Future Growth Area.

It is unlikely development in the built up area of Torquay would have effect on the integrity of the SAC through an effect on the defined sustenance zone itself.

There is a possibility of disturbance of flyways at Edginswell Future Growth Area and at Sladnor Park. Greater horseshoe bats are particularly light sensitive and tend to avoid areas that are subject to artificial illumination. Increased lighting used for new developments, recreation and crime prevention in areas used by the bats would have a significant impact.

The Local Plan identifies a landscape buffer zone would be required along the western edge of the Future Growth Area between any future built development and the A 380 and the protection of hedgerows. This would retain and create connective corridors. A similar approach of suitable buffer zones and protection of sustenance and roosts at Sladnor Park would help protect the colony.

The area around Maidencombe is already recognised as a protected area for the European protected Cirl Buntings and therefore special measures should be in place to protect their nesting and sustenance zones.

Provision of such protection would be consistent with and support the Local Plan Policy NC1 while NPPF 27/119 States that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

**Policy TE5 - Protected species habitats and biodiversity**

Considering all stages of the construction process, the development of new homes, or a new commercial property or business premises of any class, on an unallocated site that could have an impact on a protected species or habitat must provide, as appropriate, an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

**Policy TE6 - European Protected species on specified sites**

Considering all stages of the construction process, all development within the Paiginswell Future Growth Area or the Maidencombe area (including Sladnor Park) must have a Habitats Regulations Assessment as appropriate and be compatible with ecological requirements set out in the Habitats Regulations.

The *Torquay Neighbourhood Plan Habitats Regulations Assessment* sets out an assessment of housing and employment sites in the context of potential impacts on European protected species covered by the Habitats Regulations. A range of ecological and mitigation considerations are identified within this document relating and relevant to a number of sites allocated for development within this plan.

**Marine Environment Planning**

The marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water spring mark, which includes the tidal extent of any rivers. There could therefore be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Beyond activities based at sea or on the coast, marine plans also apply where an authorised land-based activity may have an impact on these areas. Marine plans will inform and guide decision makers on development in marine and coastal areas.

**Policy TE7 - Marine Management Planning**

Development proposals on land adjacent to the coastline will be supported where do not have an adverse effect on a marine policy or management plan.

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# Health and Wellbeing

The concept of 'healthy urban planning' is being promoted by the World Health Organisation to draw attention to the need for planners, public health professionals and others to work together to plan places that foster health and well-being.

Physical activity, especially walking, has many important health benefits for older adults and the built environment plays a crucial role in encouraging healthy activity for this growing segment of the population. Current UK estimates from the Office of National Statistics (ONS 2011) see the proportion of over 60s rising from 23% to 31% by 2058. Torbay already has an over 60s population which exceeds the 2058 ONS national estimates with 31.4% of its population currently over the age of 60 (2011 census) – placing Torbay 45 years ahead of the rest of the country.

Torbay has the potential to act as a leading example of how the design of buildings and public spaces can facilitate beneficial activity for its ageing population as well as improving the health of the wider community. The comprehensive review of Torquay Town Centre through the Master Planning process and planned growth within Torquay offers a unique opportunity to integrate design guidelines which encourage healthy behaviour and increase accessibility, not just for older adults, but for all residents and visitors no matter what age or ability.

## **Walking, cycling and public transport environment**

This plan encourages development proposals which bring together a range of principles resulting in a reduction in the environmental effects of traffic on the health of local people.

### COMMUNITY ASPIRATION

The community would like to see and where possible, encourage the following:

- Provide joined up routes for walking, cycling and public transport across Torquay and ensure new developments are fully integrated to existing networks.
- Manage vehicular parking and speeds to promote safer communities including the use of mandatory 20mph speed restrictions and resident only parking restrictions.
- Encourage walking and cycling to schools by suitable parking arrangements, controlled crossings and mandatory speed limits for key walking and cycling routes.

### COMMUNITY ASPIRATION

The community would like to encourage and enable more journeys to be undertaken in the town by walking, cycling or public transport by:

- Encouraging walking and cycling by ensuring all light controlled junctions and major intersections are appropriate for safe pedestrian and cycle use.
- Ensuring key community walking and cycling routes are well lit and designed to be safe
- Creating safe and secure layouts that minimise conflicts between traffic and cyclists
- Ensuring isolated communities and later life homes are served by a sustainable public transport route that links to major public transport routes and essential community hub facilities.
- Promoting sustainable public travel methods to dissuade the use of private cars

- Ensuring existing transport infrastructure, such as rail and bus services are integrated effectively and are sustainable.

**COMMUNITY ASPIRATION**

The community would like the development of new or expanded schools to include requirements for controlled crossings and mandatory 20mph speed limits for all key walking routes adjacent to the school and the area Ward Councillors to be consulted on new and revised Travel Plans

**Policy THW1: Travel Plans**

To encourage improved health and wellbeing from school developments, Travel Plans for new or expanded schools must include proposals consulted with the local Ward Councillors that demonstrate how the Travel Plans will provide safe and effective routes of benefit to staff, parents, pupils and all other route users.

**Open spaces, recreation and play**

**COMMUNITY ASPIRATION**

The community would like to see and will seek to encourage the use of open space for recreation and play being promoted by the following principles:

Retain existing open spaces, sports and recreational facilities and resist their loss without approval from the local Community Partnership.

Require high-quality public spaces and encourage active and continual use of public areas. Connect places with each other and make moving through them easy.

Ensure open spaces cater for a range of users with multiple social, health and environmental benefits.

Ensure play spaces are easy and safe to get to by sustainable transport, and well over-looked to ensure safety.

Ensure schools have adequately sized open spaces, including playing fields and opportunities for food growing.

Provide a range of sports and leisure facilities and pitches designed and maintained for use by the whole community.

Provide a wide range of high-quality play opportunities and experiences integrated into residential areas.

**Growing food in the community**

The following policy ensures opportunities are provided for households to have access to space to grow food on allotments. There is a high demand for allotments and the policy below supports their retention. The policy also protects high quality agricultural land.

**Policy THW2: Change of use of allotments and retention of food production areas**

The change of use of existing allotments and non-agricultural development on high quality agricultural land (unless allocated) will not be supported.

**New Developments - community facilities**

Community facilities (for instance, typically a Doctor’s surgery, a pharmacy, post office facilities, convenience food retail, convenience food retail and public transport) for new major developments promote a sense of community and improve the quality of life of residents.

### **Policy THW3: Community Facilities**

To contribute to sustainable development, where major residential developments of more than 20 units are proposed, they will be supported where they will be served within a reasonable walking distance by a range of community facilities.

The greater the number and variety of facilities, the greater the support which will be provided.

### **Public Rights of way**

We wish to see our public rights of way and public access are protected.

#### COMMUNITY ASPIRATION

A public right of way should be closed without the express consent of the local Community Partnership.

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### **Access to outside space**

Many new homes in Torquay have been conversions of large properties in to small poor quality living spaces without access to outside space. A key principle of our Plan requires new housing developments to include adequate outdoor space, such as a front or back gardens or balconies.

### **Policy THW4: Outside space provision**

All new houses shall have not less than 20 sqm of outside space (excluding space for cars or parking) and must have garden areas with not less than 10 sqm of space suitable for growing plants or the equivalent allocated communal growing

space within an easy walk. Flats or apartments must have either a balcony of not less than 10 sqm and as appropriate to the size of the home or a communal green area of not less than 10 sqm per unit within the curtilage of the property.

Where there are compelling opportunities to enhance nearby spaces that can be served by the new development, in lieu of providing sufficient open space within the development site, this will be considered on its individual merits on a case-by-case basis.

### **Sustainable Transport**

To promote reducing the reliance on cars the Plan requires major housing developments and purpose built employment space to be within easy walking distance of a sustainable transport route.

### **Policy THW5: Access to sustainable transport**

To encourage use of sustainable forms of transport, new development proposals will be supported where they are located on or near to public transport routes wherever possible and appropriate.

To ensure cycling to work is encouraged to reduce traffic issues and promote health the following policy makes it mandatory for basic cyclist friendly facilities for new employment space.

### **Policy THW6: Cycle storage and changing facilities**

The provision of secure cycle storage and showers for staff as part of employment development, will be supported.

# Sport and Leisure

Sports and Leisure facilities form an essential adjunct to a Health and Wellbeing strategy.

Many sports facilities are shared with the other towns that form Torbay and will not be appropriate for Torquay to provide independent facilities for all sports.

Torquay has many sports clubs covering a wide range of sports activities including unusually, alpine skiing. Some clubs struggle with sustainability as sometimes numbers of good facilities are limited or the size of the club is too small. Club facilities are vital to a vibrant sports offering. Our Plan promotes cooperation between clubs across Torquay (and Torbay) to provide improved investment in facilities to regional or national standards within Torbay that can host at least county events. These facilities will also support Tourism through increased visitor days.

## COMMUNITY ASPIRATION

We would like the Council to provide long term leases to Clubs at nominal rent so that they are in a position to improve those facilities by grant application and long term investment.

## COMMUNITY ASPIRATION

The community would like to see Clubs working together to ensure their sustainability.

## Sports and Leisure Facilities

### Swimming

The swimming facilities in Torquay (and Torbay) are inadequate for clubs: the public pools in Torquay and Brixham have too few lanes for adequate training and without spectator space for galas; while Paignton has a pool with good spectator space and number of lanes but a non-standard length (33m) making it unsuitable for inter club galas.

### COMMUNITY ASPIRATION

The Community would like there to be a single, fit for purpose swimming venue in Torquay or Torbay to cater for club swimmers and regional galas consisting 8 lanes, 25m length with c. 100 person spectator spaces. A modification to the Paignton pool to reduce the usable length to 25m could provide an interim step.

### Alpine Skiing

Torquay has the first Alpine dry ski slope ever built in the UK and the Torbay Alpine Ski Club has been operating on the site since 1966. It continues as a well-used facility that provides open ski sessions, ski lessons and club tuition for skiers to national standard. It is a valuable asset for Torbay. In compliance with SC" of the Local Plan the following policy protects this facility

### **Policy TSL1: Alpine Ski Facility**

The loss of the Alpine Ski Facility will not be supported unless the facility is re-provided to the same, or a better standard, in any equally accessible location elsewhere in the Neighbourhood Area.

## Athletics

### COMMUNITY ASPIRATION

The Community would like there to be a regional standard athletics track at Nightingale Park at the Willows or in an equivalent accessible location elsewhere.

### Policy TSL2: Sport and Leisure – Nightingale Park

The provision of new community sports, leisure and recreation facilities will be encouraged at Nightingale Park that also take into account the environmental quality of the existing park.

## Football, cricket and rugby

### COMMUNITY ASPIRATION

We wish to see our Clubs embedded in the community, working together and aspire to regional significance

## Angling

Torquay has no major rivers or lakes within its boundary but relies on lakes in the surrounding area for fresh water angling.

Torbay is now a Marine Protection Zone and the benefits to fish populations should enhance the quality of sea angling options in Torquay.

### COMMUNITY ASPIRATION

The Community would like the Council to provide facilities and access to angling spots in conjunction with local clubs.

## Cycling and skateboarding

A range of cycling routes and options are supported for Torquay including BMX, family and off road.

### COMMUNITY ASPIRATION

The Community would like there to be a new, purpose-built skate board park and BMX track that would be an important new facility for young people located in an accessible location and existing facilities to be maintained to a safe standard

## Golf

Torquay has one golf course which also has public access.

### COMMUNITY ASPIRATION

The Community would like there to be at least one good quality sustainable public access golf course accessible to Torquay; horse riding opportunities in Torquay's countryside; sufficient public hire tennis courts; and support for the provision of a modern well equipped range of water sport opportunities.

### COMMUNITY ASPIRATION

We would like to see the Council ensure appropriate locations for water supports are designated that are harmonious with other users and integrated within the Tourism provision.

## **Protection of existing sports grounds and leisure facilities**

Torquay Sports Cluster incorporating Cricketfield Road, Torquay Academy, Windmill Hill, The Acorn Centre and Barton Downs shall be prioritised as areas to develop a sustainable cluster for sports facilities.

Upton Park is a key park that serves the Torre, Upton and town centre areas and the existing plans to invest in the park as a Town Park with improved court facilities such as tennis and netball are supported.

Torquay Valley of Sport incorporates the area that includes the Bowling Green, Rugby/Cricket Club/Torquay Recreational Ground, Torre Valley South and Torre Valley North.

### **Planning Policy TSL3: Sport and Leisure – Sports Grounds and Facilities**

The loss of the sports and recreational facilities at Torquay Valley of Sport, Torquay Sports Cluster and Upton Park (as shown on the Policies Maps) and/or the loss of any other existing playing or sports field will not be supported, unless replaced by equal or better facilities in equally or more easily accessible locations in the Neighbourhood Area.

# Transport

This plan brings together a range of transport projects that aim to reduce traffic and promote the use of public transport. Their implementation has already begun by the Council and partners. This Plan provides an expression of projects which are supported by the community and have been highlighted during the neighbourhood planning process.

## Transport and education needs for major new developments

A major cause of congestion during peak times is the use of cars for school journeys. Major new developments of family homes should therefore be within walking distance of primary schools.

### **Policy TTR1: Access to primary schools**

Major residential developments of more than 20 units will not be supported if there are insufficient existing Primary School places to meet reasonable predicted demand from the types of homes proposed within reasonable walking distance of that development; or there are adequate plans in place to accommodate future growth in primary school places arising as a result of development.

The following policy supports the development of low carbon sustainable communities by ensuring major Greenfield developments are located close to employment opportunities.

### **Policy TTR2: Sustainable Communities**

To encourage reduction in the need to travel, support will be given wherever possible to development proposals that minimise the distance between homes and places of work, education, recreation and shopping.

## Traffic in and around Torquay

It was claimed that 'the best view of Torquay was seen as you leave'. The new traffic route is more direct and makes the best impression when entering the town centre. The Neighbourhood Forum promoted the new route reversing the flow of traffic through Torre and this is now being implemented by the Council.

### COMMUNITY ASPIRATION

The community would like to see the following:

- Clearer signage for entry into Torquay - one way traffic to flow through Torre (past Post Office) straight down to Castle Circus.
- Exit from Torquay - one way traffic to flow via Abbey Road, Tor Hill Road and East Street to Newton Road. Two way traffic around Town Hall in Castle Circus, Lymington Road and Trematon Avenue.
- A review of the traffic light system on Newton Road and better interconnection between the trading estates.
- Coach Terminus to be relocated to Torquay Rail Station with parking at Sheddon Hill car park.
- Union Street through to GPO island to become a multi-user pedestrian area. Market Street, Pimlico, Lower Union Street and Temperance Street to be included.
- Fleet Street - pedestrian access across Cary Parade and Palk St to be improved. Further public consultation will be required if Fleet Street becomes bus free.
- Harbour area to become semi-pedestrian - will support the development of the area in line with the Tourism Strategy.
- Strand bus stops/taxi ranks to be moved to other areas such as the current bus stops adjacent to Princess Gardens.
- Key tourist and retail crossing routes should optimise the flow for pedestrians and road users through choice of appropriate crossing arrangements

## Signage

Signage and wayfinding is critical to helping move people around the town.

### COMMUNITY ASPIRATION

The community would like to see:

- Clearer signage for entry into and exit from Torquay Town Centre.
- Change priority at the junction of Union Street and Castle Circus to allow priority for vehicles entering the town.
- Sign post established tourism accommodation areas and shopping areas

## Harbour Area

The Harbour area and the Strand should be developed as Torquay's main tourist area and also a recreational area for residents.

Currently this area is used as a terminus and stopping place for up to 15 buses and includes a taxi rank. To improve the area bus stops should be relocated to an alternative location. Torbay Road/Princess gardens already have bus stops and shelters as part of the current bus routes to harbour area. Proposed changes would allow buses to turn around at the Pavilion Island on Cary Parade.

### COMMUNITY ASPIRATION

The community would like to see:

- The Strand/Harbour side to be pedestrian friendly with the exclusion of bus stops and taxi/car parking from the area; development of this area could then be based on a cafe culture style and used as a recreational space
- Fleet Street to be pedestrianised with buses excluded

- The main bus terminus to be moved to other areas such as Babbacombe Road, Torbay Road/Princess Gardens, Lower Union Street or Pimlico
- Taxi ranks to be moved to other areas such as Torbay Road/adjacent to Carey Green (existing), Lower Union Street or Pimlico.

Traffic route for buses in/out of 'town centre'

The following aspiration identifies an alternative route for buses.

### COMMUNITY ASPIRATION

The community would like to see:

- Cars and Buses to/from Babbacombe/Vane Hill could still be able to travel through Cary Parade to the Strand to access stopping places along Babbacombe Road and Torbay Road.
- Buses from Paignton and Brixham to Newton Abbot could travel along Torbay Road as far as Pavilion island then return down Torbay Road (possible terminus) to Sheddon Hill, Abbey Road, (possible loop around Town Hall), Torhill Road, Newton Road
- Buses travelling South could go via Union Street, Pimlico, Abbey Road, Sheddon Hill to Torbay Road (north via a new roundabout in place of traffic lights) and turn at the Pavilion roundabout.

## Community bus routes

### COMMUNITY ASPIRATION

The community would like to see the routes of buses that service unconnected and isolated communities, mostly in hilly terrain being maintained. These are bus services on less profitable routes that are vital in the prevention of isolation for vulnerable older and less able residents who live in areas of Torquay where the local terrain can be difficult or far away from a main route.

## **Highway and transport considerations for gateway area at Edginswell**

A potentially significant issue for the Gateway is the fact that the A380 Riviera Way and Newton Road acts as the main connection to the Willows, Edginswell Business Park, Broomhill Way, Wren Park, Woodlands, Torre Station area and the Asda Store. This therefore means a vehicle journey is required to move from one to another creating increased traffic on the main route into Torquay. Site principles should include pedestrian, cycle, and vehicular connections to adjoining sites.

There is concern that with the new Link Road there will be greater traffic congestion on Riviera Way and Newton Road from the South Devon Highway junction right through to Torre Station.

### COMMUNITY ASPIRATION

The community would like to see actions that encourage:

- Maximise the traffic flow through the traffic light controlled junctions on Newton Road.
- Improve lane markings to maximise traffic flow through junctions
- Use intelligent light controls to maximise flow at junctions

### COMMUNITY ASPIRATION

The community supports the proposed new rail station at Edginswell but without general parking as this is deemed unnecessary in this location due to close proximity to the Hospital, retail areas and Future Growth Area.

### COMMUNITY ASPIRATION Park and Ride

The community supports a Park and Ride facility serving Torquay and Paignton at Gallows Gate; the location could also support a helipad facility subject to material planning considerations

## **Air quality**

The Hele area is designated an Air Quality Management Area (AQMA). To improve the quality of life for the community the following aspiration should be noted:

### COMMUNITY ASPIRATION

The community would like to see the Hele Road area being the subject of a joint community and Council working party to examine, agree and implement an action plan to reduce the pollution arising from vehicular traffic to a reasonable level.

# Appendix A – Community Aspirations and Statements

## Introduction

Note regarding the status of this Appendix within the Torquay Neighbourhood Plan:

The following statements are not planning policies and are separate to the main part of the Torquay Neighbourhood Plan. This Appendix as whole has no land use planning policy status (it will not be used to decide planning applications) but contains ideas, proposals and initiatives captured as part of the production of the Torquay Neighbourhood Plan. The whole of this Appendix, including all the Community Aspirations in their entirety, should be viewed as ideas (not commitments) formed through community engagement and put forward by Community Partnerships.

This Neighbourhood Plan contains a clear vision, objectives and a series of policies that focus on Torquay, the successful delivery of which during the plan period, will achieve the collective community's vision for the town.

This Plan also recognises that Torquay is made up of a number of distinct communities which have come together to create nine strong Community Partnerships.

The following statements have been produced by each local Community Partnership and support the overall development of Torquay while reflecting the local needs within each Community Partnership area.

Each statement sets out a description of the area, Community Aspirations and suggests opportunities for action.

### Community Infrastructure Levy

Once this plan comes into force, 25% of developer financial contributions (Community Infrastructure Levy) from developments within Torquay must be spent by the Council in line with the wishes of the local community (as mandated by Central Government).

The Community Partnership Statements identify a number of projects in each area. It is our expectation that CIL funding will be spent on projects identified, agreed and prioritised by the Community Partnerships.

#### **COMMUNITY ASPIRATION: Community Infrastructure Levy (CIL)**

The community would like to see the neighbourhood portion of the CIL spent on projects and priorities identified by and in agreement with the Community Partnerships. Although the current community projects and priorities are identified within this Plan, they are subject to change over the Plan period.

### Universal Projects for all Community Partnership areas

Universal projects to be supported through the CIL funding have been identified for all Community Partnership areas to assure the safety of parents and children within our communities when travelling to/from school/other recreational areas and to improve play equipment for children.

**COMMUNITY ASPIRATION: Safe routes to schools**

The community would like to see all schools should be provided with enforceable 20 mph zones around the site, controlled crossings on roads within 100m of school for key routes on busy roads to school and enforceable safe drop off /pick up zones for parents with cars.

**COMMUNITY ASPIRATION: Other safe routes**

The community would like to see improved footpaths and road environments to give safe pedestrian and cycle routes to beaches, recreational areas and public places.

**COMMUNITY ASPIRATION: Children’s play equipment**

The community support a range of children’s play equipment in appropriate green spaces across the area.

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**Art and Culture**

**COMMUNITY statement for Arts and Culture**

Artists have been involved in the life of Torquay for centuries; whether its mason’s carving ornate stone for its buildings, painters and sculptors capturing the town, its people and coastline, musicians playing in the harbour, a performance in the theatre or simply someone photographing a view. Art enhances the quality and richness of the town and is an integral part of its cultural wellbeing.

These policies aim to promote and support economic, environmental and social development by attracting tourists and business, by enhancing the design of the buildings and spaces and by encouraging pride in the town.

The outcomes, support, material and narrative of public art can vary considerably. However, the consistent quality of public art is that it is site specific and relates to the town and the bay. It may include new buildings, architectural features and spaces, landscaping, materials, sculpture, landmarks, images, events and decoration. It may be small or large scale, permanent or temporary, internal or external.

It is also recognised that art and culture are major contributors to education, health and social well-being. The National Planning Policy Framework (NPPF) also promotes this approach: ‘take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.’ (Paragraph 17)

The new Torbay Local Plan (2012 – 2030) includes *Aspiration 4: Create more sustainable communities and better places*. One of the objectives states: ‘To create more enjoyable, creative built and natural environment using heritage assets, public art and revitalisation of the public spaces to attract events, exhibitions and festivals which celebrate and enhance the culture of Torbay.’

Also, reference is made more specifically in the Town Centre CP submission: ‘The use of heritage assets, public art and public space, events, exhibitions and festivals to provide more enjoyable, creative environment in town centres.’

The following key aspirations would help establish Torquay as a major cultural destination and inspirational place for people to live, work and visit. Therefore the community would like to work towards and see:

**COMMUNITY ASPIRATION: Arts activity**

Support, develop and fund opportunities for the people of Torquay to take part in and experience a wide range of arts activity and to share in the social, economic and environmental benefits the arts can bring.  
Support the development of an environment where artists can flourish.

**COMMUNITY ASPIRATION: Dedicated places**

The community would like to see a dedicated art and cultural hub should be provided in the town. Indoor and outdoor space should be provided throughout Torquay for cultural and art projects to inspire, engage and encourage residents and visitors.

**COMMUNITY ASPIRATION: Offering support, guidance and incentives**

Support, guide and fund local initiatives, including art markets, pop ups, art trails, performance, street theatre and visual displays.  
Incentives should be offered to businesses to become patrons and mentors for local artists through an 'Art for Rent Scheme'. Space should be provided in business premises for the placement of art in order to support the gallery and artist.

**COMMUNITY ASPIRATION: Heritage and Cultural Assets**

Promote Torquay's heritage by encouraging the positive use of buildings and spaces, and by recognising places valued by the community.

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## Barton & Watcombe Community Partnership

*Objective – To develop opportunities to tackle child poverty and isolation amongst older people in the Community*

### About the area

Historically the area is best known for Watcombe Pottery, established in 1869 and producing fine pottery until its closure in 1962.

At the northern edge of the area lies Brunel Manor, built by the great Victorian engineer to be his retirement home. Sadly, this was not to be since he died before it was completed, but it remains a fine example of Brunel's architectural flamboyance.

A local Community centre lies near the top of Barton Hill Road, and smaller neighbourhood centres at Fore Street, Barton and Moor Lane, Watcombe. Community facilities (one primary and two special schools, open spaces) are scattered across the area – there is no single clear focal point

The Barton and Watcombe area includes substantial areas of relative deprivation, largely made up of former council housing, alongside more affluent suburban areas. The latter parts mask some of the deeply embedded social needs of the area as a whole. The local community hopes that this plan will help to secure greater recognition of the issues that challenge our community and help to release funding to tackle them.



## Community Aspirations

The community would like to see and where possible will work towards the following:

**COMMUNITY ASPIRATION** All parks and public access green spaces should be protected from development

**COMMUNITY ASPIRATION** – Continue to improve play facilities in the area

**COMMUNITY ASPIRATION** – Improve highways to ensure safe traffic flows, improved parking and the consideration of a 20mph limit in residential areas

**COMMUNITY ASPIRATION** – Use empty buildings to drive employment opportunities

**COMMUNITY ASPIRATION** - Improve local employment opportunities such as Brunel Industrial Estate, Woodlands Trading Estate and Lummaton Quarry

**COMMUNITY ASPIRATION** – Prioritise bringing empty homes back into use

**COMMUNITY ASPIRATION** – Raise the standards of housing in both the private and social sectors

**COMMUNITY ASPIRATION** – All future development should promote community safety, and particularly reduces antisocial behaviour, the fear of crime and conflict within the built environment in the area

**COMMUNITY ASPIRATION** – Pursue Community Investment Area

## Projects

The community would like to see and where possible will work towards the following:

- Sustain the Acorn Sports and Community Centre and ensure its continued support to the community
- Support to the Medway Centre
- Enhance the Wood End Project site
- Improve community use of Brunel Woods
- Improve Steps Cross playing field for Peninsular League standard football with dual use for local schools
- Develop bus links to St Marychurch to access public and retail services
- Section 215 notices to be used to tackle untidy land/buildings which are negatively affecting the amenity of the area
- Ensure there is support in the community for those most vulnerable eg via a Street Warden scheme
- Support initiatives to reduce Child Poverty in the area
- Support initiatives to reduce isolation amongst older people in the area
- Support initiatives to reduce worklessness in the area
- Work in partnership with local employers to create training opportunities for local young people

## Cockington, Chelston and Livermead Community Partnership

**Objective – To preserve what is great about our area by protecting our countryside and green spaces while making improvements to our communities' quality of life through community cohesion and the built environment**

### Description of the area

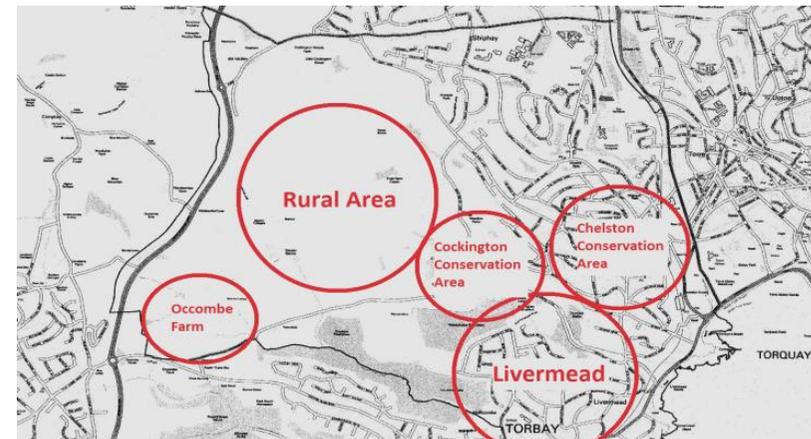
The area is made up of two distinct parts. Cockington and Stantor Barton retain their ancient manor house, estate village, farms and woodland and is designated 'Countryside'; while the other area is largely completely developed for housing. Much of Chelston is made up of Victorian villas, houses and terraces; more modern mid-20<sup>th</sup> century housing predominates in Livermead; while upper Chelston has a significant area of social or former social housing. Most of Victorian Chelston and Cockington Village are Conservation Areas.

Community facilities are located in the local centres at Old Mill Road and Walnut Road, Chelston and the smaller neighbourhood centres at Queensway and Sherwell Valley Road, Chelston and Roundhill Road, Livermead. Two secondary and four primary schools also lie within the area, along with a significant number and variety of green spaces for recreation and sport, several visitor attractions (Cockington Country Park and Ocombe Country Park) and accessible beaches at Hollicombe, Livermead and Corbyn Head.

### Community Aspirations

#### Community Support

We wish to have resilient communities that are well informed, engaged and enjoy an improving quality of life.





### COMMUNITY ASPRATION

The community would like to see the following:

- Create and develop two sustainable Community Hubs in Lower Chelston/Old Mill Road area and Queensway to provide a range of community support services and activities prioritising, but not limited to, the vulnerable, young and older residents.
- Maintain effective communications and organisations to ensure the Community is kept informed and given the opportunity to influence decision making on matters affecting them.
- Support the retention of all pubs and post offices in our area by designating them Assets of Community Value
- Support for the enforcement of Conservation Management Plans

### Planning and Development

We wish to maintain a diverse mix of housing with a focus on family homes by promoting small scale infill, change of use and brownfield development.

### COMMUNITY ASPIRATION

The community supports the maintenance of a sustainable mix of shopping and service facilities at existing local and neighbourhood centres.

We support the provision of good quality employment and commercial development to meet the needs of growing businesses and those looking to relocate to Torquay.

### The protection of our Environment

#### COMMUNITY ASPIRATION

We wish to see all our green spaces used by and cherished by our community protected from green field development.

Visitor attraction areas the Country Parks at Ocombe and Cockington (including the Village) and the Stanton Barton Countryside area (excluding any proposal for Gallows Gate park as a park and ride facility) are important rural recreational, food production areas and should be protected from any greenfield housing or commercial developments.

The field off Broadley Drive had been a suggested development site within the Torbay Local Plan. The site has special importance to local residents and has been rejected as a development site within this Plan because it is a highly visible site from the Countryside and the skyline from the coast and forms an important green link between established woodland wildlife areas of Scadson Woods/Ocombe and Cockington Country Park.

The former gas works operational site now a community park has been capped with clean soil but still contains high levels of toxins that could pose a serious risk to health if disturbed.

The community supports efforts to reduce traffic in Torquay through suitable park and ride facilities. Such a facility has been proposed for Gallows Gate area.

## Cockington Village and the rural countryside areas

Cockington consisting Cockington Village, Cockington Court and Cockington Country Park is a day time attraction for visitors and we wish to prevent changes that promote evening and night-time operations as this would destroy its unique character and further harm the residents' quality of life.

### COMMUNITY ASPIRATION

Cockington Country Park should be accredited with Natural England as a formal Country Park and be protected from:

- changes or commercial activity that would detract rather than enhance Cockington's unique rural characteristics,
  - changes that would be detrimental to the quality of life of village residents and residents of properties on the boundaries of the area,
  - changes that would significantly increase vehicle traffic through rural lanes and residential areas.
- evening or night-time entertainment or amenities for businesses should be refused.

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### COMMUNITY ASPIRATION

Quality tourism provision based on cuisine, arts/crafts, history and countryside are positively supported

### COMMUNITY ASPIRATION

Measures should be introduced for cyclists, pedestrians and horses to access the public lanes around Cockington in safety by minimising traffic volume, traffic speed and eliminating on- road parking

## Projects

- Make changes to Cockington Village centre cross roads area to improve the ambience and safety for visitors and reduce traffic issues.
- Implement 20mph speed restrictions and traffic calming measures on all roads within the village envelope, stop access by large HGV's and retain the prohibition of coaches
- Improve drainage and flood resilience to minimise flood risks for homes and businesses in Cockington Village and lower Chelston
- Create a Cockington 'gateway' when entering the village from the coast to enhance the sense of 'arrival' for visitors and an exit on departure.
- Provide each community green space with children's play equipment, benches and support to maximise the quality of life of the surrounding community
- Provide safe pedestrian and cycle access to Cockington from the seafront (main access route), Nutbush Lane and Seaway Lane areas.
- Develop community support services hubs at Queensway and Chelston.
- Ensure adequate public transport links for each community are maintained
- Improve traffic flows and safety of pedestrians and cyclists in the area and beyond by implementing the following:
  - at Torquay station – establishing a new public transport gateway for Torquay with commercial development and improved connections between all public transport services, footpaths and cycle routes.
  - at Shipway/Newton Road and Torre Abbey/Avenue Road – improve junctions to maximise traffic flow and enhance pedestrian and cyclist safety

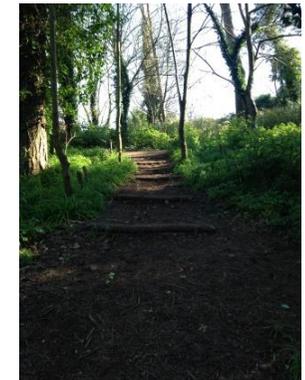
## Ellacombe Community Partnership

*Objective – To strengthen the identity of Ellacombe as a vibrant Community*

### About the area

Ellacombe takes its name from Ellacombe House which once stood at the top of Market Street. The area grew up in the 19th century, predominantly to provide housing for working people. The land was owned by Sir Lawrence Palk, who in 1867 bequeathed Ellacombe Park for public recreation and land for the Parish Church and the Primary School.

The area lies close to the town centre and is relatively tightly built-up. It relies on the town centre for many facilities. The parish church and primary school remain focal points in the community, there are a scatter of open spaces and corner shops, and a small neighbourhood centre at Hoxton Road.



## Community Aspirations

**COMMUNITY ASPIRATION** - As the area is so built up, protect and enhance all existing parks and green open areas

**COMMUNITY ASPIRATION** - Preserve the heritage and character of the area

**COMMUNITY ASPIRATION** - Protect public houses from change of use by registering them as Assets of Community Value

**COMMUNITY ASPIRATION** - Retain the Ellacombe Church site for community use

**COMMUNITY ASPIRATION** - Retain the structure of current houses and resist further conversions into flats to minimise over-crowding in the area

**COMMUNITY ASPIRATION** - Create training and employment opportunities within Ellacombe through the conversion of existing small brown field sites

**COMMUNITY ASPIRATION** - Mixed use development that enhances the retail and service quality and offer of Market Street, as a district shopping area for Ellacombe, are supported

**COMMUNITY ASPIRATION** - Retain and improve the public transport routes to other parts of Torbay

- Enhancing the Market Forum so it becomes a vibrant indoor Market for the benefit of the community
- Further improve traffic calming outside Ellacombe Academy if necessary
- Encourage superfast broadband providers to invest in Ellacombe

## Projects

- Develop the former Bowling Pavilion at the top of Ellacombe Park, Princes Road, as a Community Centre/Hub, as a focal point for the area
- Continue to enhance Warberry Copse
- Continue to improve the children's play facilities in the area

## Hele and Lower Barton Community Partnership (Hele's Angels)

**Objective – To take Community action against child poverty and social isolation and enhance educational and employment opportunities for a sustainable future**

### About the area

There is a strong sense of community in this area, even in the face of significant challenges and deprivation. The area proudly displays a Village sign and, whilst the built area does not look like a traditional village, the community is proud of its village roots.

Since Hele began to grow this has always been an area consisting predominantly of social housing. It is well served by local facilities, but they need to be better maintained and extended. The existing local facilities are; Churches / surgeries / shops / schools / faith centres / shops / community centres, those that are in the area at the moment are aging and fragile need investment so that they are sustainable.

Hele Road is an artificial boundary between two parts of the communities, historically it existed as the heart of the community and boasted a parade of shops and pubs. The lack of parking and the speed of the traffic on this road does not help the area; many use Hele Road as a thoroughfare; to improve the village this needs to be reversed. There is a need to identify a proper traffic plan to nurture the recreation of a 'village heart' again.

The employment areas are valued and there appears enthusiasm to support and improve and maintain them. The majority of the employment provision is on the outskirts of the area (Old Woods Trading Estate) and this is considered invaluable to the local people. However, it is accepted that this area could be vastly improved and upgrade

### Community Aspirations

**COMMUNITY ASPIRATION** Protect and enhance all parks and green open areas

**COMMUNITY ASPIRATION** – Continue to improve play facilities in the area

**COMMUNITY ASPIRATION** – Improve highways particularly to reduce traffic flows on the Hele Road and discouraging HGVs and coaches from the area, make roads safer adjacent to Torquay Academy and other schools, and increase parking opportunities near to shops and other facilities.

**COMMUNITY ASPIRATION** – Encourage shops to relocate back to the Hele Road to recreate a small district shopping area

**COMMUNITY ASPIRATION** - Use empty buildings to drive employment opportunities

**COMMUNITY ASPIRATION** – Improve local employment opportunities such as Woodlands Trading Estate, Broomhill Way, Herald Express site etc.

**COMMUNITY ASPIRATION** - Prioritise bringing empty homes back into use

**COMMUNITY ASPIRATION** – Improve the standards of housing in both the private and social sectors

**COMMUNITY ASPIRATION** – Ensure future development of the area promotes community safety, and particularly reduces antisocial behaviour, the fear of crime and conflict within the built environment

**COMMUNITY ASPIRATION** – Pursue a Community Investment Area

## Projects

- Sustain the Windmill Centre and ensure its continued support to the community
- Sustain the Local Hele’s Angels initiative to it may continue its support to the local community
- Support and expand on the Hele’s Angels Garden and Greens initiative encouraging local people to grow their own vegetables, and improve the local green spaces.
- Section 215 notices to be used to tackle untidy land/buildings which are negatively affecting the amenity of the area
- Ensure there is support in the community for those most vulnerable e.g. via a Street Warden scheme
- Support initiatives to reduce Child Poverty in the area
- Support initiatives to reduce isolation amongst older people in the area
- Support initiatives to improve opportunities for employment in the area
- Work in partnership with local employers to create training opportunities for local young people

## Shiphay and the Willows Community Partnership

**Objective – To support the sustainable growth of quality homes and jobs delivered to the highest level of urban and landscape design in conjunction with the wishes of the local community.**

### About the area

This part of Torquay includes the Gateway area, dealt with elsewhere in the plan. This chapter focuses on those elements not covered by or subject to the key Gateway policies.

The area includes the ancient village of Edginswell, the 20<sup>th</sup> Century housing estates of Shiphay and the extensive recent developments at The Willows.

Being at the entrance to Torquay, the area is well served by road and is at the end of the new South Devon Highway.

In addition, there are plans for a rail halt to service the commercial and service areas of Edginswell Business Park, Willows Retail Park and Torbay Hospital.

The area also includes a local centre at Shiphay and two primary schools.



The Willows area is a newer residential development that lacks a centre, but benefits from being adjacent to the retail park.

### Community Aspirations

#### COMMUNITY ASPIRATION

- All new major development in this area should take the fullest opportunity to support sustainable, high quality design which achieves benefits for the wider community.
- Major development should require masterplans to be submitted as part of planning applications which show how development will come forward in a holistic manner and avoid piecemeal development which is disjointed from adjacent sites. These documents should be informed by community engagement.
- The Edginswell Future Growth Area should be developed in accordance with the Torquay Gateway (Edginswell) Masterplan SPD.
- New local community facilities such as those relating to education and health are critical to support future growth in the wider area. An assessment of

health facility and education facility needs should be undertaken for all major development.

We support the provision of good quality employment and commercial development to meet the needs of growing businesses and those looking to relocate to Torquay.

#### **COMMUNITY ASPIRATION**

Hele Roundabout/Barton Hill Road/Barton Hill Way and Woodland Industrial Estate has scope for redevelopment and improvement through a Local Development Order with the objective of it becoming a modern employment centre.

#### **COMMUNITY ASPIRATION**

Provision for housing is supported in this area, particularly family and smaller homes, and some live/work accommodation.

#### **COMMUNITY ASPIRATION - Services and Facilities**

The former tip area adjacent to Browns Bridge Road named as Nightingale Park should continue to be protected for sports and leisure as identified in Torbay's Playing Pitch Strategy and the adopted Torbay Local Plan. Detailed plans should be developed in accordance with the consultation report published in June 2016 "NIGHTINGALE PARK ESTABLISHING COMMUNITY PREFERENCES".

- A 'sports and leisure masterplan' should be developed to properly plan and maximise the area's potential for sport, leisure which could include woodland walkways and a circuitous route around the park. Wild meadowland could also be included.
- New development within the area covered by the Gateway Masterplan should be supported by adequate community facilities which should include a new primary school and community health facilities as appropriate to their scale of the development.

#### **COMMUNITY ASPIRATION Traffic and Movement**

- New developments should include good pedestrian, cycle and road connections to adjoining sites.
- The A380 Riviera Way and Newton Road is the principal route into Torquay and experiences congestion, especially around the traffic light junctions at Scotts Bridge and Shiphay Lane. The opening of the South Devon Link Road and new developments in Torquay will exacerbate this. Measures are supported to address the issue within the next 5 years.
- A new rail halt is proposed in the vicinity of the Edginswell business park. Appropriate, limited accessible car parking should be provided.
- Improved pedestrian access should be established between Nicholson Way and Riviera Way.
- Good, safe cycle routes should be provided within the area and on towards the town centre and sea front.

#### **COMMUNITY ASPIRATION - Environment**

- Welsury Covert and Jubilee Plantation should be protected and retained as wooded areas with the completion of a woodland park.
- The areas' parks and green spaces should be designated as Green Space, these to include: Kitson Park, Shiphay Park, Lindisfarne Park, Nightingale Park and the green at Cadewell Park Road.
- The allotments at Barton Hill Way should be protected.

### **Education**

The area boasts two Ofsted rated 'good' local primary schools, together with excellent pre-schools. However, recent population growth, combined with the failure to deliver a school at the Willows in previous years, has led to a shortage of primary school places in the area.

Many parents in the Gateway area are unable to find school places for their children within walking distance. An important future goal should be the provision of a school place for every child within a safe 10 minute walk; with the multiple benefits of easing the burden on working parents, encouraging healthy living and protecting the environment. It is with this goal in mind that a new school is intended to be included in the new 'Masterplanned' area.

Just outside the boundary of the Gateway, there is the recently developed Torquay Academy and Torquay Boys and Girls grammar Schools. In 2013, the Devon Studio School was opened in the former hospital annexe in Newton Road. This caters for up to 300 pupils studying various 'education for employment' courses, particularly in health care.

This section of the Neighbourhood Plan has not considered the exact increase in school places that will be required depending on housing growth in the Gateway Area. However, it is clear that a significant increase in school places will be necessary in the near future.

**COMMUNITY ASPIRATION - Education**

Where there is a demonstrated lack of provision, a new Primary School should be built and funded as part of the Council's Community Infrastructure or S106 Levy and should be ready for use at a suitable location that serves both Shiphay and the Willows areas and should be dependent on the provision of a safe link between the two areas before the occupation of not more than 50 homes.

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# St Marychurch & District Community Partnership

## Part A – St Marychurch, Babbacombe & Plainmoor

*Objective – To enhance the unique nature and history of each area by protection and preservation of valuable architecture and existing greenspace*

St Marychurch, Babbacombe, Plainmoor and Maidencombe make up the community Ward and are all very special and unique places in their own right. The Neighbourhood Plan for the Community Partnership is focused on **Protection and Preservation**, as once land is given up for development it is lost forever, and for the local residents **-preservation** is more important and of far greater significance than development for present and future generations.

### ABOUT THE AREA

St Marychurch is one of the oldest settlements in South Devon with records dating from around 1050 AD. Its name is derived from the church of St Mary the Virgin which was founded in Anglo-Saxon times with its high tower and Saxon font dating from around 1110 AD.



The old town hall

The early 19<sup>th</sup> century architecture of villas and terraced buildings fall within a conservation area and contain a number of listed buildings and many others of significant interest, such as is the former Town Hall built in 1883. The former town stretches from Plainmoor to Maidencombe and is known for its scenery, shopping precinct and neighbouring churches. The conservation area largely defines the historic development of what is now a significant suburb of Torquay.



St Marychurch parish church

### Tourism

Babbacombe Downs with its fine views across Lyme Bay is an area of natural beauty appreciated year round by both residents and visitors alike. This area supports a substantial number of local businesses of large and small hotels that cater to visitors all year round.



Oddicombe Beach from Babbacombe Downs

### Retail business

The main shopping area in Fore Street also consists of a small precinct market area. Other major shopping areas include Babbacombe Road, Reddenhill Road and St Marychurch Road in Plainmoor.

These shopping areas, based in the midst of our hotel and B&B district, also serve a large residential area with a wide range of independent traders and businesses.



St Marychurch Precinct



Reddenhill Road Plainmoor



Old St Marychurch & Babbacombe

### COMMUNITY ASPIRATIONS

#### ENVIRONMENT

##### COMMUNITY ASPIRATION

Protect from greenfield development all green open spaces and the coastline from Walls Hill to Maidencombe, and to include Babbacombe Downs and the beach areas, Tessier Gardens, King George V playing fields and Cary Park.

##### COMMUNITY ASPIRATION

- Increase the maintenance of all areas, including coastal paths and pathways for public use and safety ensuring they are fit for purpose.
- Refurbish Petitor Downs and the Great Rock area to bring them back into public use.

##### COMMUNITY ASPIRATION

Secure a long term commitment from the Local Authorities to preserve all protection plans (including covenants) and ensure SSSIs are respected.

- Obtain Covenant protection from Torbay Council for Babbacombe Downs from future development/building
- Protection and preservation of coastal paths, identify and record public rights of way; green lanes, alleyways and established paths in and around the area and increase maintenance for public use and safety.
- Protect and identify public rights of way throughout the ward and increase maintenance for public use and safety.

#### HOUSING

As the area attracts a large number of senior residents there is a need to have sufficient places to cater for supported independent living and also, as demand increases, more places that cater for those who are no longer able to be independent. We need to ensure that there are sufficient Nursing/Care home

facilities by a combination of new development, adaption of existing buildings and re-furbishing existing homes.

#### COMMUNITY ASPIRATION

**The community would like to see development considers the need of all residents, existing and new, and that**

- Re-develop existing suitable properties in appropriate style and scale for housing as long as they are not likely to have an adverse impact on neighbours the immediate environment or the area as a whole.
- By identifying and secure appropriate sites for good quality and affordable housing to meet the projected demographic needs for this Ward and not allowing development of housing on any greenfield site.
- By ensuring that any significant development of new homes in the area (5 or more in one application) is allowed only if a reasonable proportion of new (medium and long term) jobs are made available.

• The development of properties for senior residents to enable independent living for as long as possible. Because the area has a large number of senior residents there is a need to have properties to develop that cater for those who can manage on their own (i.e. warden controlled) and also develop properties that cater for those who can't

• The possible development of the Football Ground (subject to the Club having a better alternative accommodation), for community use, with the possibility of land for school playing fields and that appropriate building with sufficient amenity and infrastructure only is considered, that the plans should include the development of swimming, sports and play facilities – sheet 9

• The possible development of the Golf Course or part there of (*subject to the Club having a better alternative accommodation*). The housing in this area should benefit a cross section of residents and be a mixture of sizes, e.g. 1, 2, 3 & 4 beds and include affordable starter homes, shared ownership property and retirement apartments. If the development is large enough perhaps it could incorporate a 'village' design. However, particular attention needs to be made to the local infrastructure and the impact on surrounding

communities in terms of erosion, flooding and rain run-off. To this end any established trees should not be removed – map sheet 6.

#### COMMUNITY USAGE

##### COMMUNITY ASPIRATION

**To protect the amenity that is provided by**

- Plainmoor Swimming Pool and play park, and have those areas improved for community use. Ensuring that any development of the football ground is tied to the improvement of this and other amenities in the immediate area. Plainmoor swimming pool is the only public swimming pool in Torquay
- The retention of key bus routes serving the area, and to ensure access to and from the main retail areas of the ward, town, harbour, hospital and outlying districts.
- The refurbishment of shopping and retail areas, and the standardization of street furniture and street signs.
- Maintaining/refurbishing existing public conveniences at Babbacombe Downs and Hampton Avenue, and keep them open all year. Re-open those that have been closed on Reddenhill Road for the use of children and residents using the play area on Cary Park

##### COMMUNITY ASPIRATION

**Additionally there should be an on-going commitment to improvement in the following local amenities – if necessary through partnership working with developers:**

- To maintain standards of cleanliness and litter removal
- Local schools to provide opportunities for adult education
- Play and Youth facilities
- Leisure and facilities/opportunities
- Beaches, Planting, Signage
- Litter and Cleanliness

## RETAIL AREAS

There are three significant local retail areas. The area has four major tourist attractions, three excellent beaches, significant areas of green spaces and good local amenities, all adding to the value of the area as a tourist destination. The economy of this area is generated mainly through three sectors – Retail and Financial Services, Care Services and Tourism – map sheet 9.

### COMMUNITY ASPIRATION

#### To ensure the continued success of the business and retail areas by

- Investing in improving the standard of retail areas and the properties therein and standardization of street furniture and street signs to continue the unique theme of Black and Silver as on finger posts.
- Removing unnecessary 'street clutter' in the form of excess street furniture and signage – where possible 'doubling up' signs to avoid proliferation.
- Making sure that we maintain plenty of free and unrestricted on-street parking and secure, easily accessible and affordable off-road parking for visitors, local residents and businesses. This should include identifying spaces that need no longer be restricted. Coach access and parking is available, and improving the 'arrival and departure' experience of drivers and passengers.
- Tying any significant development with a financial contribution to improvement or maintenance of local amenities.

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## Part B – Maidencombe

### BRIEF HISTORY

Maidencombe makes up the Community Ward and is a very special and unique place in its own right. Situated at the northern most part of the Ward, it consists of approximately 408 acres of predominantly agricultural land. The entire coastal strip has been designated a **Countryside Zone and Coastal Preservation Area** and an **Area of Great Landscape Value**.

The historic hamlet of 'Medenecombe' is recorded in the Domesday survey of 1086 as a tiny manor with a population of about twenty. Nestling in a hollow surrounded by dramatic coastal scenery, it was originally orchard groves which over time evolved into a small number of farmsteads.

In 2015 registration for Village Green status was awarded.

### CHARACTER OF AREA

The steep access lanes into the combe serve to emphasise the remoteness of the area set amidst the outstanding natural beauty of a dramatic coastline.

The field systems of Maidencombe have survived since medieval times and early boundary walls are in evidence today.

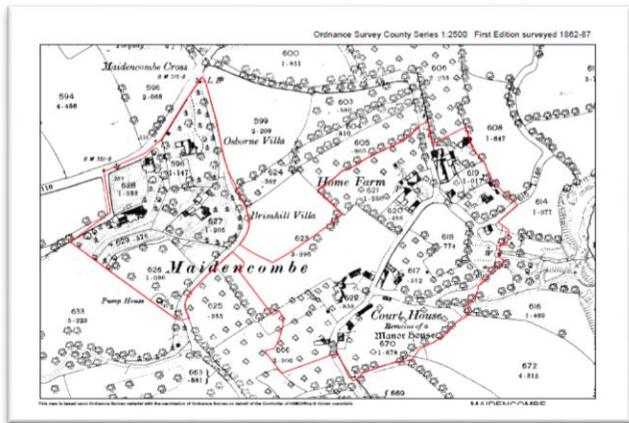
The chief threat to Maidencombe is the continual pressure to change farming practices or even to develop the farmland, which, if allowed could dilute attempts to nurture a dynamic and successful 'Geopark' and set in motion the further urbanization of Torbay to the detriment of tourist numbers to the area.

### GEOPARK:

The Torbay Coast and Countryside Trust has emphasised the importance of Maidencombe as a vital component of the Bay's global Geopark status to attract visitors and residents alike to the area. To this end, a proposed cycleway would facilitate pollution-free access.



Old Maidencombe



The Maidencombe medieval field systems



Cirl Bunting



Lesser Horseshoe Bat

**Maidencombe’s particular areas for protection**

Maidencombe has a particularly flower rich bio-diversity which depends on the survival of its extensive farmland environment and the traditional practices employed in its permanent pasture management and upkeep of hedgerows, hedgerow trees, cider orchard and lower-rich meadows.

**Fragile Nature:**

A Senior Archaeology and Historic Environment Officer for Torbay Council, has voiced concerns over the possibility of destroying the fine balance that exists in the combe with any further development.

The presence within the boundaries of Maidencombe of extremely rare UK species, such as the Cirl Bunting and a roosting/breeding colony of Lesser and Greater Horseshoe Bats demonstrates the current, albeit delicate, well-being of the environment.

The combe and the village itself present a very difficult scenario. Any future development would need massive new infrastructure improvements (e.g. mains sewage and substantial rainwater attenuation); this may be achievable perhaps, but at the brutal cost of destroying the fragile balance of the comb

The area surrounding the Village Envelope of Maidencombe, is largely identified in the Torbay Local Plan as Countryside Area (Local Plan Policy C1) and/or

Undeveloped Coast (Local Plan Policy C2). The landscape is sensitive to developmental change and proposals for new developments must be managed in accordance with these policies with particular reference to development only being acceptable where it does not harm (either on its own or in combination with other development) the special landscape character in this area, particularly with reference to integrity of landscape character, sense of remoteness of the Combe/village and scenic beauty.

The Landscape Character Assessment of Torbay (2010) comments on the unique quality of the landscape in this area and makes the following analysis regarding the capacity to accommodate change within character type 8 – Coastal Slopes and Combes (8a and 8b):

8a - “The area forms an integral part of the coastal landscape and new built development or other significant changes are likely to have substantial adverse effects”

8b - “The land forms an important setting for the village and Conservation Area and any changes should only be limited in nature, and strictly controlled to ensure that the secluded character of the area and setting of the village is not harmed. Infilling should be resisted.”

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## COMMUNITY ASPIRATIONS

### ENVIRONMENT

#### COMMUNITY ASPIRATION

##### Protect green open spaces and coastline

- There is a need to increase the maintenance of all areas, pathways, for public use and safety ensuring they are fit for purpose.
- Refurbish Great Rock area to bring it back into public use

#### COMMUNITY ASPIRATION

##### Secure a long term commitment from the Local Authorities to preserve existing protection plans (including covenants) and ensure SSSIs are respected and to

- Designate Maidencombe Community Orchard as a Local Green Space
- Protect and identify public rights of way throughout Maidencombe and increase maintenance for public use and safety.
- Protect and preserve the coastal paths, and identify and record public rights of way; green lanes, alleyways and established paths in and around the area and increase maintenance for public use and safety.
- Ensure full protection for endangered species of bats and birds

#### COMMUNITY USAGE

#### COMMUNITY ASPIRATION

##### Public transport

- Retain key bus routes serving the area to ensure access to and from the main retail areas of the Ward, Town, Harbour, Hospital and outlying districts.

#### COMMUNITY ASPIRATION

##### Improvement to local amenities

- There must be an on-going commitment to improvement in the following local amenities; possibly through partnership working with developers:
  - Play and Youth facilities
  - Leisure and facilities/opportunities
  - Beaches,
  - Planting,
  - Signage,
  - Litter and Cleanliness

## HOUSING

### COMMUNITY ASPIRATION

Note the following provides community ideas regarding development, derived from the thoughts of Maidencombe residents involved in the activities of the Neighbourhood Forum, in accordance with what is perceived by them as being compliant with the Neighbourhood Plan and Local Plan. Consistent with the status of this Appendix, the ideas are not proposals or commitments, have not been tested and do not have any land use planning policy status.

### VILLAGE ENVELOPE

#### AREA 1

Within Area 1, opportunities have been identified for a single dwelling that is compliant with policy TH12 on each of sites A and B.

#### AREA 3A AND 3B

Within these two areas, development proposals should be managed in accordance with the development design criteria outline in Policy TH12

#### AREA 2 - CONSERVATION AREA

Area 2 reflects the part of the Maidencombe Conservation Area which overlaps with the Village Envelope. This area has particularly special historic significance and development. Any development proposal must positively sustain and enhance the special qualities of this area. Because of the special historic and landscape significance proposals should be managed in accordance with *Policy SS10 Conservation and the historic environment*, contained in the Torbay Local Plan 2012-2030.

#### SLADNOR PARK

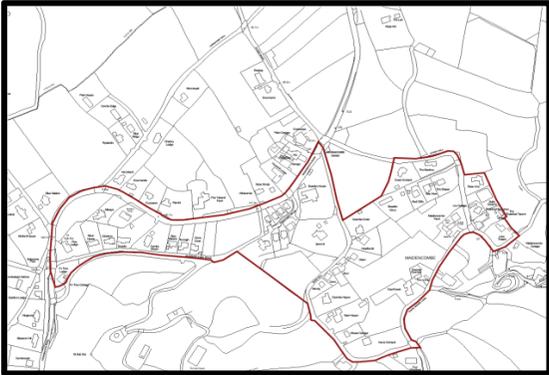
The community would like to make known that Sladnor Park (defined by the blue boundary line on the aerial photograph) has an extremely high environmental sensitivity and any development of the site would have a serious adverse impact on key protected species (an existing Greater Horseshoe and Lesser Horseshoe bat nesting and roosting cave, badgers, deer and Cirl Buntings). The topography of wooded areas currently constrains rain water runoff and helps prevent soil

erosion, coastal erosion and local flood issues. While it is acknowledged that there are existing chalet structures (as outlined in red) on part of the site most of the original structures associated with a hotel at the top of the site have blended in to the landscape over a substantial period of time. The scope of any new development is severely limited and must be within the policy umbrella for the whole of the Maidencombe area and the C1 designation within the Local Plan that does not support major developments. New development should be constrained to that part of the site of the existing chalets and designed to have minimal visual and environmental impact. The typical design of properties in the Maidencombe area comprises one or two storey detached houses of individual and historic designs.

# Aerial View of Maidencombe and Sladnor Park



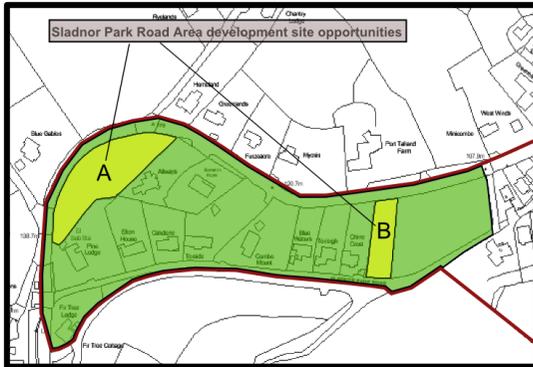
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## Development Areas within the Village Envelope

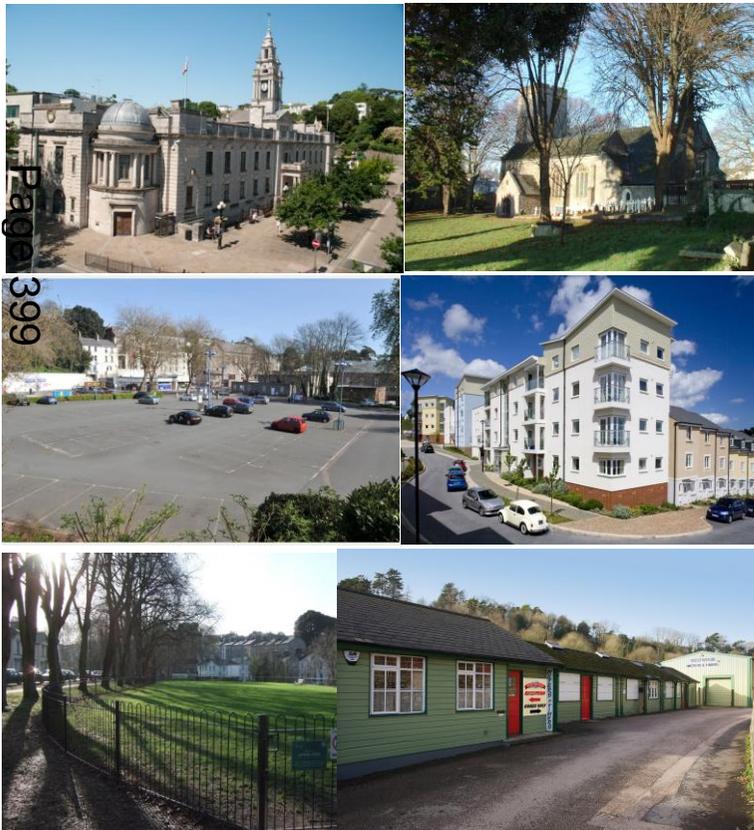


## Development sites within Area 1 of the Village Envelope



## Torre & Upton Community Partnership

***Objective – To grow the Community sustainably and sensitively with good quality buildings raising the standards and expectations for both residents and businesses and provide valuable employment opportunities.***



### About the area

Torre and Upton Community Partnership area adjoins the centre of Torquay and is part of the ward of Tormohun. Tormohun dates from Saxon times and the medieval parish church still lies at its heart in Torre. Upton contains the civic centre of Torbay with the Edwardian town hall, library and Art Deco offices. A conservation area covers the historic heart of each area and several of the 40 listed buildings in the area are significant to the town's history.

The housing predominantly dates from the 1840s onwards, with a combination of large villas and variously sized terraces. A large modern development has been completed at the former South Devon College site. The density of development in the area is quite high, and there is a strong Victorian street scene.

The main retail area is Higher Union Street which runs between Brunswick Square and the top of the town centre shops. Lucius Street and Belgrave Road also serve as local centres. There are a small number of industrial units around Torre Station.

As in other areas adjoining the town centre, there are higher than average levels of need, deprivation and HMO properties. Several centres and facilities for those in need of accommodation, employment or other support lie at the top of the town centre near to this area and the drug and alcohol treatment centre lies within it

### Community Aspirations

There are already more than the normal proportion of HMO's in the area.

## COMMUNITY ASPIRATION

The community would like to see where existing buildings or sites are underused, vacant or awaiting development, temporary uses will be supported, in particular those which benefit the community. The Council is encouraged to take enforcement against landowners or both residential and commercial buildings/sites that are not properly maintained.

## Projects

- The Civic Hub shown in the Masterplan for Torquay Town Centre is fully supported by the residents and businesses in Torre and Upton. The library could be extended upwards and updated to incorporate the Connections Office and other public information services. This would release the listed Electric House for other uses. The closure of the Magistrates Court gives the opportunity for a more creative development for the Town Hall car park area. This is expected to have a positive knock on effect for the smaller, individually owned businesses in Higher Union Street. Should the council vacate the Town Hall for purpose built offices, we would support a change of use for the building with a hotel/conference centre being the preferred option.
- Upton Park will be enhanced for the benefit of residents of all ages, providing facilities for recreation and relaxation. This will include the re-arrangement of the sports areas and linking with the coach park. By bringing this forward, we will have a more appropriate setting for the civic buildings.
- The B&Q site in Laburnum Row presents the opportunity for a good quality development providing a mixture of residential and commercial.

This latter could be retail and/or office space. This part of Torre deserves proper investment, and the residents and visitors to the area will value standards being raised.

- We wish to see the development at Torre Marine completed, and the serious issues of rising water and run off into adjacent streets dealt with, so that the park that was part of the original plans, can be put in place. This would not only create a pleasant open green space for the residents, but also, with the traffic reversal, enhance the area for all those entering Torquay.

## Torquay Town Centre Community Partnership and Town Centre Focus Group

**Objective – To maintain and improve the Town Centre as a dynamic, vibrant urban environment by working closely with residents, businesses and visitors to our Community**

### Brief Description of the area

Torquay Town Centre contains both quiet residential suburbs and a significant proportion of the major hotel accommodation in the resort, as well as being the largest retail centre of Torbay. A large proportion of the area consists of open space. This includes coastline, parks, and recreation grounds, the walled gardens of Torre Abbey, the rock-faced Royal Terrace Gardens and the private gardens and terraces of numerous hotels. Many of the major buildings are set against a backdrop of mature trees.

### Key Community Aims

#### Key Community Aims:

- Improve the Town Centre retail, service and leisure experience to improve footfall and provide employment opportunities by:-
- Becoming the premier leisure destination both night and day
- Creating a more diverse late night offer. Whilst we recognise the value of our late night economy we would like to see a broader offer than is currently available. This could be achieved by encouraging and providing a range of

- activities for all age groups such as late night shopping and regular food /music activities to encourage residents/visitors to stay on in town.
- Encouraging leisure and sport into our Town Centre and to provide a variety of undercover attractions for tourists and residents.
- Encouraging more people to live and work within the Town Centre
- Providing more eating and outside sitting areas.
- Providing adequate well maintained, accessible and convenient parking facilities
- Creating better connectivity and providing more pedestrianisation.
- Encouraging sympathetic development providing the size and kind of providing the size and kind of premises which modern day High Street names consider attractive, whilst at the same time creating suitable premises for small independent retailers and other uses such as gyms and cinemas.
- Make more of and protect the Town's heritage assets by:-
- Protecting the green and open public spaces from Cary Green, the Pavilions, Promenade to the end of the Princess Gardens and the 'Sunken Gardens', In addition the Royal Terrace Gardens (Rock Walk) which are all covered under one listing with English Heritage. Torre Abbey and its Meadows should continue to be protected by covenant from future developments. Included earlier in document.
- Maintaining Victorian facades where possible to keep the character of the Town.
- Make provision for cyclists in and around the Town which would complement cyclist tourism
- Make access to public spaces easier for the disabled. Protect and maintain our beaches – Torre Abbey Sands and Beacon Cove.
- Protect the marine environment and develop a sustainable Maritime Economy

## **COMMUNITY ASPIRATION**

### **Key Development Opportunity Sites**

The Community would like to see the town centre regenerated and have the following ideas:

Retailing is in the throes of a revolution which has seen high streets up and down the country lose market share year on year. The results are there for all to see, empty shops, derelict buildings, shoppers getting into their cars to go out of town, or not going out at all but shopping online.

“High Streets and town centres that are fit for the 21<sup>st</sup> Century need to be multifunctional social centres, not simply competitors for stretched consumers. They must offer irresistible opportunities and experiences that do not exist elsewhere, are rooted in the interests and needs of local people, and will meet the demands of a rapidly changing world.” Action for Market Towns, Twenty First Century Town Centres (2011).

The concept of ‘healthy urban planning’ is being promoted by the World Health Organisation to draw attention to the need for planners, public health professionals and others to work together to plan places that foster health and wellbeing

Physical activity, especially walking, has many important health benefits for older adults and the built environment plays a crucial role in encouraging healthy activity for this growing segment of the population. Current UK estimates from the Office of National Statistics (ONS 2011) see the proportion of over 60s rising from 23% to 31% by 2058. Torbay already has an over 60s population which exceeds the 2058 ONS national estimates with 31.4% of its population currently over the age of 60 (2011 census) – placing Torbay 45 years ahead of the rest of the country.

Torbay has the potential to act as a leading example of how the design of buildings and public spaces can facilitate beneficial activity for its aging population as well as improving the health of the wider community. The

comprehensive review of Torquay Town Centre and planned growth within the Bay offers a unique opportunity to integrate design guidelines which encourage healthy behaviour and increase accessibility, not just for older adults, but for all residents and visitors no matter what age or ability.

### **Castle Circus and Union Street**

Potential site for redevelopment to create a focal point of the Town and could include a supermarket/superstore, multi storey car park, plus residential development to increase footfall and act as a catalyst for regeneration of the wider area, encouraging other businesses offering a fresh bakery, butchers, fishmongers, greengrocers as an alternative to this proposed development to be re-established in this area. Redevelopment would be subject to taking into account the listed building status of some of these buildings. We would also want to encourage better pedestrian facilities with possibly wider pavements and better links to the Union Street development.

**Melville Hill Community Group - Marvellous Melville** - Melville Hill should be recognised as a place of historic charm, with a mix of both private and quality rented housing that is affordable. New developments should include up market, and contemporary schemes that introduce a wine bar and café culture enhancing the neighbouring business and tourist district. The area should become suitable for people of all ages with Community facilities. There must be no further agreements for Houses of Multiple Occupation or the sub division of existing properties to form single person dwellings





**Fleet Street and Swan Street** - Create a water feature to replicate the Fleet. Create a glass canopy to enhance the street scene achieve connectivity with the Harbour providing outdoor eateries/ cafe culture/leisure and bijoux shops – The Fleet Walk shopping experience. Whilst the Victorian warehouse buildings of Swan Street offer potential for residential and retail which would retain the interiors of the existing buildings.



**The Strand, Torwood Street and the Harbour side** – Strong aspiration for improvement of this key stretch of Torquay Harbour which could include redevelopment of The Strand buildings, including Debenhams and the Amusement Arcade. Combination of luxury apartments, improved retail, hotel, small restaurants would be welcomed whilst protecting outlook from the Terrace. Make Torquay Inner Harbour accessible to local people by giving it official community asset status.

Upgrade the area of public space on the harbour side of the Strand to allow for a range of different activities, and a higher quality environment with better provision of seating and better management of spaces including attractive signage to guide people to the waterfront. The Old Opera House has been suggested as an alternative site for an Art Centre or for performing arts. Could alternative uses be found for some of the Night Clubs here in order to dilute the heavy concentration of these in this key part of the Town Centre? The Terrace car park is a potential development site with its spectacular views but there would be the need to retain adequate car parking for the harbour area.

The cinema also needs upgrading and possibly relocating. However, if the cinema is relocated we need to be mindful that this will create a large empty building in an area of the Town already facing many challenges and would suggest the possibility of a much needed community centre being established here. Relocate Job Centre and Magistrates Court to out of Town centre location, thus making room for landmark retail store and unique indoor attraction to help revitalise this end of Town. The Town Hall has been identified as a potential Art Centre. Key will be the preservation of the architecture of this building.

A new Library is required: a modern facility is fundamental to giving the town the correct image; a similar development to Paignton Library would be welcomed, as not just a modern library but a centre offering community facilities such as meeting rooms, and education facilities.



**Temperance Street** - This is an opportunity to have this area developed as a major shopping area for the town, to take in former works site, and multi storey car park. Suitable uses could be anchor store, quality office space, leisure facilities such as cinema, indoor sports facilities embracing modernisation of multi - storey car park on Lower Union Lane and could extend to Temperance Street car park, also including some residential.

**Parade and Pimlico** - These areas to be developed predominantly for retail, commerce and town centre shopping. Opportunity for a major demolition/redevelopment programme as The Hogs Head and surrounding buildings have little architectural merit and we would welcome a landmark building here to encourage further exploration of the Town; possibly a multi-use community space incorporating a new library, council offices and possibly a gym. Support the creation of an indoor attraction for example promoting the Town's connections with people like Agatha Christie or Isambard Kingdom Brunel. Place canopies over large stretches of the pavement and open spaces in the Town, possibly an atrium over the pedestrianised area of Union Street, to make Torquay the place to shop no matter what the weather.

**Market Street and Indoor Market** - Create premises as a form of innovation centres to support fledgling retailers to establish their first business. This could in turn be reinforced by significant Town centre residential development and cafe culture. Encourage more residential homes to be created in this area with at least

two bedrooms to encourage families to bring life back into the Town out of trading hours.



**Pavilion/ Torquay Marina Car Park:** The Marina Car Park has the potential for a quality development as this has the best views of the harbour which are currently not exploited. However, the height of any development needs to be considered so that this in itself is not detrimental, and thus become a contentious issue to local residents. In addition the groups have serious concerns about incorporating development of the Pavilion into the large hotel scheme on the Marina car park and would support further investigation for the re siting of the Pavilion to another location which may then enable a lower rise less intrusive development on the Marina car park. A possible option would be to relocate the Pavilion on to a constructed island (with bridges) in the inner harbour, around which boats could still move/moor. The point of the development would be to: Protect the Pavilion and make it the centre of a revitalised harbour area; provide a waterside dining/entertainment environment unique in the UK that would encourage a more mature and upmarket night time economy and provide the type of retail experience during the daytime best described as "Totnes by the sea." If the Pavilion were moved this would allow a larger footprint for the developer of the hotel/spa to build a wider but lower development that could include a children's play area or be the site for an open air public performance space. Other proposals for Pavilion site include: the Pavilion to become a Community Asset and Marina Car Park to become landscaped recreation area for residents and visitors

**Princess Theatre/Princess Pier:** Potential to redevelop/extend the theatre to enable it to attract West End Shows whilst not expanding out into the Gardens which should be protected.

**Rock Walk:** To provide access to those with disabilities a cable car/ funicular railway from the bottom to the top of Rock Walk would be welcomed in addition to it creating a revenue generating opportunity. It would support a high level walkway from Rock walk to a feature development on Princess Pier incorporating a ferry terminal.

**RICC/Balloon Site/Marina Car Park:** There is a chronic shortage of play and recreational facilities within 200 metres of the sea front and we have identified these sites for such a facility

**Area along SW Coast path just beyond Imperial Hotel (Peak Tor):** To capitalise on our fantastic coastline, explore the possibility of an open air theatre here to rival the Minnack in Cornwall

## Wellswood and Torwood Community Partnership

**Objective - To Protect and Enhance the existing Green Spaces and Coastline, preserving the special quality of the natural environment and character of conservation areas.**

### About the area

The Wellswood and Torwood Ward covers two rocky headlands at Torquay's south-east perimeter, bordered by sea. It is an area of 414 hectares, of which almost a quarter is green space. Over 40,000 years ago early man found shelter in the deep caves at Kent's Cavern in the Ilsham Valley and these now form a gateway to the UNESCO Geopark. The area's wealth of geosites, fine Victorian architecture, extensive open spaces, woodland and pine-clad rocky coastline provide the essence of the "English Riviera".

Page 405  
In the early 1800's, as Torquay began to develop as a holiday destination, prosperous families began to build detached villas on the wooded slopes overlooking the harbour. This is seen most clearly in the design and layout of the Warberries and the adjoining Lincombes. The scale of building in an extensive landscaped setting, and its confident execution over nearly 170 acres, became the hallmark for the mid 19th century vogue resort. Its spacious open nature survives today and is protected by the Lincombes and Warberry Conservation Areas.

The area's character is largely defined by the amount of public open space and woodland, and a number of major hotels, including three with four stars. At the heart lies Wellswood Green with its shops, primary school and church. Adjoining the harbour, Torwood Street is home to Torquay Museum and a variety of bars and food outlets.





## Community Aspirations

### Environment

Protect, maintain character and enhance:

- All public green areas, improving waste and toilet facilities
- Conservation Areas, and current density of development
- Coastal Path, Geopark and all associated areas
- Supporting Community initiatives to upgrade amenities

Promote diversity and prosperity of local businesses in Wellswood and Lisburn Square

Retain Post Office and Pub in Wellswood by designating them Assets of Community Value

Support any future proposals for redevelopment of the Palace Hotel and grounds, while retaining a hotel

Encourage Torquay Museum to develop as a Community Centre

Support proposals for Kent's Cavern to enhance tourism and education, in line with its importance within the English Riviera Geopark, and improve the access strategy to limit impact on the surrounding area

Support opportunities for redevelopment in Torwood Street area and Terrace Car Park, retaining sufficient parking for local businesses

### Traffic and Movement

Prioritise pedestrian access and slow traffic in key areas, addressing much needed improvements in traffic management.

### Property densities

Maintain the existing property density to ensure that the open nature of the area is not destroyed

## Projects

### Traffic and Movement

- 1) Address traffic management through Wellswood (Ilsham Road) improving character and environment
- 2) Provide a safe pedestrian footway along Ilsham Road from the junction with Ilisham Marine Drive to the Ilsham Valley
- 3) Provide a safe pedestrian footway and cut back overhanging trees on Parkhill Road by the Imperial Hotel
- 4) Provide a natural footpath along the side of Stoodley Knowle meadow, to relieve parking impact on Ilsham Road and improve access to coastal path

## **Environment**

- 1) Re-open Redgate Beach and Footpath to Walls Hill
- 2) Support creation of Wildflower Meadow at Stoodley Knowle
- 3) Improve Coastal Path signage and information

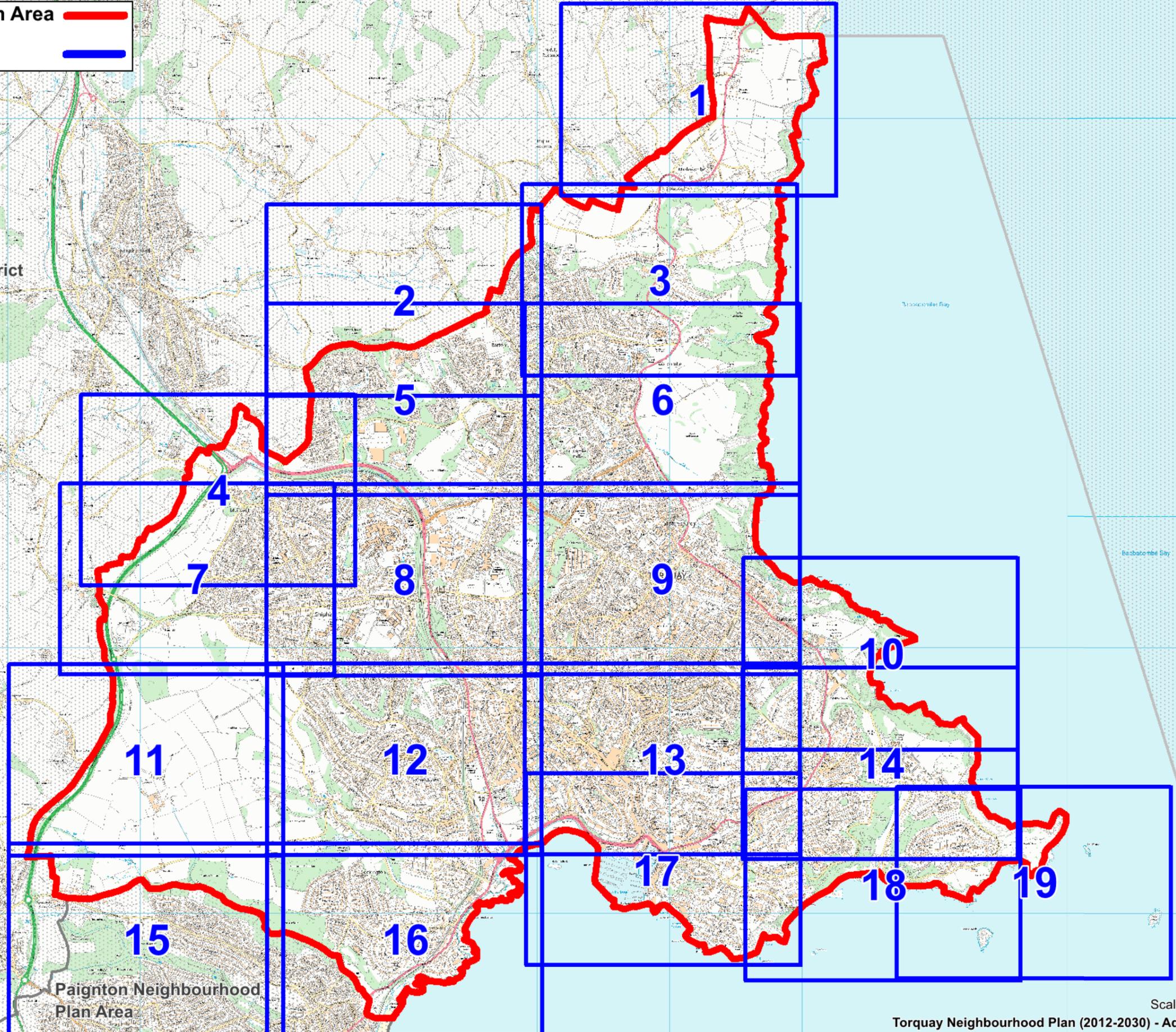
# Torquay Neighbourhood Plan Map Sheet Location Plan

Torquay Neighbourhood Plan Area 

Polcies Map Sheet 

Teignbridge District

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Paignton Neighbourhood  
Plan Area

## KEY to Torquay Neighbourhood Plan (TNP) Policies Maps

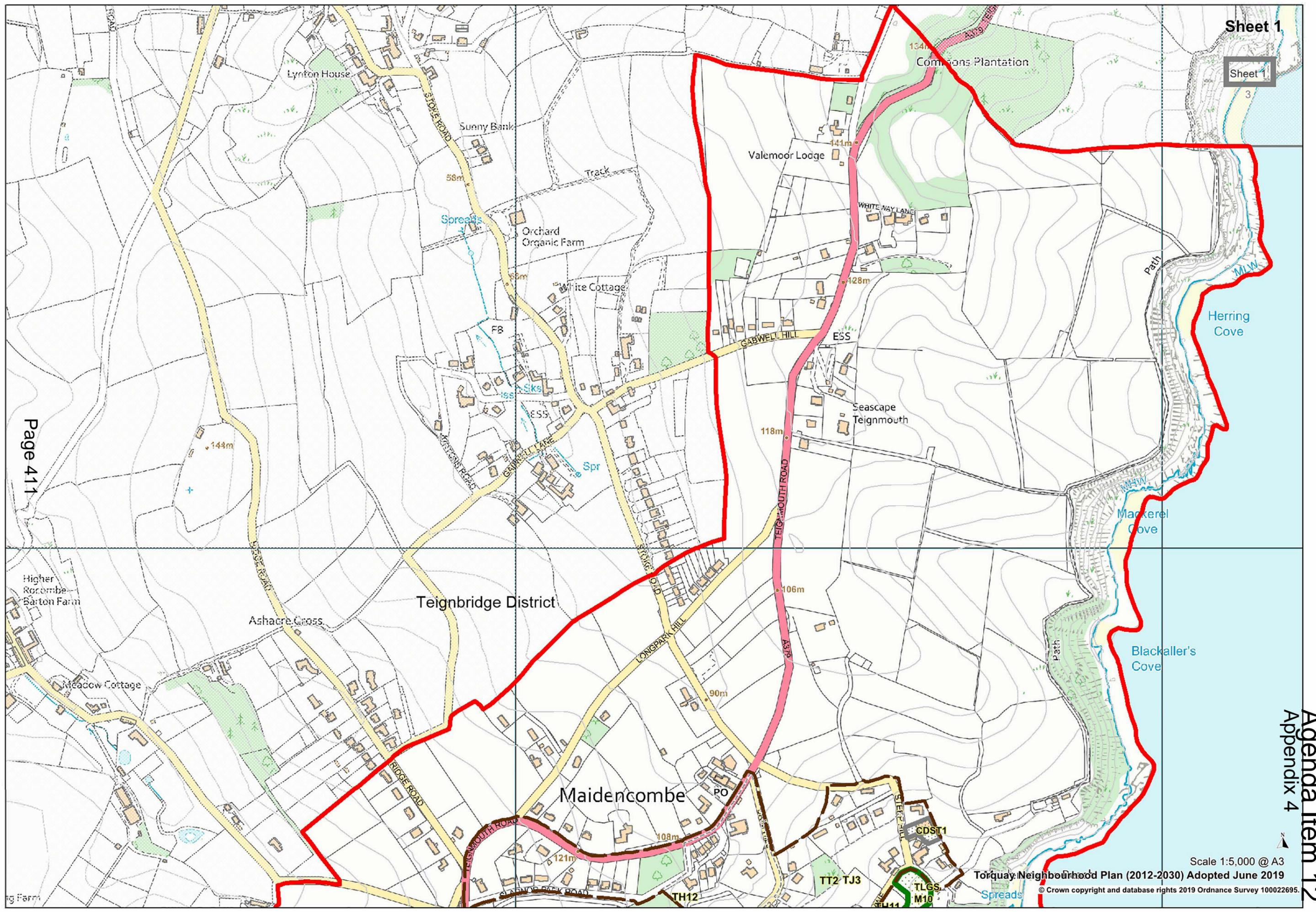
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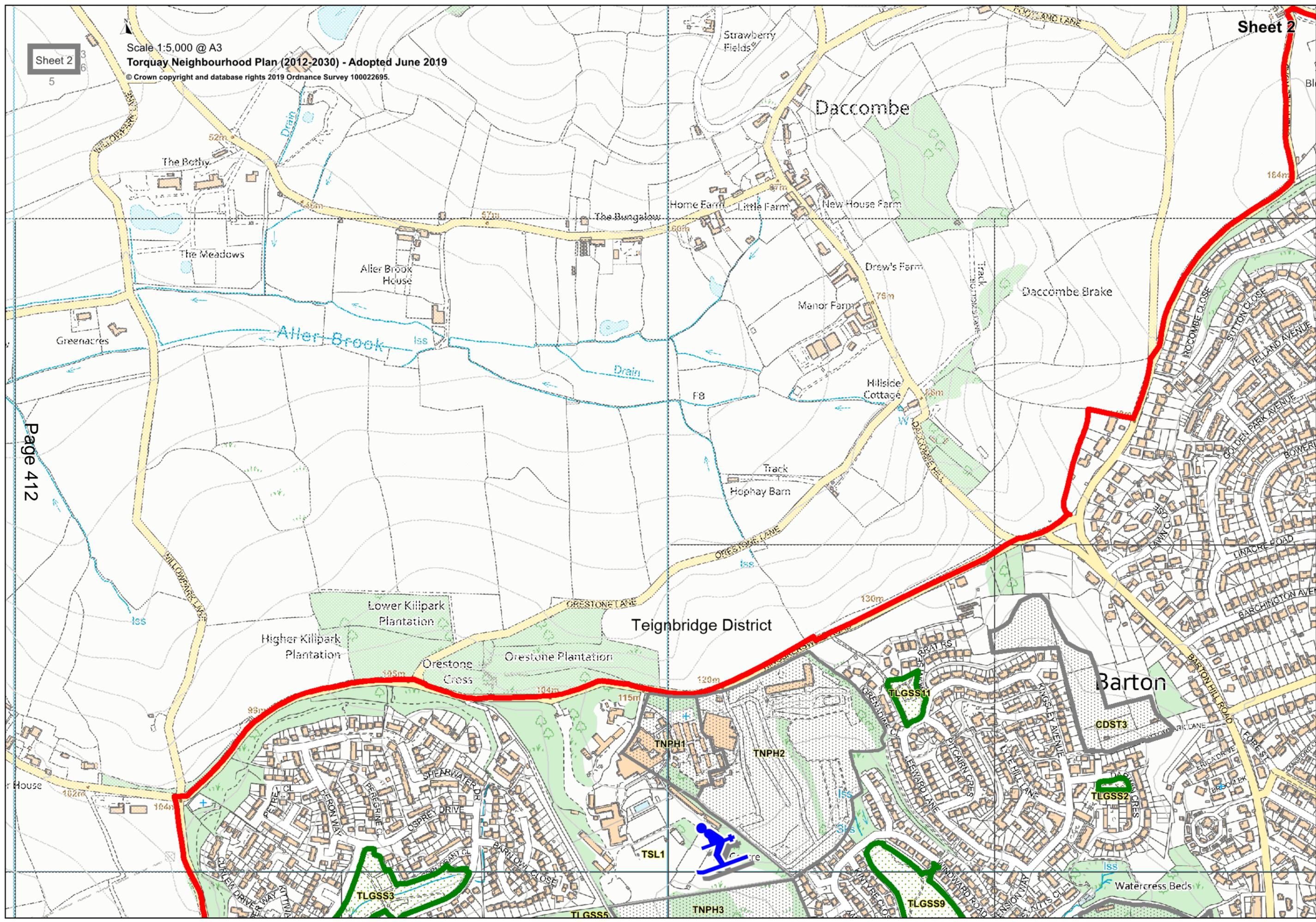
**TNP Policies: Sustainable Development (TS) ; Housing (TH); Economy and Jobs (TE); Tourism (TT); Environment (TE); Health and Wellbeing (THW); Sport and Leisure (TSL) and Transport (TTR).**

-  **Policy TH1 Housing - Sites labelled 'NP' Neighbourhood Plan Housing Allocations & 'TNP' Allocations from Torbay Local Plan 2012-2030 pool of sites; 'CDS' are committed and deliverable sites - for information only (see Local Plan Policies Map Key Note 10)**
-  **Policy TH3 Future Growth Area & TS2 Masterplans (see also TE6 European Protected Species on Specified Sites)**
-  **Policy TH6 Gateway Sustainability & TS2 Masterplans (see also TE6 European Protected Species on Specified Sites)**
-  Policy TS2 Masterplan Area - Town Centre Area - not shown on Policies Map (Town Centre shown on Torbay Local Plan 2012-2030 Policies Map Policies TC1 & TC2)
-  Policy TH11 Rural Village Conservation Areas - not shown on Policies Map (Conservation Areas are shown on the Torbay Local Plan 2012-2030 Policies Map)
-  **Policy TH12 Maidencombe Area - Village Envelope (see also TE6 European Protected Species on Specified Sites)**
-  **Policy TH13 Cockington Village & Country Park**
-  **Policy TJ1 Employment - Land allocations labelled 'TNPE'**
-  Policy TJ3 Commercial Street Scenes - not shown on Policies Map (Conservation Areas are shown on the Torbay Local Plan 2012-2030 Policy Maps)
-  Policy TT1 Change of Use Constraints Within and Outside a Core Tourism Investment Area (CTIA). CTIA shown for information (Torbay Local Plan 2012-2030 CTIA designation Policy TO2)
-  Policy TT2 (Tourism) Change of Use in Conservation Areas & Listed Buildings - not shown on Policies Map (Conservation Areas shown on the Torbay Local Plan 2012-2030 Policies Map)
-  Policy TT3 Change of Use Constraints on Babbacombe Downs Core Tourism Investment Area (CTIA). CTIA - shown for information (CTIA Torbay Local Plan 2012-2030 designation Policy TO2)
-  **Policy TE2 Local Green Spaces labelled: 'TLGB'; 'TLGSC'; 'TLGSE'; 'TLGSH'; 'TLGSM'; 'TLGST'; 'TLGSW' (Torquay Local Green Space and Community Partnership reference)**
-  **Policy TSL1 Alpine Ski Facility**
-  **Policy TSL2 Nightingale Park**
-  **Policy TSL3 Sport and Leisure Facilities**
-  **TNP Boundary and area wide policies applicable where relevant:  
Policies: TS1; TS3; TS4; TH2; TH4; TH5; TH7; TH8; TH9; TH10; TJ2; TT2; TE1; TE3; TE4; TE5 TE6; TE7; THW1; THW2; THW3; THW4; THW5; THW6; TTR1 and TTR2**

Note: Reference Numbers for Policy TH1 - site references prefixed with 'TNP' refer to sites in Torquay Neighbourhood Plan : Table 1, page 12.

Note: Community Partnership Areas are shown on a separate map. The Community Partnerships intend to revise the Community Partnership boundaries to accord with the new (2nd May 2019) Ward boundaries.





The Botly

The Meadows

Greenacres

Aller Brook House

Aller Brook

The Bungalow

Home Farm

Little Farm

New House Farm

Drew's Farm

Manor Farm

Hillside Cottage

Hophay Barn

Lower Killpark Plantation

Higher Killpark Plantation

Orestone Cress

Orestone Plantation

Teignbridge District

Barton

TNPH1

TNPH2

TSL1

TNPH3

TLGSS1

GDST3

TLGSS2

TLGSS3

TLGSS5

TLGSS9

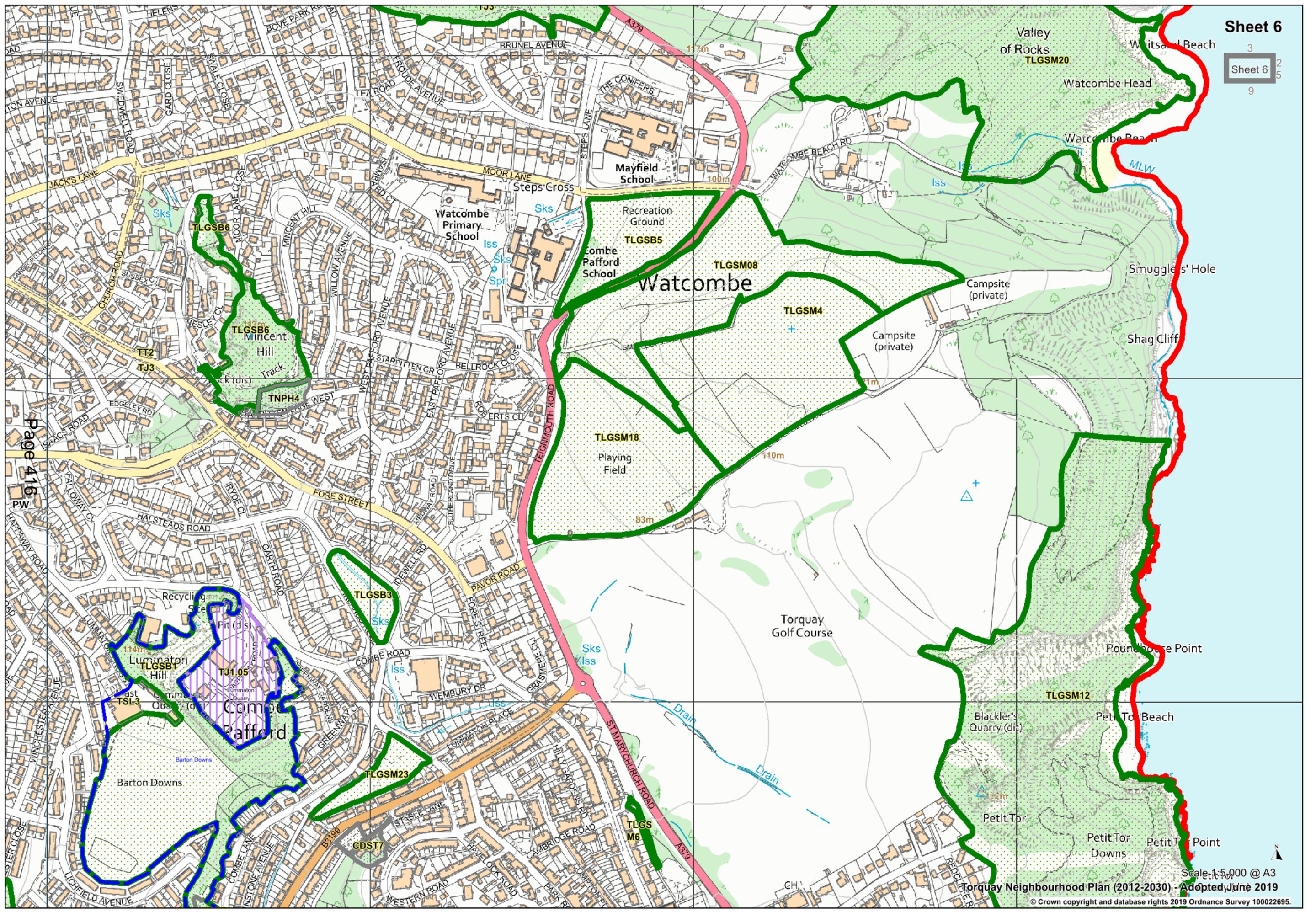
Watercress Beds

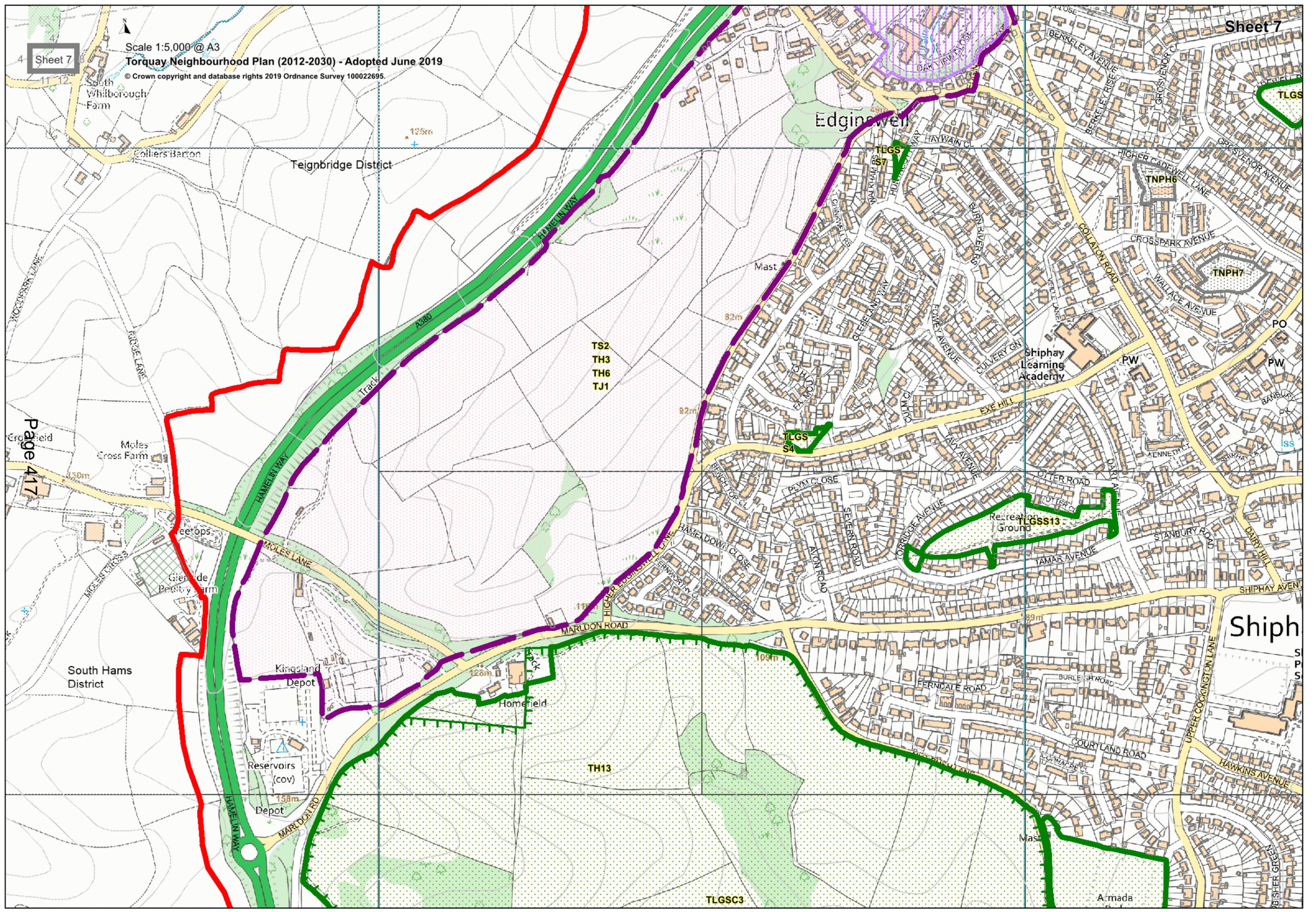


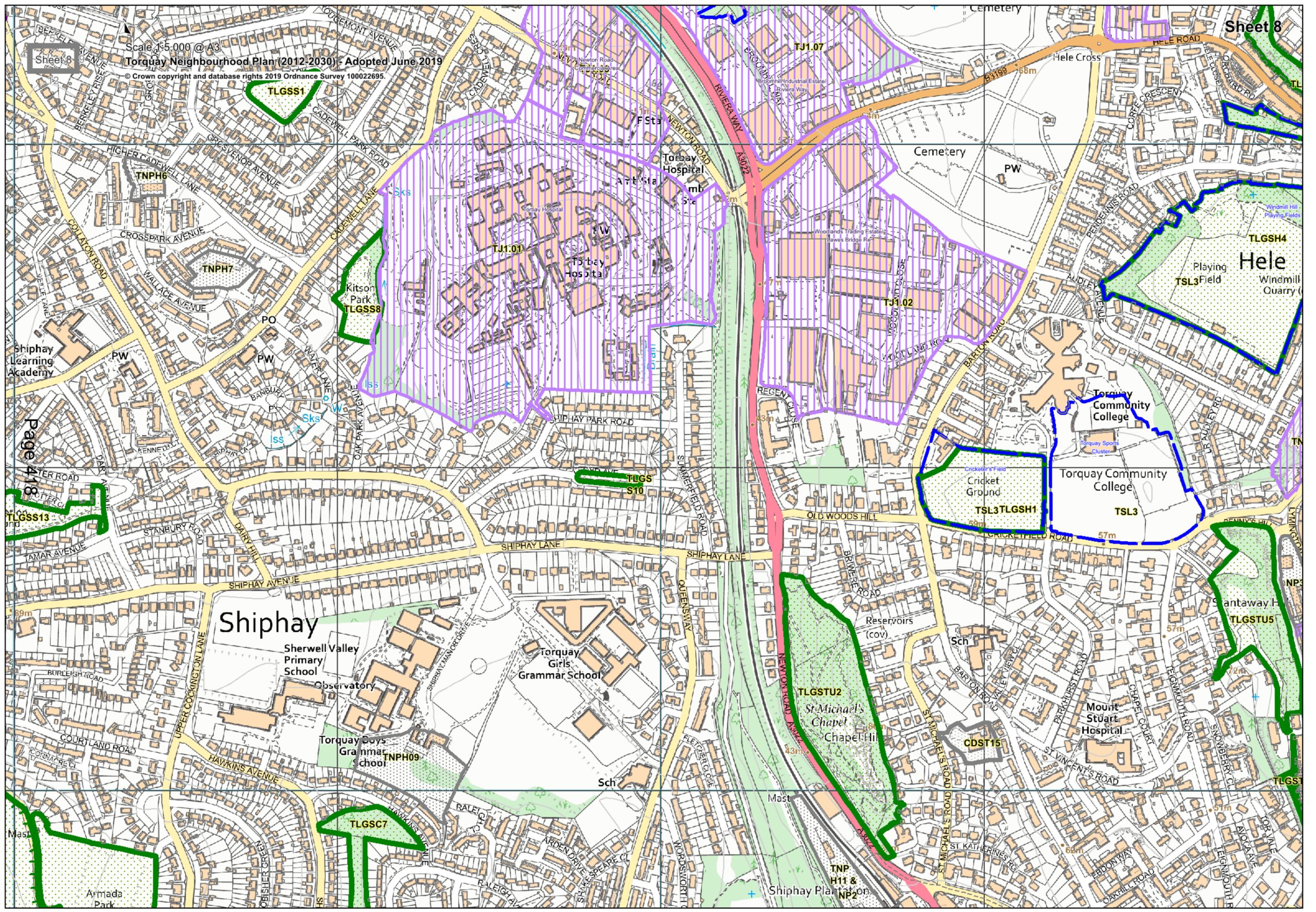






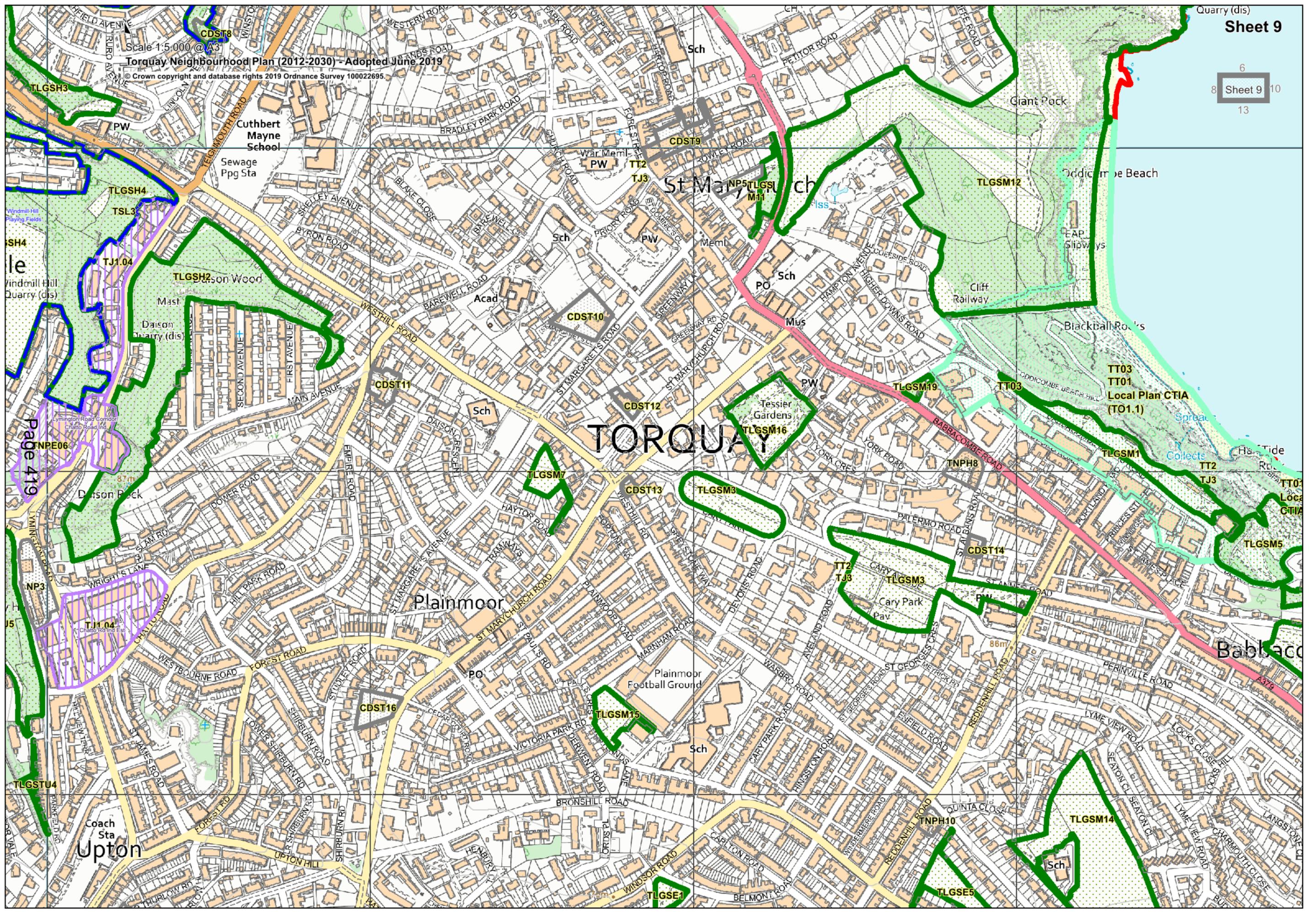


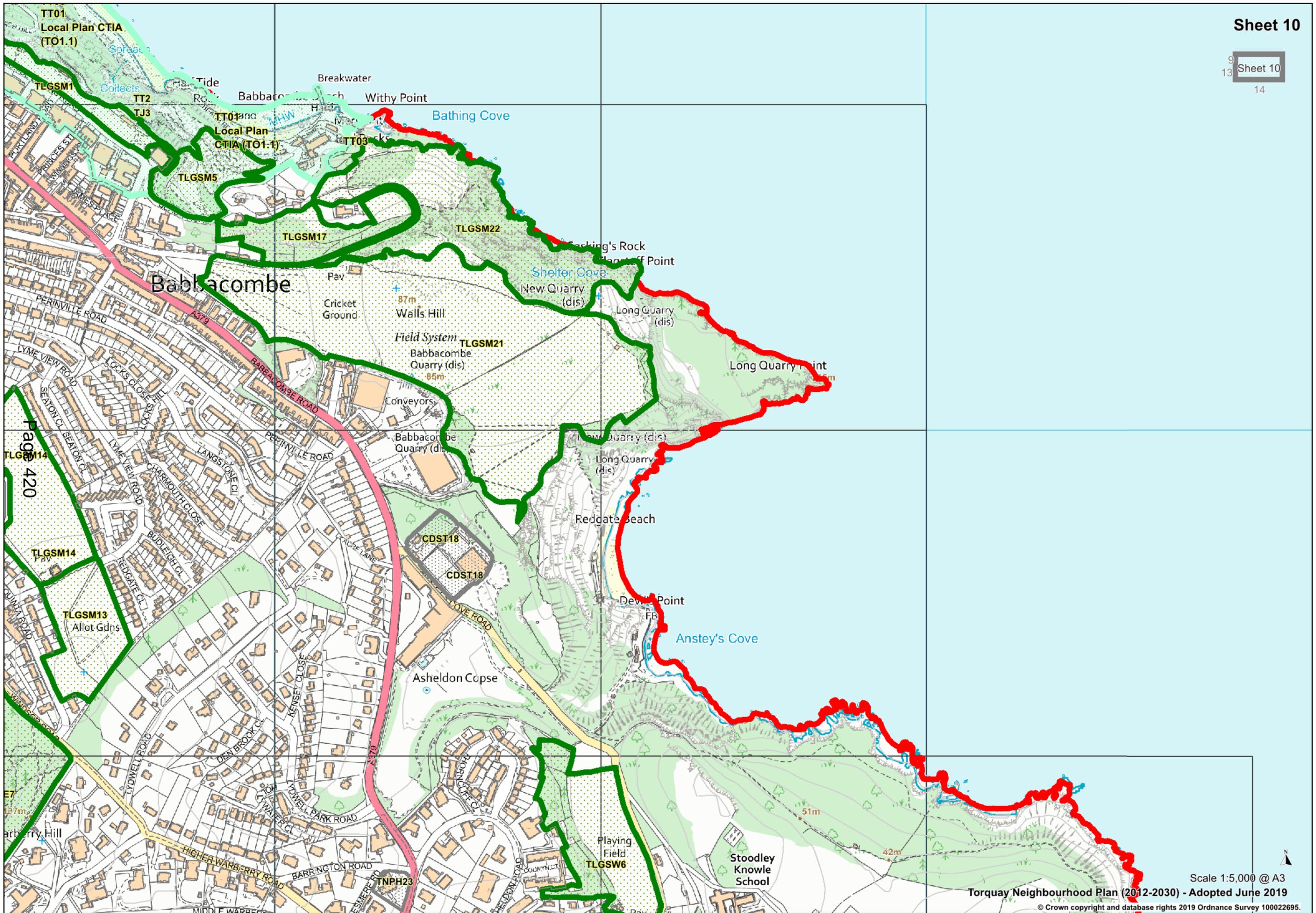




Scale 1:5,000 @ A3  
Torquay Neighbourhood Plan (2012-2030) - Adopted June 2019  
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# TORQUAY

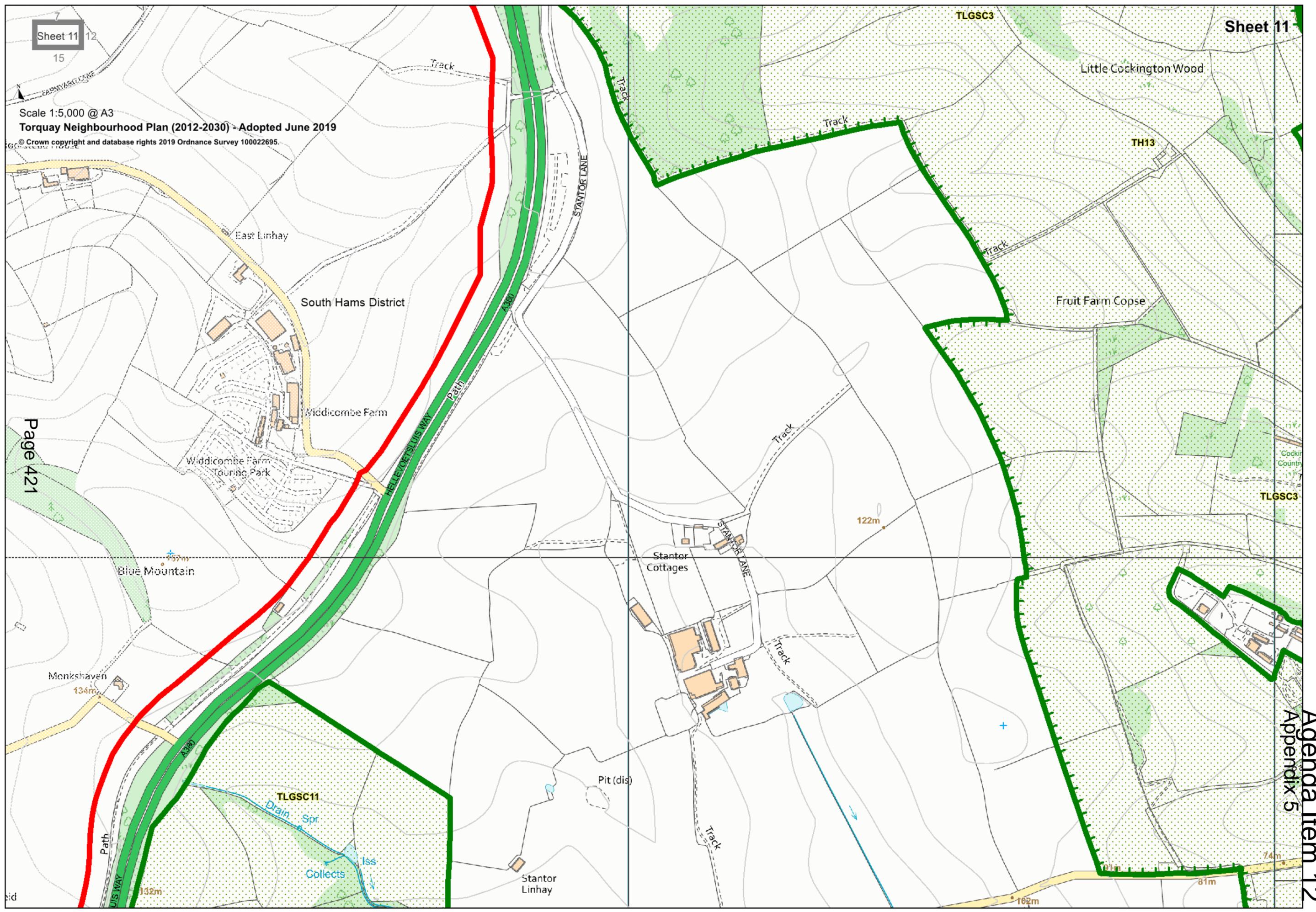


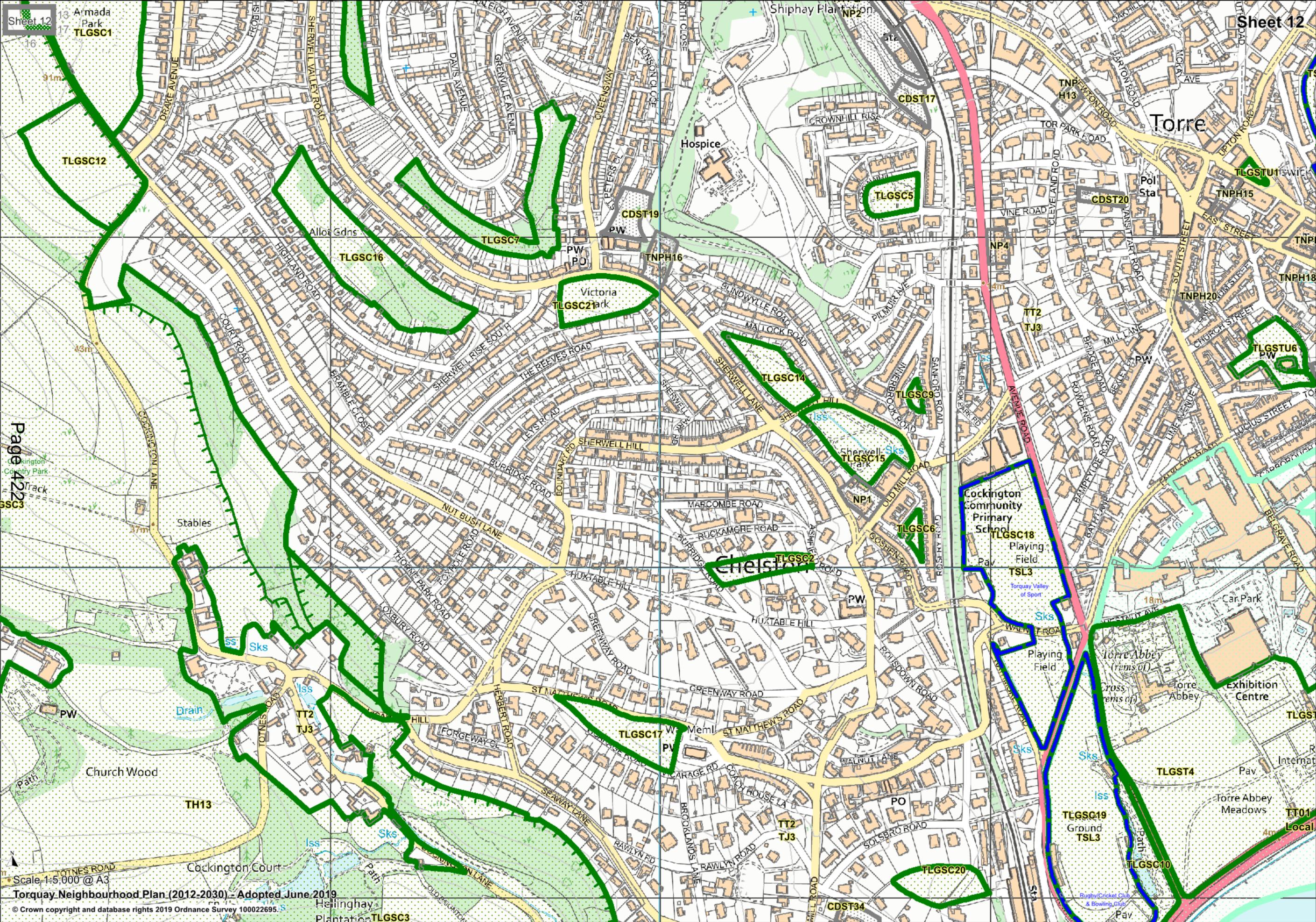


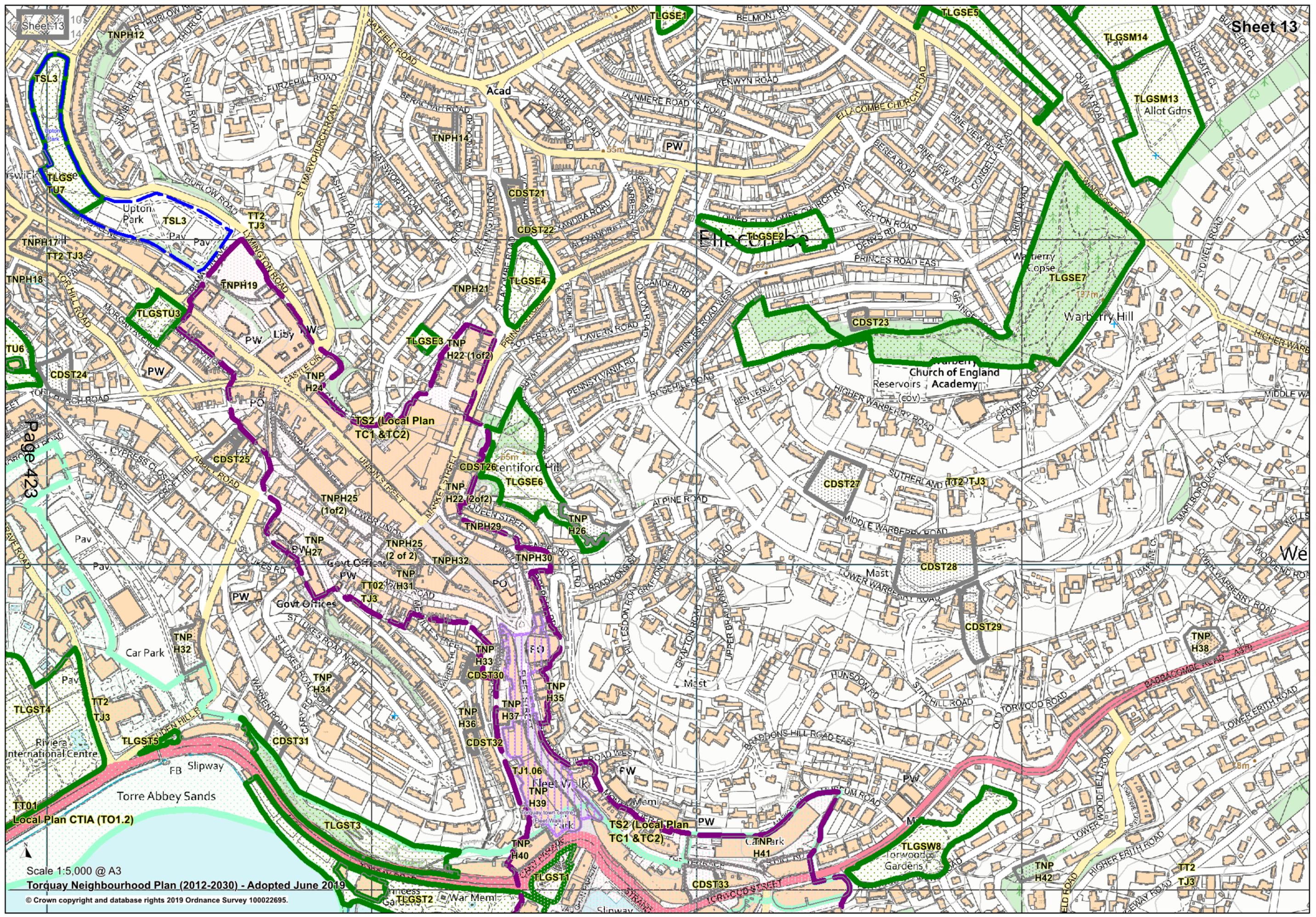
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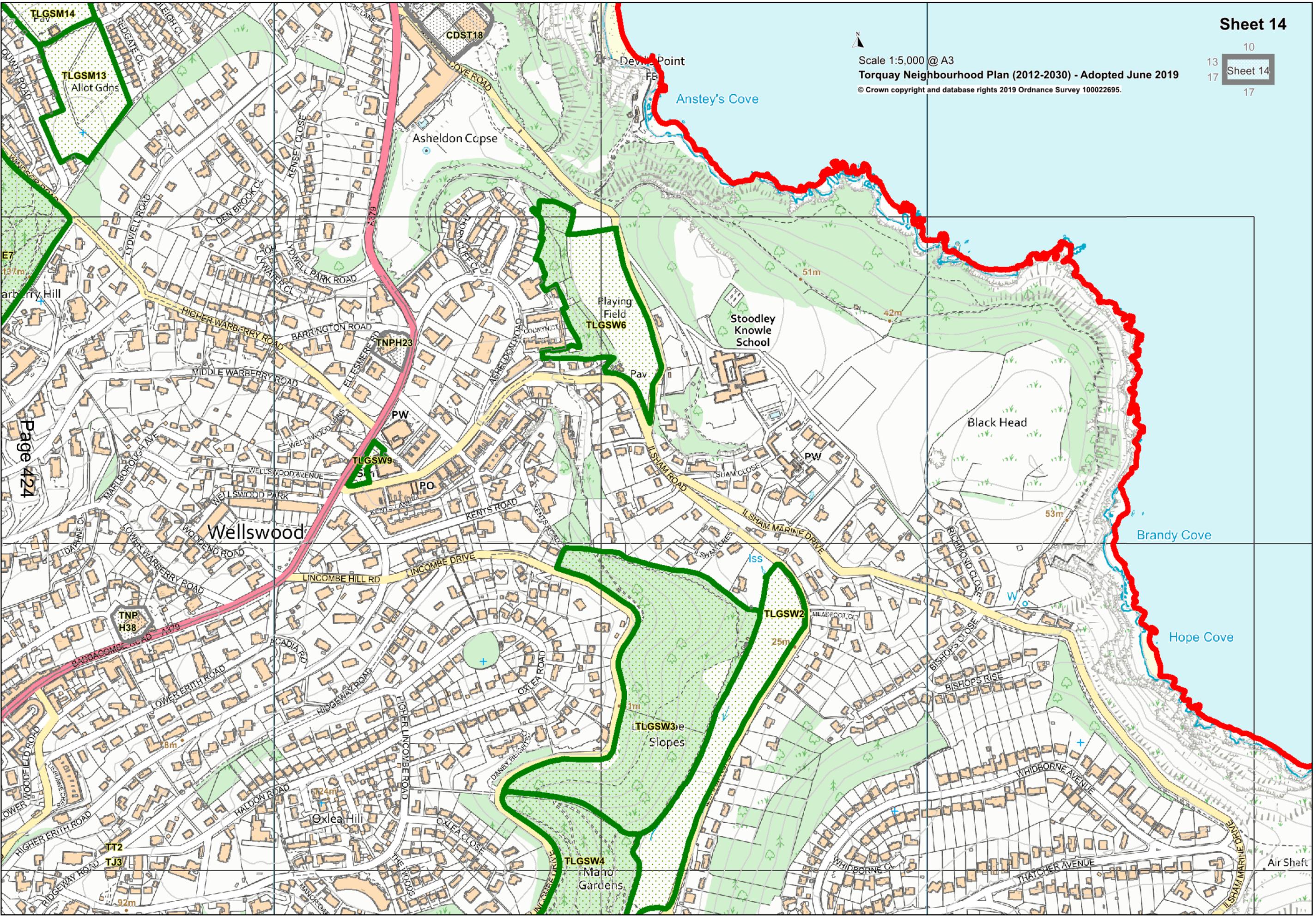
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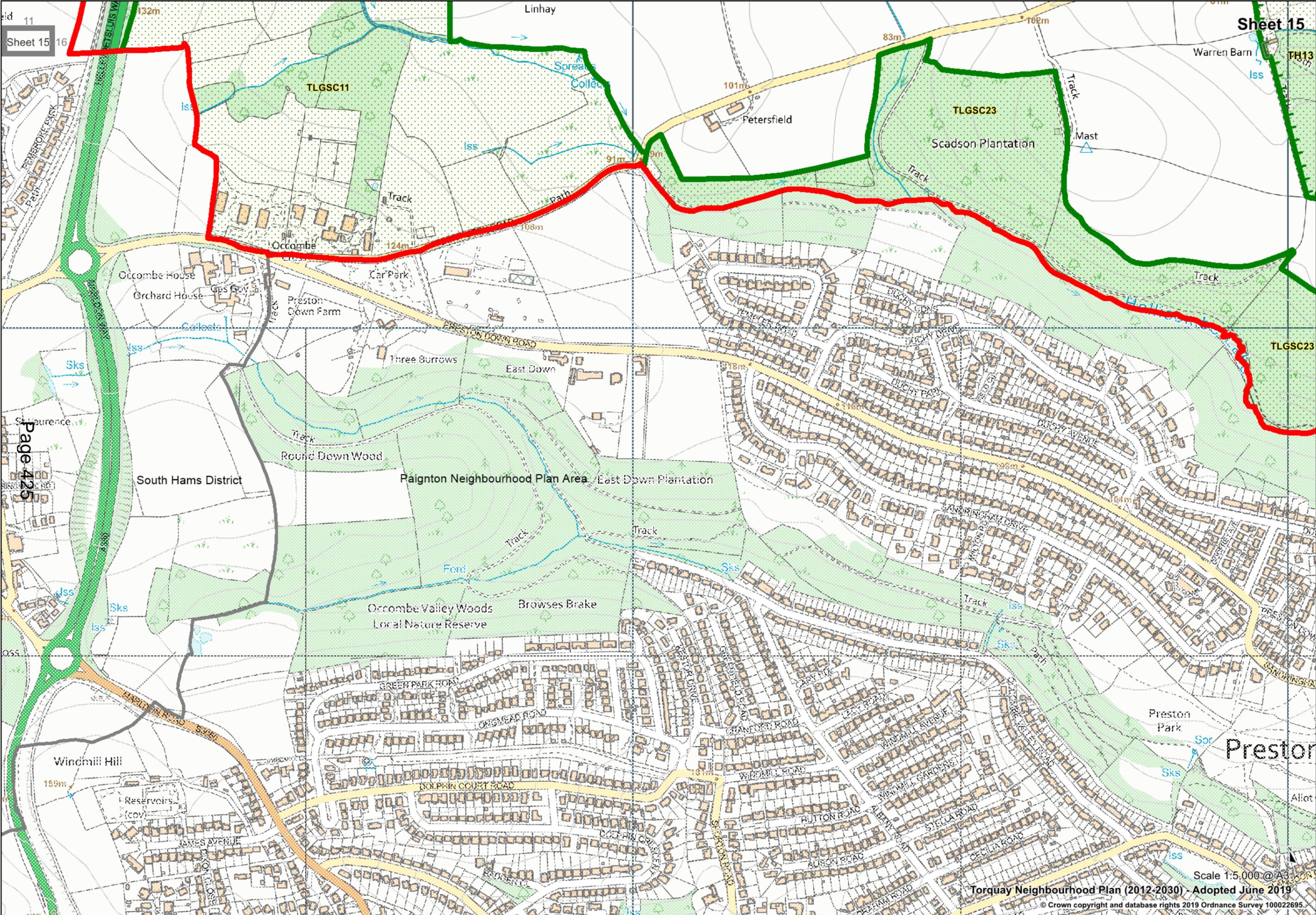


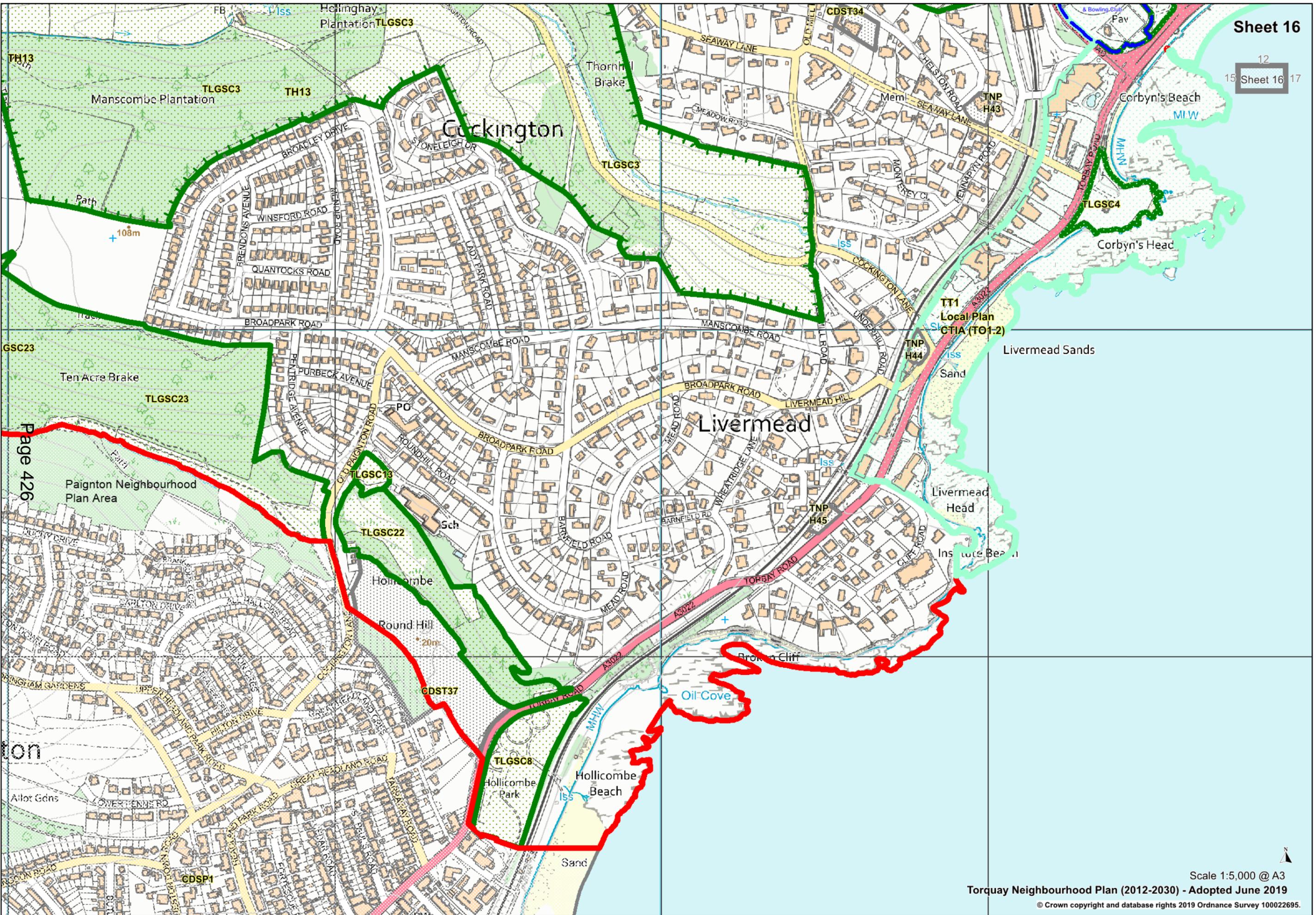


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**Torquay Neighbourhood Plan (2012-2030) - Adopted June 2019**  
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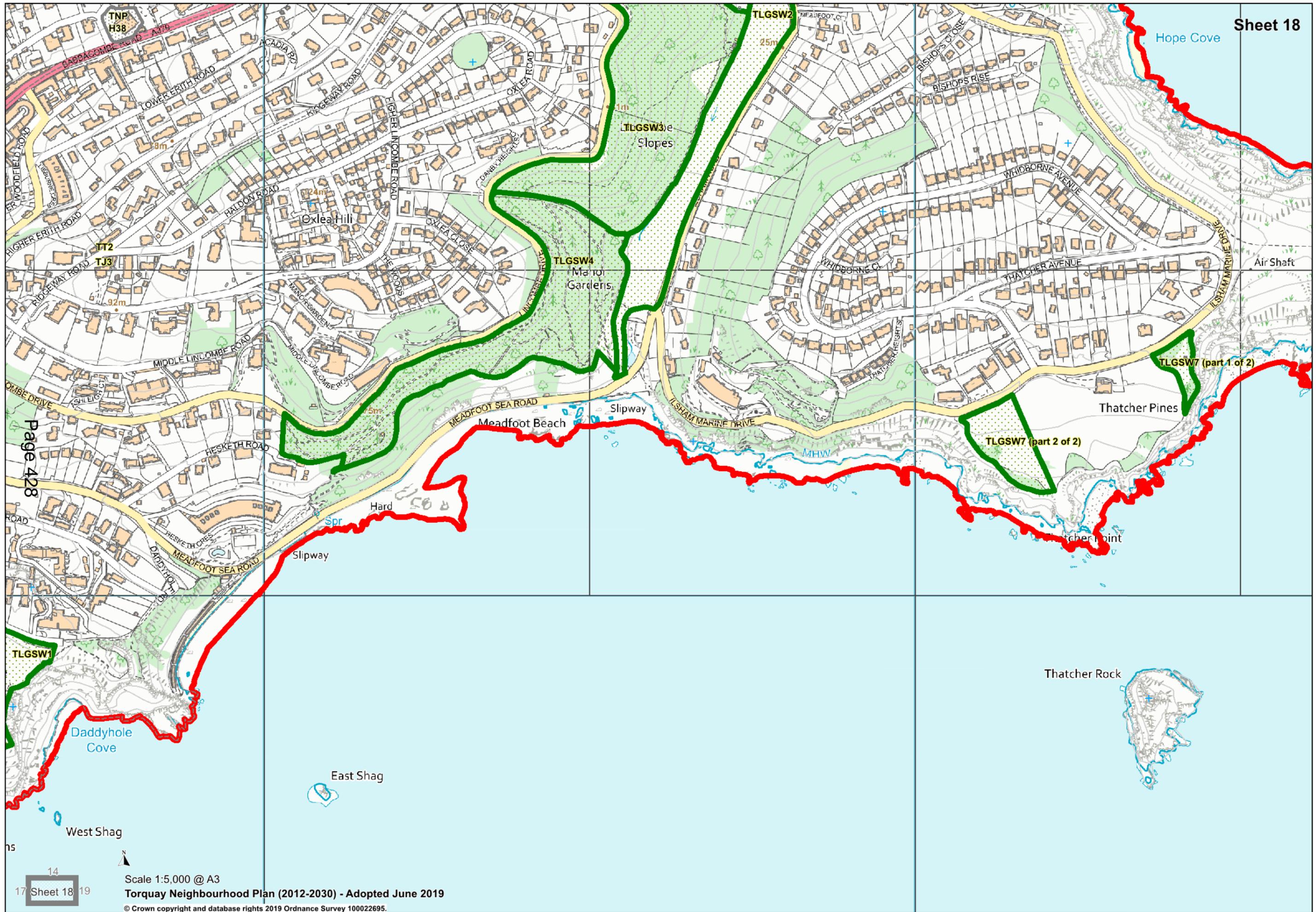


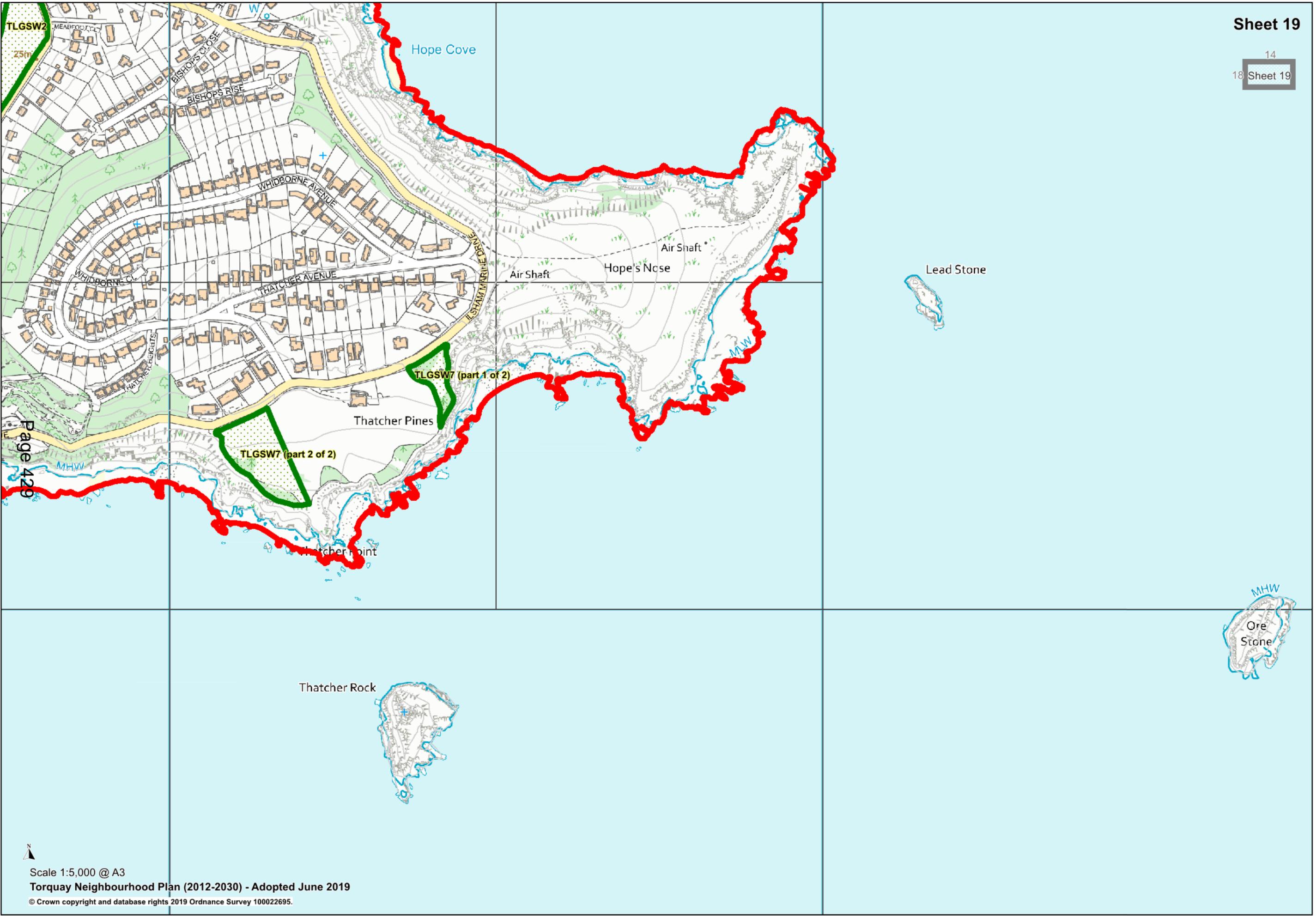
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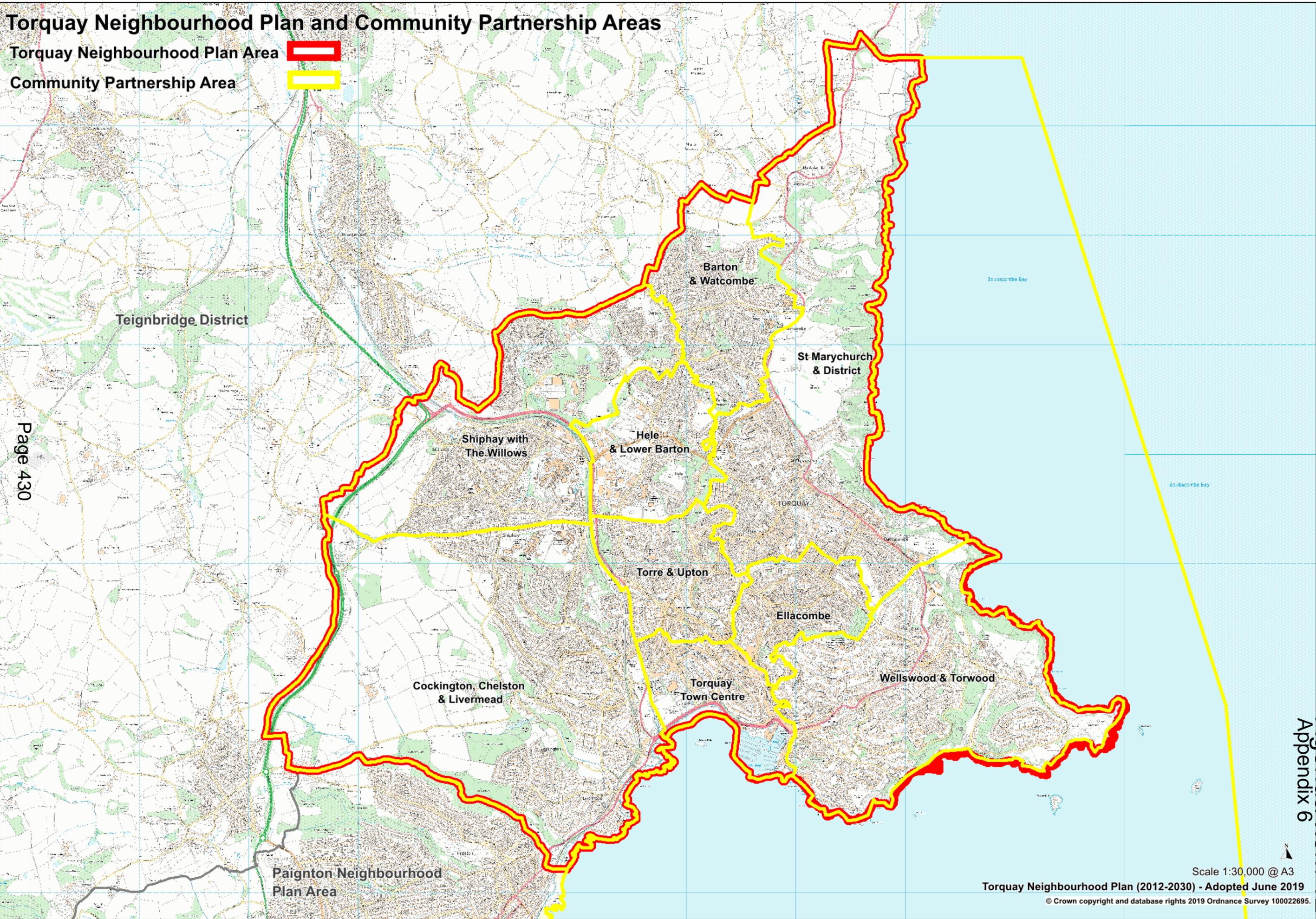






# Torquay Neighbourhood Plan and Community Partnership Areas

Torquay Neighbourhood Plan Area   
Community Partnership Area 



**Torquay Neighbourhood Plan  
Referendum Version**

**Habitats Regulations Assessment  
Report**

**March 2019**

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# PART 1: SCREENING REPORT

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# 1 BACKGROUND

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## 1.1 Introduction

This document updates and replaces the Torquay Neighbourhood Plan (TNP) Habitats Regulations Assessment (HRA) based on the Examiner's recommendations in July 2018 and further modifications made post examination. The purpose of Habitats Regulations Assessment is to assess the impacts of a land use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European site, and to ascertain whether it would adversely affect the integrity<sup>1</sup> of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.

Torbay Council as a competent authority needs to ascertain whether the TNP is likely to have a significant effect on European sites (either alone or in combination with other plans or projects). The assessment only considers the habitats and species that are qualifying interest features of the European sites.

## 1.2 Legal Requirement of Habitats Regulations Assessment

Under Article 6(3) of the Habitats Directive<sup>2</sup> (Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”* If this assessment cannot rule out that the plan/project will not result in significant effects, the authority must undertake an Appropriate Assessment of the implications in view of the conservation objectives of those sites affected. Following the European Court of Justice (People over Wind & Sweetman v Coillte Teoranta case C-323/17 on 12 April 2018) which confirmed that mitigation measures should not be taken into account during the screening process but, if needed form part of the Appropriate Assessment Report.

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<sup>1</sup> Integrity is described as the site's coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified, (ODPM, 2005).

<sup>2</sup> The Conservation (Natural Habitats, &c.) Regulations 1994 transposed the Habitats Directive into national law. The Regulations came into force on 30 October 1994, and have been subsequently amended several times. They apply to land and to territorial waters out to 12 nautical miles from the coast. The Conservation of Habitats and Species Regulations 2018 consolidate all the various amendments made to the 1994 Regulations in respect of England and Wales.

## The Structure of this Document

This HRA sets out the findings of the assessment work carried out for the Torquay Neighbourhood Plan. It consists of Part 1: Screening Report and Part 2: Appropriate Assessment Report. Following this introductory section the report is organised into seven further sections:

- Section 2 – describes the method used for the HRA process;
- Section 3 – identifies European sites within and in close proximity of Torquay;
- Section 4 – provides a list of plans and programmes that could have in combination effects;
- Section 5 – identifies the potential effects arising from the Neighbourhood Plan on European sites;
- Section 6 – outlines the key findings of the Screening stage;
- Section 7 – outlines the Appropriate Assessment and the findings of the assessment; and
- Section 8 – outlines the HRA key conclusions and recommendations.

## 2 METHOD

The approach taken for this HRA follows the method set out in formal guidance documents and has additionally been informed by recent good practice examples. The key stages of the HRA process overall, and the specific tasks undertaken for each stage are set out in Table 2.1 below:

**Table 2.1: HRA Key Stages**

Stage	Tasks
<b>Stage 1: Screening</b>	<ol style="list-style-type: none"> <li>1. Identify European sites in and around the plan area.</li> <li>2. Examine the conservation objectives of each interest feature of the European site(s) potentially affected.</li> <li>3. Analyse the policy / plan and the changes to environmental conditions that may occur as a result of the plan. Consider the extent of the effects on European sites (magnitude, duration and location) based on best available information.</li> <li>4. Examine other plans and programmes that could contribute (cumulatively) to identified impacts/ effects.</li> <li>5. Produce Screening assessment based on evidence gathered and consult statutory nature conservation body on findings.</li> <li>6. If effects are judged likely or uncertainty exists – the precautionary principle applies: proceed to Stage 2.</li> </ol>
<b>Stage 2: Appropriate Assessment</b>	<ol style="list-style-type: none"> <li>1. Agree scope and method of Appropriate Assessment with statutory nature conservation body.</li> <li>2. Collate all relevant information and evaluate potential impacts on site(s) in light of conservation objectives.</li> </ol>
<b>Stage 3: Assessment of alternative solutions</b>	<ol style="list-style-type: none"> <li>1. Consider how effect on integrity of site(s) could be avoided by changes to plan and the consideration of alternatives (e.g. an alternative policy/ spatial location). Develop mitigation measures (including timescale and mechanisms for delivery).</li> <li>2. Prepare HRA/ AA report and consult statutory body.</li> <li>3. Finalise HRA/AA report in line with statutory advice to accompany plan for wider consultation.</li> </ol>
<b>Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain</b>	An assessment of whether the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the Natura 2000 network.

Natural England (NE) has produced additional, detailed guidance "The Habitats Regulations Assessment of Local Development Documents" (Tyldesley, 2009) (superseded by the online DTA Habitats Regulations Handbook <https://www.dtapublications.co.uk/handbooks> ) that

complements the DCLG guidance<sup>3</sup>, and builds on assessment experience and relevant court rulings the most recent is the Judgment of the European Court of Justice People over Wind & Sweetman v Coillte Teoranta case C-323/17 on 12 April 2018. The guidance sets out criteria to assist with the Screening process and addresses the management of uncertainty in the assessment process. Proposals falling within categories A and B are considered not to have an effect on a European site and can be eliminated from the assessment procedure. Proposals falling within Category C and D would require further analysis, including the consideration of "in-combination" effects to determine whether they should be included in the next stages of the HRA process. The categories of the potential effect of land use plans on European sites are shown in Table 2.2 below.

**Table 2.2: Categories of the potential effects of land-use plans on European sites**

<b>Category A: No negative effect</b>	
A1	Policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.
A2	Policies intended to protect the natural environment, including biodiversity.
A3	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
A4	Policies that positively steer development away from European sites and associated sensitive areas.
A5	Policies that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
<b>Category B: No significant effect</b>	
B	Effects are trivial or 'de minimis', even if combined with other effects.
<b>Category C: Likely significant effect alone</b>	
C1	The option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.

<sup>3</sup> Department for Communities and Local Government, (August 2006) - Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents, DCLG.

C2	The option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.
C3	Proposals for a magnitude of development that, no matter where it was located, the development would be likely to have a significant effect on a European site.
C4	An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following consideration of options in a later, more specific plan. The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information.
C5	Options, policies or proposals for developments or infrastructure projects that could block options or alternatives for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided.
C6	Options, policies or proposals, which depend on how the policies etc. are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site.
C7	Any other options, policies or proposals that would be vulnerable to failure under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning'.
C8	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the plan provides the imperative reasons of overriding public interest to justify its consent despite a negative assessment.
<b>Category D: Likely significant effect in combination</b>	
D1	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals provided for or coordinated by the LDD (internally) the cumulative effects would be likely to be significant.
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects, and possibly the effects of other developments provided for in the LDD as well, the combined effects would be likely to be significant.
D3	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages

	would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.
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**Source:** *The Habitats Regulations Assessment of Local Development Documents Revised Draft Guidance for Natural England, February 2009, prepared by Tydesley and Associates for Natural England.*

### 3 IDENTIFICATION OF EUROPEAN SITES

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The Natural England guidance recommends considering all European sites within a 10 - 15km buffer of a plan or project, in Torbay a 20 km buffer was recommended. A total of six European sites were identified. Two of which are present within Torbay boundaries and four further European sites are within the 20km buffer zone of Torquay's boundaries (see Appendix D, Map1). These are listed below:

1. Exe Estuary SPA & Ramsar (11km)
2. Dawlish Warren SAC (11km)
3. South Hams SAC (8km)
4. Dartmoor SAC (18km)
5. South Dartmoor Woods SAC (14km)
6. Lyme Bay and Torbay Marine SAC

Site characteristics and the conservation objectives of each site were set out in Appendix E and more information can be accessed on Natural England website below:

<http://publications.naturalengland.org.uk/category/5374002071601152>

## 4 CONSIDERATION OF OTHER PLANS AND PROGRAMMES

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The Habitats Directive requires competent authorities to include the assessment of effects on a European site in combination with other plans or projects. For the purpose of this assessment, only key relevant plans that could potentially result in in-combination effects have been considered because they will also result in similar changes to environmental conditions. These are listed below:

- Torbay Local Plan 2012-2030 (2015);
- Devon and Torbay Local Transport Plan (3) 2011-2026;
- Devon County Council Waste Local Plan to 2031 (2014);
- Devon County Council Minerals Local Plan 2011-2031 (2017);
- English Riviera Destination Management Plan 2016 – 2021;
- Torbay Economic Strategy 2017-2022;
- Torbay Harbour Authority Port Masterplan (2013);
- South Devon and Dorset Shoreline Management Plan Review (SMP2) 2009; and
- The emerging Joint Plymouth and South West Devon Local Plan (currently at the examination).

## 5 LIKELY SIGNIFICANT EFFECT

Identification of potential and likely impacts was undertaken using a site focus, which considers the environmental conditions of the site and the factors required to maintain site integrity. It also considers the potential pathways of impacts arising from the Torquay Neighbourhood Plan alone or in combination with other plans and policies. Table 5.1 below summarises the main factors that may affect the integrity of the European sites (identified in section 3 above) as a result of development. The potential issues arising as a result of proposed development are:

- Increased water discharges (consented), which can lead to reduced water quality at European sites;
- Increased surface water runoff, which can lead to reduced water quality at European sites;
- Increased recreational activity, which can lead to increased disturbance at European sites;
- Increased noise and light pollution, which can lead to increased disturbance at European sites; and
- Land take, which can lead to habitat loss and fragmentation of designated and/or supporting habitats.

**Table 5.1: Factors affect European sites integrity**

European site	Site Vulnerabilities				
	Habitat loss/fragmentation	Noise, vibration and lighting	Nutrient enrichment	Water levels and quality	Recreational pressure
South Hams SAC	√	√	X	X	X
Lyme Bay & Torbay SAC	X	X	X	√	X
Dartmoor SAC	X	X	X	X	X
South Dartmoor Woods SAC	X	X	X	X	X
Dawlish Warren SAC	X	X	X	X	X
Exe Estuary SPA & Ramsar	X	X	X	X	X

Key

- √ Likely significant effects
- X No likely significant effects

## 6 SCREENING CONCLUSIONS

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The Torquay Neighbourhood Plan is not considered to have likely significant effects (LSE) on South Dartmoor Woods SAC, Dawlish Warren SAC and Exe Estuary SPA and Ramsar due to the distances involved. They are therefore screened out of the assessment at this stage and further assessment is not considered to be required under the Habitats Regulations. However, the Plan could have likely significant effect on the South Hams SAC and the Lyme Bay and Torbay Marine SAC that could affect the integrity of these two sites.

The approach to considering mitigation measures at stage1 screening has been influence by the Judgment of the European Court of Justice, case C-323/17 on 12<sup>th</sup> April 2018, which interpreted that *“it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of a plan or project on the site”*.

Since the likelihood of significant effects cannot be ruled out at this stage , the Council, as competent authority, must proceeds to stage two ‘Appropriate Assessment’ to assess the potential impacts, and identify mitigation measures required to avoid adverse effects on European sites.

# PART 2: APPROPRIATE ASSESSMENT REPORT

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# 7 APPROPRIATE ASSESSMENT

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## 7.1 Introduction

This section addresses stage two Appropriate Assessment of the HRA process (Article 6(3) of Council Directive 92/43/EEC). The AA assesses the adverse effects on European sites in light of the conservation objectives and recommends mitigation measures as required. The Screening Report have considered the two European sites within Torbay i.e. the South Hams SAC and the Lyme Bay and Torbay Marine SAC.

The assessment involves a careful check of each policy and housing and employment site allocated in the Torquay Neighbourhood Plan. The record of the check for the likelihood of significant effects is set out in Appendices A, B and C below.

## 7.2 Lyme Bay and Torbay Marine SAC

There will be additional pressure placed on Lyme Bay and Torbay Marine SAC from the level of growth suggested by the Torquay Neighbourhood Plan either alone or in combination with other plans and policies. This additional pressure includes a risk of water pollution and recreational activities on the interest features (i.e. reefs and sea caves). Due to the distance involved, the level of water-based traffic entering Lyme Bay from Torbay area is likely to be minimal and therefore would have insignificant effect on the reefs in Lyme Bay. The risk from human activities resulting from the Torquay Neighbourhood Plan therefore considered to be limited to the area between Mackerel Cove to Dartmouth (see Appendix D, Map 2).

The level of growth suggested by the Torquay Neighbourhood Plan could potentially have negative effects on water quality from contaminated run-off as a result of cumulative impact of development. The likely significant effects of development in Torquay have been mitigated through the policies in the Torbay Local Plan Policies Nature Conservation (NC1) Waste Water Disposal (W5) and Water Management (ER2). The three policies contain a number of avoidance and reduction measures which restrict development that could have negative effects on the Lyme Bay and Torbay Marine SAC.

Policy ER2 requires all development to seek minimising generation of increased runoff, having regard to the drainage hierarchy. This applies in particular to development in Torquay that discharge into Hope's Nose/ Ilsham Combined Sewer Outfall (CSO).

Development proposals in Torquay will need to demonstrate that they avoid or cancel out the risk of increased run-off and thereby an increased risk of spills at the Ilsham CSO. This could be achieved through drainage discharge into:

- a. an adequate infiltration system (e.g. swales, soak ways, infiltration basins, filter drains, rain gardens), or where that is not reasonably practicable;
- b. a main river or water course, or where that is not reasonably practicable;
- c. a surface water sewer or highway drain; or in the last resort where none of the above are reasonably practicable;
- d. To a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield discharge rates.

Development that increase risk of spills at the CSO is likely to contribute to the LSE on the Marine SAC and will therefore require AA in order to assess their in-combination effects with other plans and projects.

Policy W5 requires new development to have separate foul and storm water drainage systems. It recommends sustainable drainage systems (SUDS) and water sensitive urban design (WSUD) to reduce the impact of climate change and urban creep. In addition, the timing and delivery of development will take account of the view of South West Water (through continued, ongoing discussions between LPA and SWW) to ensure that there is sufficient capacity within local waste water treatment infrastructure to accommodate growth and can ensure that there would be no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine SAC.

### **7.3 South Hams SAC**

Impact on the integrity of South Hams SAC is primarily related to loss and disturbance of foraging and commuting habitats used by the greater horseshoe bat population. Reduction in the sustenance zone and removal of linear features used by commuting bats, through development, could have a significant negative effects on the bat population.

Torquay is outside of the South Hams SAC sustenance zone<sup>4</sup>, however there are two strategic flyway ends; at Sladnor Park and Edginswell Future Growth Area (see Appendix D, Map 3).

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<sup>4</sup> Natural England :South Hams SAC - Greater horseshoe bat consultation zone planning guidance, 2010

There is a possibility of disturbance of flyways at Kerswell Gardens. Greater horseshoe bats are particularly light sensitive and tend to avoid areas that are subject to artificial illumination. Development proposals should seek to avoid loss of foraging habitats and hedgerows. A landscape buffer would be required along the western edge of the area between any future built development and the A 380 (see Appendix D, Map 4). This would be consistent with the TNT Policy E6 and the Local Plan Policy NC1.

Kerswell Gardens (TNPE03) and Edginswell Business Park (TNPE10) were assessed in the Local Plan HRA<sup>5</sup> as part of the Edginswell Future Growth Area (FGA) that was allocated in the Torbay Local Plan. The two sites form the northern part of the FGA and they are divided by the A3022 (Riviera Way). Most of area has already been developed or has planning consent for development. The historic hamlet of Edginswell forms the southern edge of the Edginswell Business Park.

The two sites are located at the eastern end of a greater horseshoe bat Strategic Flyway that runs along the valley from Kingskerswell towards Torquay. This flyway leads as far as northern part of the FGA where it meets a dead end against the built up edge of Torquay. Given the nature of land-use in adjacent areas, which includes extensive existing development and well-lit roads, the two sites do not appear to provide any important routes between high quality foraging habitats and any key roost sites. This is supported by Ecological assessment prepared by Aspect Ecology<sup>6</sup>, which concluded the absence of any records of GHB activity in the area.

The Local Plan HRA have recommended a landscape buffer along the western edge of the FGA (Appendix D, Map 4), including the two sites, between any future built development and the A380. This buffer would provide opportunities to retain or create connective corridors of suitable commuting and foraging habitat for a wide variety of biodiversity, including bats in general, and GHBs in particular.

## 7.4 In-combination Assessment

Subject to implementation of the proposed mitigation measures in Section 7 above, the impacts of additional development in Torquay would be reduced to an insignificant level and therefore the Torquay Neighbourhood Plan policies will not affect the integrity of any of the European sites identified alone or in-combination with other plans and projects, and the

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<sup>5</sup> Kestrel Wildlife Consultants Ltd. (2014) - HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan)

<sup>6</sup> P/2013/0677

conservation objectives of the European sites would be sustained.

## 8 CONCLUSIONS AND RECOMMENDATIONS

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The Torquay Neighbourhood Plan has been assessed to determine the likelihood of significant effects on any European site. Torbay Council as a competent authority needs to ascertain whether the plan is likely to have a significant effect on European sites (either alone or in combination with other plans or projects). The assessment only considers the habitats and species that are qualifying interest features of the European sites.

The findings, identify that Torquay Neighbourhood Plan will not have likely significant effects on four out of the six European sites identified within 20 km of Torbay boundaries; either alone or in combination with other plans or projects. Based on the precautionary principle, the potential likely significant effects on Lyme Bay and Torbay Marine SAC and South Hams SAC have been taken forward to at stage 2 Appropriate Assessment.

The assessment involves a careful check of each policy and housing and employment site allocated in the Torquay Neighbourhood Plan. The record of the assessment for the likelihood of significant effects and proposed mitigation measures were set out in section 7 above and Appendices A-C.

The TNP Policy E6 and the Local Plan Policies NC1, W5 and ER2 put in place restrictions on development that could have negative effect on the two international sites. Subject to implementation of the proposed mitigation measures, the impacts of additional development in Torquay would be avoided or reduced to an insignificant level and therefore the Torquay Neighbourhood Plan policies will not affect the integrity of any of the European sites identified and the conservation objectives of these sites would be sustained.

## 9 REFERENCES

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1. Torquay Neighbourhood Forum (2017) - The Torquay Neighbourhood Plan (submitted version)
2. Kestrel Wildlife Consultants Ltd. (2014) - HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan).
3. Natural England (2010) - South Hams SAC, Greater horseshoe bat consultation zone planning guidance.

# 10 APPENDICES

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## 10.1 Appendix A: the TNP Policies Appropriate Assessment Matrix

Policy	Category	European site Affected	Screening outcome	Is AA required?	Mitigation and avoidance measures
TS1 –TS4	A1	N/A	No negative effects	No	N/A
TH1	D3	Lyme Bay and Torbay Marine SAC	The level of growth suggested in this area could potentially have negative impacts on the Marine SAC as a result of potential increase in use of Hope's Nose/Ilsham Combined Sewer Outfall.	Yes	See Appendix B below
TH2 -TH13	A1	N/A	No negative effects	No	N/A
TJ1	D3 C1	Lyme Bay and Torbay Marine SAC  South Hams SAC	The level of growth suggested in this area could potentially have negative impacts on the Marine SAC as a result of potential increase in use of Hope's Nose/Ilsham Combined Sewer Outfall.  See TNPE03 and TNPE10 in Appendix C	Yes	See Appendix C below
TJ2 - TJ3	A1	N/A	No negative effects	No	N/A
TT1 – TT3	A1	N/A	No negative effects	No	N/A
TE1 – TE7	A2	N/A	No negative effects	No	N/A
THW1 – THW6	A1	N/A	No negative effects	No	N/A
TSL1 - TSL3	A1	N/A	No negative effects	No	N/A
TTR1 - TTR2	A1	N/A	No negative effects	no	N/A

## 10.2 Appendix B: Housing sites Appropriate Assessment Matrix

Housing site	Category	European site	Screening outcome	Is AA required?	Mitigation and avoidance measures
Allocated housing sites Policy TH1 (Table 1 of TNP) <sup>7</sup>	D3	Lyme Bay and Torbay Marine SAC	The level of growth suggested in this area could potentially have negative impacts on the Marine SAC as a result of potential increase in use of Hope's Nose/Illsham Combined Sewer Outfall.	Yes	<p>1. The Local Plan Policies NC1, W5 and ER2 restrict development that could have negative impact on the Lyme Bay and Torbay Marine SAC.</p> <p>2. All development should seek to minimize the generation of increased runoff, having regard to the drainage hierarchy. Development in Torquay that haven't met the drainage hierarchy will be subject to the delivery of River Fleet Flood Alleviation Scheme as set out in the Local Plan policy ER2.</p> <p>3. The Local Plan policy W5 requires new development to have separate foul and storm water drainage systems. It also recommends sustainable drainage systems (SUDS) and water sensitive urban design (WSUD).</p>

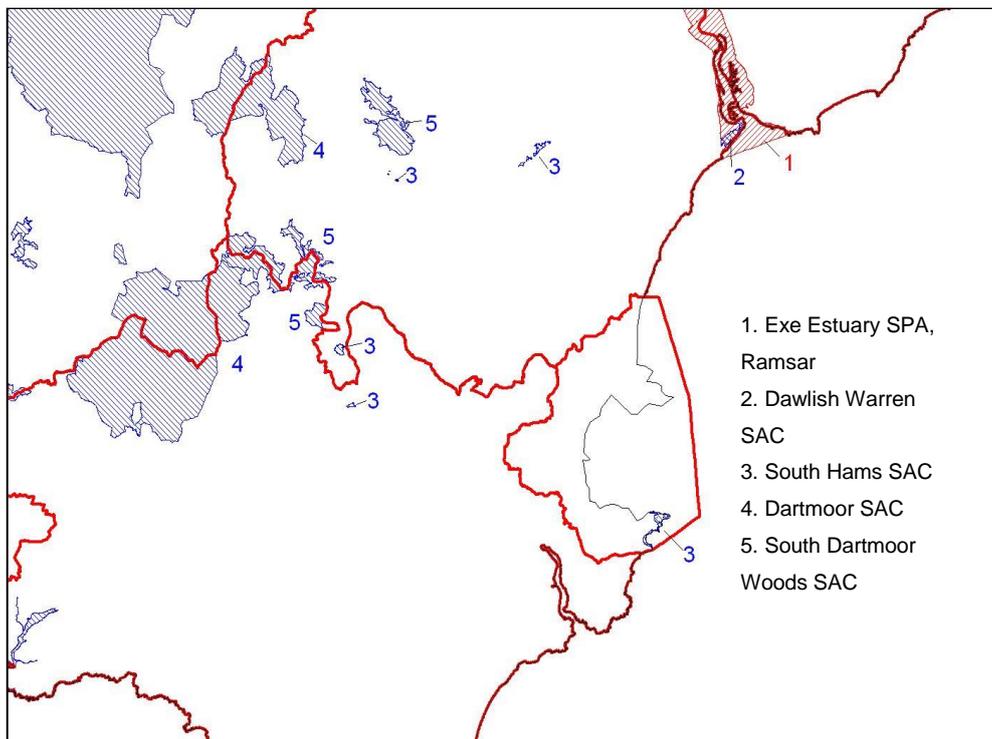
## 10.3 Appendix C: Employment sites Appropriate Assessment Matrix

Employment site	Category	European Site	Screening outcome	Is AA required?	Mitigation and avoidance measures
Allocated employment sites	D3	Lyme Bay and Torbay Marine SAC	The level of growth suggested in this area could potentially have negative impacts on the Marine SAC as a result of potential increase in use of Hope's Nose/Illsham Combined Sewer Outfall.	Yes	See allocated housing site mitigation measures above
TNPE01 - Torbay Hospital and	A4	N/A	No negative effects	No	N/A

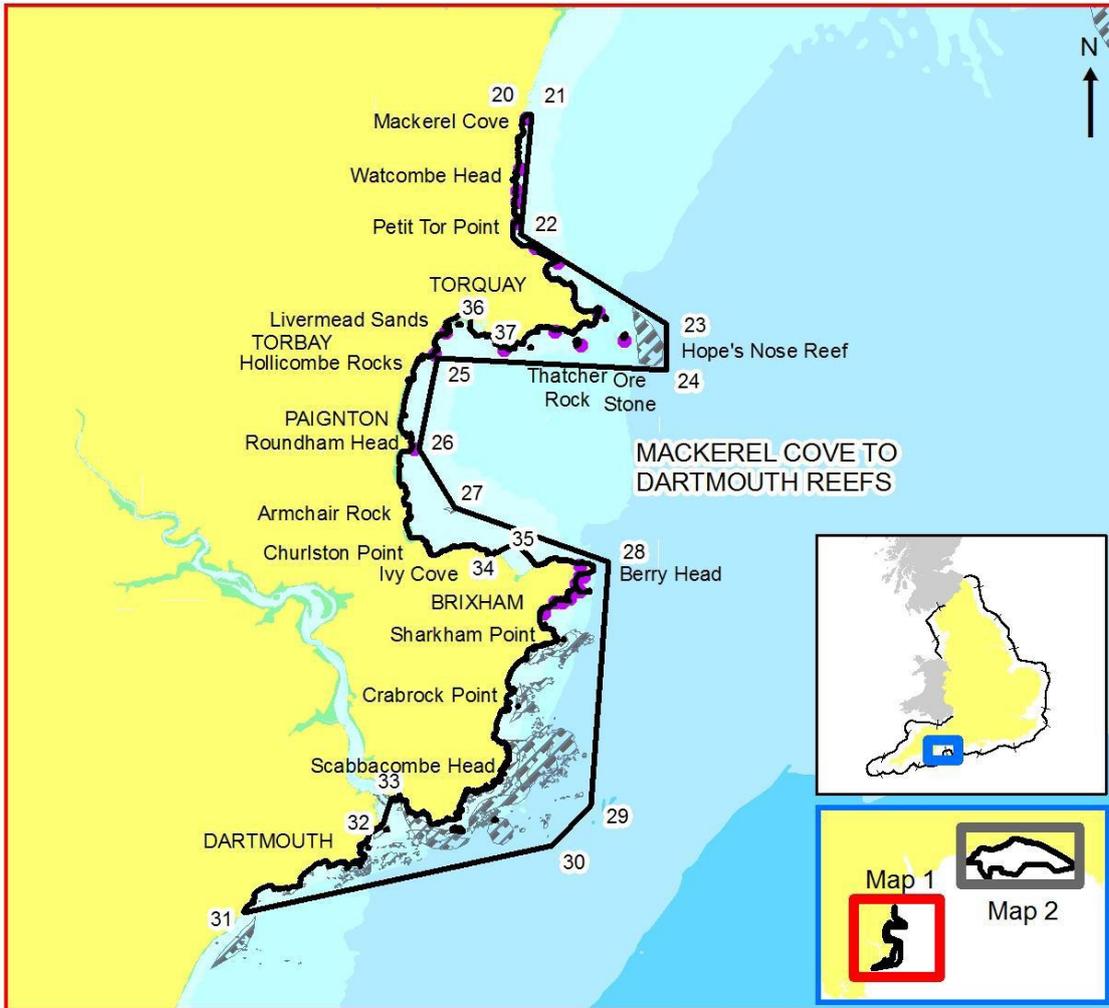
<sup>7</sup> Post Examination Torquay Neighbourhood Plan <https://www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/torquay-np/>

TNPE02- Woodlands Trading Estate	A4	N/A	No negative effects	No	N/A
TNPE03 - Kerswell Gardens	C1	South Hams SAC	The site is not within South Hams SAC sustenance zone. It is, however, lies at the eastern end of greater horseshoe bat strategic flyway.	Yes	Development proposals should seek to avoid loss of foraging habitats and hedgerows.  A landscape buffer (Appendix D, Map 4) would be required along the western edge of the area between any future built development and the A 380 (this would be consistent with the Local Plan Policy NC1)
TNPE04 - Lymington Road Area and Chatto Road Industrial Estate	A4	N/A	No negative effects	No	N/A
TNPE05 - Lummaton Quarry	A4	N/A	No negative effects	No	N/A
TNPE06 - Torquay Town Centre	A4	N/A	No negative effects	No	N/A
TNPE07 - Broomhill Industrial Estate	A4	N/A	No negative effects	No	N/A
TNPE08 - Newton Road commercial area	A4	N/A	No negative effects	No	N/A
TNPE09 - Browns Bridge	A4	N/A	No negative effects	No	N/A
TNPE10 - Edginswell Business Park	C2	South Hams SAC	The site is not within South Hams SAC sustenance zone. It is, however, lies at the eastern end of greater horseshoe bat strategic flyway.	Yes	Development proposals should seek to avoid loss of foraging habitats and hedgerows.  A landscape buffer (Appendix D, Map 4) would be required along the western edge of the area between any future built development and the A 380 (this would be consistent with the Local Plan Policy NC1).
TNPE11 - Barton Hill/Barton Way/Hele Road commercial and industrial area	A4	N/A	No negative effects	No	N/A

## 10.4 Appendix D: European Sites Location



Map 1: European sites within 20km of Torbay



candidate Special Area of Conservation  
**Lyme Bay and Torbay**

- candidate Special Area of Conservation
- Reefs
- Sea caves
- Special Areas of Conservation
- England 12nM Territorial Seas Limit

- Depth Areas
- Drying
  - <=10m
  - <=20m
  - <=50m
  - <=100m
  - Land

EU Site Code: UK0030372  
 Version number: 2.0  
 Longitude: 2° 56' 11" W  
 Latitude: 50° 39' 4" N  
 Projection: UTM 30N (WGS84) 6.0  
 Area of SAC: 312.47 sq km  
 31247.79 ha

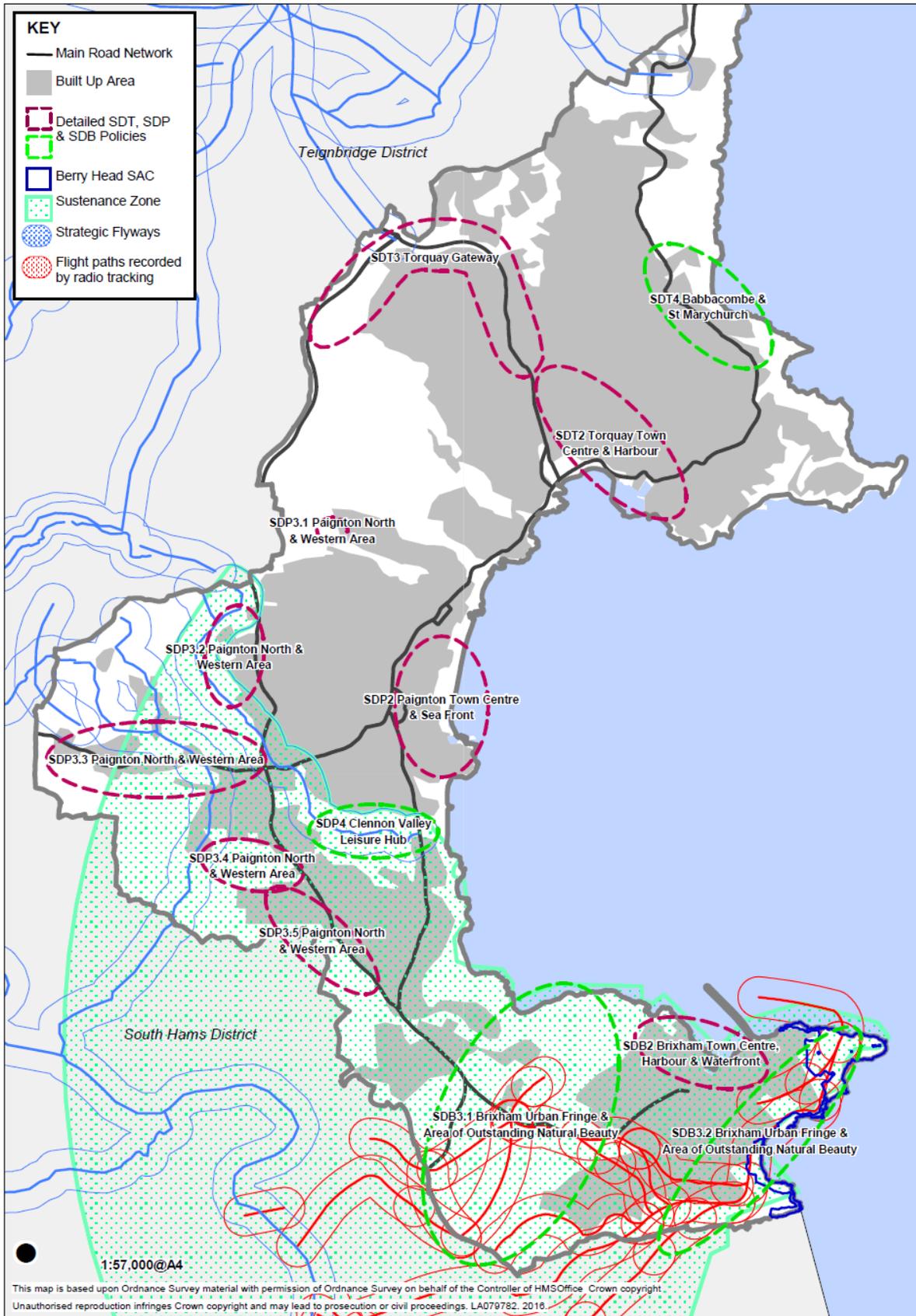
Theme ID: 1452105  
 Grid Ref: SY314821  
 Version: 9.0  
 Plotted: 22/07/2010  
 Plot ID:

Scale 1:200,000 Map 1 of 2  
 0 1.25 2.5 5 Kilometers

Candidate Special Area of Conservation Directive 92/43/EEC Submitted to the EC by the Secretary of State for Environment, Food and Rural Affairs. Date: 20/08/2010  
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**Map2: Lyme Bay and Torbay Marine SAC**



**Map 3: the South Hams SAC**



Map 4: landscape buffer at Edginswell Future Growth Area<sup>8</sup>

<sup>8</sup> Kestrel Wildlife Consultants Ltd. (2014) - HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan).

## 10.5 Appendix E: European Site Characteristics

<b>Site</b>	<b>SOUTH HAMS SAC. Located within: Torbay Unitary &amp; Devon County Authorities. Area (ha): 129.53</b>
<b>Qualifying Interests</b>	<p><b>SAC</b></p> <p>Annex I habitats primary reason for selection:</p> <ul style="list-style-type: none"> <li>• <u>European dry heaths</u></li> <li>• <u>Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>)</u></li> </ul> <p>Annex I Habitats qualifying feature:</p> <ul style="list-style-type: none"> <li>• <u>Vegetated sea cliffs of the Atlantic and Baltic coasts</u></li> <li>• <u>Caves not open to the public</u></li> <li>• <u>Tilio-Acerion forests of slopes, screes and ravines</u></li> </ul> <p>Annex II species primary reason for selection:</p> <ul style="list-style-type: none"> <li>• <u>Greater horseshoe bat <i>Rhinolophus ferrumequinum</i></u></li> </ul>
<b>Conservation Objectives</b>	<p><b>Component SSSI: Berry Head to Sharkham SSSI</b></p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition the Caves not open to the public, European Dry Heaths, Semi-natural dry grasslands and scrub facies on calcareous substrate, Vegetated sea cliffs of the Atlantic and Baltic Coasts.</li> <li>• To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul> <p><i>Note: maintenance implies restoration if the feature is not currently in favourable condition.</i></p> <hr/> <p><b>Component SSSI: Haytor and Smallacombe Iron Mine</b></p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition Caves not open to the public.</li> <li>• To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul> <hr/> <p><b>Component SSSI: Buckfastleigh Caves</b></p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition the Caves not open to the public.</li> <li>• To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul>

	<b>Component SSSI: Bulkamore Iron Mine</b>					
	<p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>To maintain, in favourable condition the Caves not open to the public.</li> <li>To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul>					
<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<b>Component SSSI: Chudleigh Caves and Woods</b>					
	<p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>To maintain, in favourable condition the <i>Tilio - Acerion</i> forests of slopes, screes and ravines, and the Caves not open to the public.</li> <li>To maintain, in favourable condition, the habitats for the population of greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul>					
	<ul style="list-style-type: none"> <li>Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic. *</li> <li>Maintaining hydrological conditions. *</li> <li>Maintain natural woodland processes and diverse woodland structure. *</li> <li>The roosts of the Greater horseshoe bat are sensitive to disturbance (internal and external) and would need to be limited to acceptable levels.*</li> <li>The internal conditions (temperature, light, ventilation, stability etc) of the cave systems, disused quarries and mine-shafts that support the <u>Greater horseshoe bat</u> population should be maintained.</li> <li>Any development or intrusion that may influence these factors would leave the suitability of the site and the species at risk. The most likely cause of disturbance to the site is the unauthorised entry into the roosts and indirect threats that could stem from the disturbance of feeding areas, impacts on flight paths, light and noise pollution.</li> </ul>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	<b>Berry Head to Sharkham Point SSSI (11 units)</b>					
	100.00%	86.58%	13.42%	0.00%	0.00%	0.00%
	<b>Bulkamore Iron Mine SSSI (6 units)</b>					
	100.00%	100.00%	0.00%	0.00%	00.00%	0.00%
	<b>Haytor and Smallacombe Iron Mines SSSI (5 units)</b>					
100.00%	100.00%	0.00%	0.00%	0.00%	0.00%	

	<b>Buckfastleigh Caves SSSI (5 units)</b>
	100.00%      39.98%      60.02%      0.00%      0.00%      0.00%
	<b>Chudleigh Caves And Woods SSSI (8 units)</b>
	67.43%      67.43%      0.00%      0.00%      32.57%      0.00%
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Direct loss of habitat through development allocations pressures and transport developments</li> <li>• Direct loss of habitat through neglect or inappropriate management</li> <li>• Increased deposition from industrial processes</li> <li>• Public access</li> <li>• Recreational pressure – caving/climbing activities</li> <li>• Direct loss, disturbance and alteration of micro-climate of roost sites for Greater Horseshoe Bats</li> <li>• Loss of feeding areas (within 2km of roost site for juvenile bats and 6km of roost site for adult bats))(i.e. woods, grazing) ***</li> <li>• Impacts on flight paths, e.g. loss or change in management of hedgerows used for navigation by bats; alteration of street lighting regimes in areas used by bats ***</li> <li>• Light and noise pollution</li> <li>• Sea level changes *</li> <li>• Potential impacts of port development in Torbay area (Brixham) *</li> </ul>
<b>Site</b>	<b>DARTMOOR SAC. Located within: Devon County Authorities. Area (ha): 23165.77</b>
<b>Qualifying Interests</b>	<p>SAC</p> <p>Annex I habitats primary reason for selection</p> <ul style="list-style-type: none"> <li>• Northern Atlantic wet heaths with Erica tetralix</li> <li>• European dry heaths</li> <li>• Blanket bogs ( Priority feature)</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles</li> </ul> <p>Annex II species primary reason for selection</p> <ul style="list-style-type: none"> <li>• Southern damselfly Coenagrion mercuriale</li> </ul> <p>Annex II species qualifying feature</p> <ul style="list-style-type: none"> <li>• Atlantic salmon Salmo salar</li> <li>• Otter Lutra lutra</li> </ul>
<b>Conservation Objectives</b>	<p>Tor Royal Bog</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the blanket bog.</li> </ul>
	<p>East Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with Erica tetralix, and European dry heaths.</li> <li>• To maintain, in favourable condition, the habitats for the populations of Atlantic salmon (Salmo salar).</li> </ul>

	<p>North Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with <i>Erica tetralix</i>, European dry heaths, old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles.</li> <li>• To maintain, in favourable condition, the habitats for the populations of southern damselfly (<i>Coenagrion mercuriale</i>), otter (<i>Lutra lutra</i>), and Atlantic salmon (<i>Salmo salar</i>).</li> </ul>					
	<p>South Dartmoor</p> <p>The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the blanket bogs, Northern Atlantic wet heaths with <i>Erica tetralix</i>, European dry heaths.</li> <li>• To maintain, in favourable condition, the habitats for the populations of otter (<i>Lutra lutra</i>), and Atlantic salmon (<i>Salmo salar</i>).</li> </ul>					
<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<ul style="list-style-type: none"> <li>• Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic</li> <li>• Maintaining hydrological conditions and regimes</li> <li>• Appropriate management (no burning, extensive summer grazing) of vegetation structure and diversity with particular attention to bryophytes, dwarf shrubs and graminoids</li> <li>• Maintain natural woodland processes and diverse woodland structure</li> <li>• Maintain high air quality.</li> <li>• Maintain quality of wetland habitat for southern damselfly, which includes extent of larval habitat, levels of shading, water quality with low nutrient levels, suitable composition of silt and gravel, adequate water levels throughout the year, and a suitable composition and structure of vegetation within runnels</li> <li>• Manage fish stocks</li> <li>• Levels of disturbance, particularly bankside usage, need to be kept to acceptable levels</li> </ul>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	<b>Tor Royal Bog SSSI (2 units)</b>					
	41.03%	41.03%	0.00%	58.79%	0.00%	0.00%
	<b>East Dartmoor SSSI (22 units)</b>					
	100.00%	51.48%	48.52%	0.00%	00.00%	0.00%
	<b>North Dartmoor SSSI (70 units)</b>					
	99.72%	22.28%	77.44%	0.00%	0.28%	0.00%
<b>South Dartmoor SSSI (52 units)</b>						

	99.18%	7.36%	91.82%	0.36%	0.46%	0.00%
	<b>Wistman's Wood SSSI (4 units)</b>					
	100.00%	36.76%	63.24%	0.00%	00.00%	0.00%
	<b>Dandles Wood SSSI (4units)</b>					
	100.00%	96.71%	3.29%	0.00%	0.00%	0.00%
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Ecological character of site dependent to a large extent upon long-established traditional farming methods.</li> <li>• Blanket bog and wet heath is vulnerable to uncontrolled and unplanned fires</li> <li>• Dartmoor is used for military training and artillery and mortar fire has led to the formation of numerous craters, and gully erosion in some areas, though this activity has ceased and the craters are now healing naturally.</li> <li>• Dry heath on Dartmoor has suffered extensive damage through overgrazing and frequent burning. As a consequence of this some areas of former dry heath have been converted to grass moorland, and large areas are in unfavourable condition because of low dwarf-shrub cover.</li> <li>• In relation to water resources the potential drying of blanket bogs would affect this priority feature, and low flows in rivers could affect otter and salmon habitat</li> <li>• Wet and dry heaths are vulnerable to eutrophication through nitrogen deposition</li> </ul>					
<b>Site</b>	<b>SOUTH DARTMOOR WOODS SAC. Located within: Devon County Authority. Area (ha): 2157.15</b>					
<b>Qualifying Interests</b>	SAC Annex I habitats primary reason for selection: <ul style="list-style-type: none"> <li>• <a href="#">Old sessile oak woods with Ilex and Blechnum in the British Isles</a></li> </ul> Annex I Habitats qualifying feature: <ul style="list-style-type: none"> <li>• <a href="#">European dry heaths</a></li> </ul>					
<b>Conservation Objectives</b>	Component SSSI's :Yarner Wood and Trendlebere Down (part) The conservation objectives for the European interests on the SSSI's are : <ul style="list-style-type: none"> <li>• To maintain western acidic oakwoods with Ilex and Blechnum (W16, W17 &amp; some W11 &amp; W10e) and upland dry heath in favourable condition</li> </ul>					
	Component SSSI's : Holne Woods, Bovey Valley Woodlands and part of Yarner Wood and Trendlebere Down The conservation objectives for the European interests on the SSSI's are : <ul style="list-style-type: none"> <li>• (subject to natural change-if necessary), to maintain western acidic oakwoods with Ilex and Blechnum (W16, W17 &amp; some W11 &amp; W10e) and upland dry heath in favourable condition</li> </ul>					
	Component SSSI's : Holne Woods The conservation objectives for the European interests on the SSSI's are : <ul style="list-style-type: none"> <li>• (subject to natural change-if necessary), to maintain western acidic oakwoods with Ilex and Blechnum (W16, W17 &amp; some W11 &amp; W10e) and upland dry heath in favourable condition</li> </ul>					

<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<ul style="list-style-type: none"> <li>• Appropriate management of the heathland is required to maintain the structural diversity including undisturbed bare ground, age structure and vegetation mosaic. *</li> <li>• Maintaining hydrological conditions and regimes. *</li> <li>• Appropriate management (no burning, extensive summer grazing) of vegetation structure and diversity with particular attention to bryophytes, dwarf shrubs and graminoids. *</li> <li>• Maintain natural woodland processes and diverse woodland structure. *</li> <li>• Maintain high air quality.</li> </ul>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
<b>Bovey Valley Woodlands SSSI (14 units)</b>						
100.00%      100.00%      0.00%      0.00%      0.00%      0.00%						
<b>Hembury Woods SSSI (2 units)</b>						
100.00%      100.00%      0.00%      0.00%      0.00%      0.00%						
<b>Holne Woodlands SSSI (18 units)</b>						
100.00%      57.31%      42.69%      0.00%      0.00%      0.00%						
<b>Sampford Spiney SSSI (15 units)</b>						
100.00%      87.34%      12.66%      0.00%      0.00%      0.00%						
<b>Shaugh Prior Woods SSSI (5 units)</b>						
100.00%      100.00%      0.00%      0.00%      0.00%      0.00%						
<b>Teign Valley Woods SSSI (7 units)</b>						
100.00%      100.00%      0.00%      0.00%      0.00%      0.00%						
<b>Yarner Wood &amp; Trendlebere Down SSSI (8 units)</b>						
100.00%      199.78%      0.22%      0.00%      0.00%      0.00%						

<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Heavy recreational pressure.</li> <li>• Long-term decline in lichens due to air pollution and/or climate change.</li> <li>• Dry heath subject to heavy grazing and uncontrolled fires (arson).</li> <li>• Dry heaths are vulnerable to eutrophication through nitrogen deposition.</li> </ul>					
<b>Site</b>	<b>DAWLISH WARREN SAC. Located within: Devon County Authority. Area (ha): 58.84</b>					
<b>Qualifying Interests</b>	<p>SAC Annex I habitats primary reason for selection:</p> <ul style="list-style-type: none"> <li>• <a href="#">Humid dune slacks</a></li> </ul> <p>Annex I Habitats qualifying feature:</p> <ul style="list-style-type: none"> <li>• <a href="#">Shifting dunes along the shoreline with Ammophila arenaria ('white dunes')</a></li> <li>• <a href="#">Fixed dunes with herbaceous vegetation ('grey dunes')</a> * Priority feature</li> </ul> <p>Annex II species primary reason for selection:</p> <ul style="list-style-type: none"> <li>• <a href="#">Petalwort</a> Petalophyllum ralfsii</li> </ul>					
<b>Conservation Objectives</b>	<p>Component SSSI: Dawlish Warren The conservation objectives for the European interests on the SSSI are:</p> <ul style="list-style-type: none"> <li>• To maintain, in favourable condition, the fixed dunes with herbaceous vegetation ("grey dunes"), humid dune slacks, and shifting dunes along the shoreline with Ammophila arenaria (marram grass) ("white dunes").</li> <li>• To maintain, in favourable condition, the habitats for the population of petalwort (Petalophyllum ralfsii).</li> </ul>					
<b>Key Environmental Conditions (factors that maintain site integrity) *</b>	<p>Management of access to minimise trampling and disturbance. Appropriate management of the dunes to allow for the following combination of physical factors:</p> <ul style="list-style-type: none"> <li>• unrestrained natural mobility to retain a variety of successional stages;</li> <li>• natural substrate supply;</li> <li>• maintenance of substrate composition;</li> <li>• water quality; and</li> <li>• climate/rainfall.</li> </ul> <p>Selective scrub management and grazing may be necessary as well as control of invasive species.</p>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	<b>Dawlish Warren SSSI (9 units)</b>					
	85.84%	6.27%	79.57%	0.00%	14.16%	0.00%
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Recreational pressure – Erosion serious problem.</li> <li>• Declining water-table, and inappropriate ditch management.</li> <li>• Much of the fixed dune grassland is a golf course and is subjected to wear, whilst modifications to the course can have an impact on adjoining species-rich grassland, for example, by spray-drift of chemicals.</li> <li>• Inappropriate coastal management, including stabilisation/flood defence. *</li> <li>• Insufficient scrub and weed control, leading to encroachment of scrub and rank grassland species.*</li> </ul>					

<b>Site</b>	<b>EXE ESTUARY SPA/RAMSAR Located within: Devon County Authority. Area (ha): 2345.71</b>
<b>Qualifying Interests</b>	<p>SPA</p> <p>Over winter the area regularly supports (Article 4.1):</p> <ul style="list-style-type: none"> <li>• Slavonian Grebe Podiceps auritus - 5% of the GB population</li> <li>• Avocet Recurvirostra avosetta - 28.3% of the GB population</li> </ul> <p>Over winter the area regularly supports (Article 4.2):</p> <ul style="list-style-type: none"> <li>• Brent Goose Branta bernicla bernicla - 0.6% of the population</li> <li>• Dunlin Calidris alpina alpina - 1.1% of the population in Great Britain</li> <li>• Oystercatcher Haematopus ostralegus - 1.2% of the population in Great Britain</li> <li>• Black-tailed Godwit Limosa limosa islandica - 7.2% of the population in Great Britain</li> <li>• Grey Plover Pluvialis squatarola - 1.1% of the population in Great Britain</li> </ul> <p>Ramsar</p> <p>Criterion 5: Assemblages of international importance – species with peak counts in winter, 20263 waterfowl.</p> <p>Criterion 6: Species/populations occurring at levels of international importance.</p> <ul style="list-style-type: none"> <li>• Dark-bellied brent goose Branta bernicla bernicla - 1509 individuals</li> </ul> <p>Species/populations identified subsequent to designation for possible future consideration under criterion 6.</p> <ul style="list-style-type: none"> <li>• Black-tailed godwit Limosa limosa islandica - 857 individuals</li> </ul>
<b>Conservation Objectives</b>	<p>Component SSSI: Exe Estuary</p> <p>The conservation objectives for the European interests on the SSSI are :</p> <p>subject to natural change, to maintain*, in favourable condition, the habitats for the internationally important populations of the regularly occurring Annex 1 bird species, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> <li>• Mudflat and sandflat communities (excluding seagrass bed communities).</li> <li>• Saltmarsh communities.</li> <li>• Shallow coastal waters.</li> </ul> <p>subject to natural change, to maintain*, in favourable condition, the habitats for the population of internationally important populations of regularly occurring migratory bird species, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> <li>• Intertidal mud and sandflat communities (excluding seagrass bed communities).</li> <li>• Saltmarsh communities.</li> <li>• Seagrass bed communities.</li> </ul> <p>subject to natural change, to maintain*, in favourable condition, internationally important assemblage of waterfowl, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> <li>• Mudflat and sandflat communities (excluding seagrass bed communities).</li> <li>• Saltmarsh communities.</li> <li>• Seagrass bed communities.</li> <li>• Intertidal and subtidal boulder and cobble scar communities.</li> </ul>

<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<p>Maintenance of current extent and distribution of feeding and roosting habitat, in particular:</p> <ul style="list-style-type: none"> <li>• Mudflat and sandflat communities (excluding seagrass bed communities). *</li> <li>• Saltmarsh communities. *</li> <li>• Shallow coastal waters. *</li> </ul> <p>Absence of disturbance, absence of obstructions to view lines, food availability, vegetation characteristics of Atlantic saltmeadows, water quality and quantity, habitat connectivity. *</p>					
<b>Condition of SSSI Units (Compiled August 2011) **</b>	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
	<b>Dawlish Warren SSSI (9 units)</b>					
	85.84%	6.27%	79.57%	0.00%	14.61%	0.00%
	<b>Exe Estuary SSSI (46 units)</b>					
	100.00%	84.33%	15.67%	0.00%	0.00%	0.00%
<b>Site Vulnerabilities</b>	<ul style="list-style-type: none"> <li>• Recreational activity – disturbance to waterfowl</li> <li>• Dredging could have an adverse effect on the Dawlish Warren Sandspit and sediment movement patterns.</li> <li>• Oil/ chemical spills</li> <li>• Mussel bed development pressure</li> <li>• Maintain hydrological conditions and regimes</li> <li>• Flood plain development and associated implications for hydrology and requirements for flood protection and constraints to water level management*</li> <li>• Inappropriate ditch management, causing lowering of local water table*</li> <li>• Invasive freshwater species*</li> <li>• Grazing – parts of the site are undergrazed or overgrazed, with resultant buildup of thatch and scrub encroachment, or damage for example poaching/trampling.*</li> </ul>					
<b>Site</b>	<b>Lyme Bay and Torbay SAC (31,248 ha) Dorset and Devon Coast</b>					
<b>Qualifying Interest</b>	<p>SAC Annex I habitats primary reason for selection</p> <ul style="list-style-type: none"> <li>• Reefs</li> <li>• Submerged or partially submerged sea cave</li> </ul>					
<b>Conservation Objectives</b>	<p>The conservation objective for Lyme Bay and Torbay Annex 1 Reefs: Subject to natural change, maintain or restore the Reefs in / to favourable condition, in particular the sub-features:</p> <ul style="list-style-type: none"> <li>• Bedrock reef communities</li> <li>• Biogenic reef communities</li> </ul> <p>The conservation objective for Lyme Bay and Torbay Annex 1 Submerged or partially submerged sea cave: Subject to natural change, maintain the Submerged or partially submerged sea cave in favourable condition.</p>					

<b>Key Environmental Conditions (factors that maintain site integrity)</b>	<p>Annex 1 Reefs</p> <ul style="list-style-type: none"> <li>No reduction in extent of reef allowing for natural change.</li> <li>Maintain the full variety of biotopes identified for the site, allowing for natural succession or known cyclical change.</li> <li>Maintain the distribution of biotopes, allowing for natural succession/known cyclical change.</li> <li>No change in the extent of the biotope(s), allowing for natural succession/known cyclical change.</li> <li>No decline in biotope quality due to change in species composition or loss of notable species, allowing for natural succession/known cyclical change. Where declines in biotope quality have occurred due to damage from scallop dredging, these declines will need to be reversed.</li> <li>Maintain age/size class structure of individual species populations. Where decline in age/size class structure of individual species populations have occurred due to damage from scallop dredging, these declines will need to be reserved.</li> </ul> <p>Annex 1 Submerged or partially submerged sea cave</p> <ul style="list-style-type: none"> <li>No reduction in number of caves within a site allowing for natural change. No change in dimensions of a cave, allowing for natural change that is part of a wider coastal geomorphological management regime.</li> <li>Maintain the full variety of biotopes identified for the caves, allowing for natural succession or known cyclical change.</li> </ul>				
<b>Assessment of interest feature (s) against selection criteria</b>	<b>features of interest</b>	<b>Representativity (a)</b>	<b>Relative surface (b)</b>	<b>Structure and function (c)</b>	<b>Global assessment (d)</b>
	Reefs	Grade A (excellent)	Grade C	Grade II (well conserved)	Grade A (excellent conservation value)
	Sea caves	Grade A (good representativity)	N/A	Grade A (excellent conservation value)	Grade B (good conservation value)
<b>Site Vulnerabilities</b>	<p><b>Annex 1 Reefs</b></p> <p><b>Physical loss</b></p> <ul style="list-style-type: none"> <li>Removal (e.g. capital dredging, offshore development)</li> <li>Smothering (e.g. by aggregate dredging, disposal of dredge spoil)</li> </ul> <p><b>Physical damage</b></p> <ul style="list-style-type: none"> <li>Siltation (e.g. run-off, channel dredging, outfalls)</li> <li>Abrasion (e.g. boating, anchoring, demersal fishing)</li> </ul> <p><b>Non -physical disturbance</b></p> <ul style="list-style-type: none"> <li>Noise (e.g. boat activity)</li> <li>Visual (e.g. recreational activity)</li> </ul> <p><b>Toxic contamination</b></p> <ul style="list-style-type: none"> <li>Introduction of synthetic compounds (e.g. pesticides, TBT, PCBs)</li> <li>Introduction of non-synthetic compounds (e.g. heavy metals, hydrocarbons)</li> </ul>				

**Non - toxic contamination**

- Changes in nutrient loading (e.g. agricultural run-off, outfalls)
- Changes in organic loading (e.g. mariculture, outfalls)
- Changes in turbidity (e.g. run-off, dredging)

**Biological disturbance**

- Introduction of microbial pathogens
- Introduction of non-native species and translocation
- Selective extraction of species (e.g. bait digging, wildfowling, commercial & recreational fishing)

**Annex 1 Submerged or partially submerged sea cave**

**Physical damage**

- Siltation (e.g. run-off, channel dredging, outfalls)
- Abrasion (e.g. boating, anchoring, demersal fishing)

**Non - toxic contamination**

- Changes in organic loading (e.g. mariculture, outfalls)
- Changes in salinity (e.g. water abstraction, outfalls)



**Meeting:** Council

**Date:** 19 June 2019

**Wards Affected:** All wards

**Report Title:** Members Allowances Scheme

**Is the decision a key decision?** No

**When does the decision need to be implemented?** As soon as possible

**Executive Lead Contact Details:** Cllr Christine Carter, Cabinet Member for Corporate and Community Services, [Christine.Carter@torbay.gov.uk](mailto:Christine.Carter@torbay.gov.uk)

**Supporting Officer Contact Details:** Amanda Coote, Governance Team Leader, 01803 207026 and [Amanda.coote@torbay.gov.uk](mailto:Amanda.coote@torbay.gov.uk)

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## 1. Proposal and Introduction

- 1.1 At its meeting on 31 January 2019 Council considered the Independent Remuneration Panel's recommendations arising from its review of the Members' Allowances Scheme. It was noted that the recommendations included the changes required to the Scheme as a result of the planned change in governance.
- 1.2 Council agreed that rather than determining the matter at that meeting, that it should be deferred until after the local elections in order to enable the new Council to consider its governance structure and for a further review of the Members' Allowances Scheme to be undertaken if required. Council also determined that the scheme brought forward would need to be kept within the allocated budget.

## 2. Reason for Proposal and associated financial commitments

- 2.1 To ensure the Members' Allowances Scheme is up to date, as currently the previous scheme remains in place.
- 

## 3. Cabinet Recommendation

- 3.1 That the Council approves the following for inclusion in the Members' Allowance Scheme for implementation from 7 May 2019;
  - (a) that the Basic Allowance for all Members be set at £8,668 (this is set at a level to include covering all costs which are not covered elsewhere in the Allowances Scheme, such as telephone charges, broadband, stationery, paper, postage and travel on non-approved duties etc.);

- (b) that the rates for travel be the same as those set in the Torbay Council Expenses Policy for officers and be paid for all approved duties;
- (c) that subsistence is only paid for the approved duties listed in (d) below and the following must apply in line with the officer policy:
  - breakfast – depart from home before 8.00 a.m. £6.22;
  - lunch – absent from normal place of work between 12.00 noon and 2.00 p.m. £7.35; and
  - evening meal – not home before 6.00 p.m. £10.17;
- (d) that the following are identified as approved duties for the purpose of travel, subsistence and carers' allowances:
  - (i) attendance at meetings as a duly appointed member of:
    - (a) the Council and any committee of the Council;
    - (b) any sub-committee appointed by a committee;
    - (c) the Cabinet or committee of the Cabinet (if appointed);
    - (d) working parties;
    - (e) scrutiny review panels;
    - (g) any outside organisation and their sub-groups appointed by the Council or Leader of the Council, provided that the organisation does not pay any such expenses (these are listed on each Councillor's details page on the Council's website at <http://www.torbay.gov.uk/DemocraticServices/mgListOutsideBodies.aspx?bcr=1> )
  - (ii) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny by committee/board members;
  - (iii) attendance at member development sessions;
  - (iv) attendance at seminars and all member briefings organised by Torbay Council, except for those held immediately prior to a meeting of Council;
  - (v) attendance at non-political conferences/seminars, subject to prior approval by the Director or Assistant Director who holds the budget, and funding for the conference being available (in accordance with the Local Protocol for the Leader of the Council and Political Groups);
- (e) that the co-optees allowance is frozen at £118 and that this will include expenses for travel and subsistence;
- (f) that Members may only claim one SRA in addition to their basic allowance;
- (g) that the SRA for the Leader of the Council be set at £20,004;
- (h) that the SRA for the Deputy Leader be set at £11,101;

- (i) that the SRA for Cabinet members be set at £10,773 on the basis of a collective decision making Cabinet;
- (k) that the SRA for the Overview and Scrutiny Co-ordinator be set at £7,155;
- (l) that the SRA for the Scrutiny Leads be set at £3,578 and that there be no more than four Scrutiny Leads appointed;
- (m) that the SRA for the Chairman/woman of the Planning Committee be set at £7,155;
- (n) that the SRA for all other Chairmen/women of all remaining Committees be set at £3,578;
- (o) that if any members of the Licensing Committee, other than the Chairman or Vice Chairman, are required to Chair Licensing Sub-Committees the SRA for those members be as follows:

10+ meetings	£1,155
5 - 9 meetings	£578

(both in line with the current allowance);

- (p) that the SRA for the Worshipful the Mayor of Torbay be £3,578;
- (q) that the SRA for the Leaders of Political Groups is set at £347 per member of the group (excluding the Group Leader in the calculations and in line with the current allowance);
- (r) that the Basic Allowances, Special Responsibility Allowances and Co-optees Allowances be indexed from to the annual local government pay percentage increase as agreed by the National Joint Committee for Local Government Services. The travel and subsistence allowances will be updated as and when the Council's Expenses Policy is adjusted and the whole allowances Scheme will be reviewed by no later than 2023;
- (s) that the rates for carers' allowances remains the same, namely equal to the cost incurred when a carer has been engaged to enable a Member or Co-opted Member to carry out an approved duty;
- (t) that Members have the option to purchase either an annual car parking permit or pay to park on an ad-hoc basis and that both of these options are in line with the charges applicable to staff;
- (v) that the provision of ICT equipment for members is in line with the officer provision;

3.2 that the Monitoring Officer be requested to update the Council's Constitution to reflect the number of Scrutiny Leads being no more than four appointed; and

3.3 that, in light of the decision made in respect of 3.1 above, the Head of Governance Support is requested to bring the Members' Allowances Scheme up to date.

## **Appendices**

Appendix 1: A Review of Members' Allowances for Torbay Council – The Eighth Report by the Torbay Independent Remuneration Panel.

## **Supporting Information**

Current Members' Allowances Scheme;  
Torbay Council Expenses Policy (this is the officers expenses policy);  
Benchmarking data for other Authorities;  
Feedback from the South West Independent Remuneration Panel Chairs meeting.

## Section 1: Background Information

<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>With effect from May 2019 the Council have a new system of governance with the removal of a directly elected Mayor and Executive and the introduction of a Leader and Cabinet model.</p> <p>The Independent Remuneration Panel undertook a review of the Members' Allowances Scheme and its recommendations were presented to Council in January 2019. Council agreed that rather than determining the matter at that meeting, that it should be deferred until after the local elections in order to enable the new Council to consider its governance structure and for a further review of the Members' Allowances Scheme to be undertaken if required. Council also determined that the scheme brought forward would need to be kept within the allocated budget.</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>As from May 2019 a Leader and Cabinet form of governance has been in place.</p> <p>The Independent Remuneration Panel reviewed the SRA's of other authorities and also had regard to the SRA for the Leader and Deputy Leader positions in place in Torbay before the elected Mayor system of Governance in 2005.</p> <p>The allowances agreed will commit the Council financially for 4 years until the next local elections.</p> <p>The Independent Remuneration Panel's report was published on the Council's website on 18 January 2019. The Council is now required to consider the report of the Independent Remuneration Panel.</p> <p>Members can decide to accept all of the recommendations of the Panel or approve particular ones. The Panel's report set outs their methodology to their report and the reasoning behind their recommendations.</p>
<b>3.</b>	<p><b>What options have been considered?</b></p> <p>The Independent Remuneration Panel reviewed the Basic Allowance and SRA's at other authorities.</p>

4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The Local Authorities (Members' Allowances) (England) Regulations 2003 requires local authorities to make a scheme of allowances and calculation of basic allowance and SRA which supports all aspects of the Corporate Plan through the good governance of the Council.</p>
5.	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p> <p>All councillors, regardless of any areas of special responsibility, are required to make sure that the Council is meeting its duties towards children in care and care leavers.</p>
6.	<p><b>How does this proposal tackle deprivation?</b></p> <p>There is no direct contribution towards tackling deprivation.</p>
7.	<p><b>How does this proposal tackle inequalities?</b></p> <p>The proposed scheme ensures that there is a fair and consistent rate of allowances in respect of the basic allowance and additional responsibility members undertake.</p>
8.	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>The proposed scheme ensures that the Scheme is fair and consistent for all members.</p>
9.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>The proposal will have an effect for all members following the local election in May 2019.</p>
10.	<p><b>How will you propose to consult?</b></p> <p>The Mayor and Group Leaders were informed of the recommendations of the Independent Remuneration Panel following their report being published in January 2019.</p> <p>The Leader and Cabinet have subsequently considered their recommendations.</p>

## Section 2: Implications and Impact Assessment

11.

**What are the financial and legal implications?**

**Legal:**  
None

**Finance:**

The approval of Member allowances places a financial commitment on the Council for 4 years.

At the meeting on 31 January 2019 Council agreed that rather than determining the matter at that meeting, that it should be deferred until after the local elections in order to enable the new Council to consider its governance structure and for a further review of the Members' Allowances Scheme to be undertaken if required. Council also determined that the scheme brought forward would need to be kept within the allocated budget.

The allocated budget for 2019/20 for the basis allowance and SRAs is £444,990. The recommendations by the Independent Remuneration Panel exceeded the allocated budget.

Following annual Council which approved changes to the committees and in consideration of the number of Cabinet Members appointed and the roles attracting SRA's, the proposals equate to the budget available.

<p><b>12.</b></p>	<p><b>What are the risks?</b></p> <p>There is a requirement to approve a Members' Allowance Scheme. The required review has been completed. Until a new scheme is approved, the scheme approved in 2015 will continue.</p>
<p><b>13.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>The proposal does not require the procurement of services or the provision of services together with the purchase or hire of goods or the carrying out of works. Therefore the above Act does not apply.</p>
<p><b>14.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The Independent Remuneration Panel were provided with benchmarking information of other local authority's allowances' Schemes. The Panel also heard evidence from members on the current Scheme and suggested variations to a future scheme.</p>

**A Review of Members' Allowances  
for Torbay Council**

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**The Eighth Report by the  
Torbay Independent Remuneration Panel**

**Members:**

Bryony Houlden, Chairwoman  
Linda Lear  
Debbie Franklin

**January 2019**

### Introduction

1. The Panel was asked to undertake a fundamental review of the Members' Allowances Scheme ('the Scheme') and to report to the Council to enable Members to consider their recommendations as part of the budget setting process for 2019/20.
2. The Panel noted that local elections would be held in May 2019 and were aware elected Members will be making brave and challenging decisions about funding over the next few years. The Panel appreciated the sensitivity of making any changes to the members' allowances scheme in the current economic climate and balanced this with the need to propose a scheme which is both fair and easy to understand.
3. The Panel was informed by the Director of Corporate Services of the changes to the system of governance from May 2019. They noted that the elected Mayor would cease to exist and that a Leader and Cabinet system would be in operation. The Panel also noted the uncertainty as to how many Cabinet members would be appointed as this would be at the Leaders' discretion. The Panel was also told that included in the Elected Mayors budget proposals was a saving of £50k from the members' allowances budget.
4. The Panel were mindful that recommendations on a proposed Scheme should, as far as possible, not create barriers to candidates standing in the forthcoming elections. In this context the Panel recommend allowances which they believe is fair, reflects the right balance, and which fits the present economic climate. The recommended allowances reflect the 2% pay increase which will be awarded to staff from 1 April 2019. This is in line with paragraph 14 of the current Scheme.
5. The overall cost of the Panel's proposals in relation to the Basic Allowance is £312,048. This includes the 2% pay increase effective from 1 April 2019 and therefore remains unchanged.

In the event that all positions of special responsibility are appointed to and allowances for these posts are claimed, the total cost of the proposals for the Special Responsibility Allowances is £164,044. This has been calculated as follows: a Leader, Deputy Leader, 6 x Cabinet members, 4 x Scrutiny Leads and 33 x councillors being claimed for by group leaders and the other SRA's set out in Appendix 2.

Therefore, the total cost of the proposed Scheme is £476,092 compared to the Elected Mayor's provisional budget of £444,990. (These calculations are based on the rates of allowances in effect from 1 April 2019 and include the 2% pay increase).

### Recommendations

6. **The recommendations will be presented to the Council on 31 January 2019 for consideration (a full explanation of the Panel's conclusions leading to these recommendations is set out in the body of this report) and reflect the 2% increase effective from 1 April 2019:**
  - (a) **that the Basic Allowance for all Members be set at £8,668 (this is set at a level to include covering all costs which are not covered elsewhere in the**

- Allowances Scheme, such as telephone charges, broadband, stationery, paper, postage and travel on non-approved duties etc.);**
- (b) that the rates for travel be the same as those set in the Torbay Council Expenses Policy for officer and be paid for all approved duties;**
- (c) that subsistence is only paid for the approved duties listed in (d) below of and the following must apply in line with the officer policy:**
- breakfast – depart from home before 8.00 a.m. £6.22;**
  - lunch – absent from normal place of work between 12.00 noon and 2.00 p.m. £7.35; and**
  - evening meal – not home before 6.00 p.m. £10.17;**
- (d) that the following are identified as approved duties for the purpose of travel, subsistence and carers' allowances:**
- (i) attendance at meetings as a duly appointed member of:**
    - (a) the Council and any committee of the Council;**
    - (b) any sub-committee appointed by a committee;**
    - (c) the Executive or committee of the Executive (if appointed);**
    - (d) working parties;**
    - (e) scrutiny review panels;**
    - (f) policy development groups;**
    - (g) any outside organisation and their sub-groups appointed by the Council or Leader of the Council, provided that the organisation does not pay any such expenses (these are listed on each Councillor's details page on the Council's website at [www.torbay.gov.uk/DemocraticServices/mgMemberIndex](http://www.torbay.gov.uk/DemocraticServices/mgMemberIndex))**
  - (ii) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny by committee/board members;**
  - (iii) attendance at member development sessions;**
  - (iv) attendance at seminars and all member briefings organised by Torbay Council, except for those held immediately prior to a meeting of Council;**
  - (v) attendance at non-political conferences/seminars, subject to prior approval by the Director or Executive Head who holds the budget, and funding for the conference being available (in accordance with the Local Protocol for the Leader of the Council and Political Groups);**
- (e) that the co-optees allowance is frozen at £118 and that this will include expenses for travel and subsistence;**
- (f) that the Special Responsibility Allowances (SRA) be set as multiple of the particular allowances (as shown in (g) and (h) below) and that Members may only claim one SRA in addition to their basic allowance;**

- (g) that the SRA for the Leader of the Council be set at £24,150 (2.25 x Cabinet Member SRA);
- (h) that the SRA for the Deputy Leader be set at £13,416 (1.25 x Cabinet Member SRA);
- (i) that the SRA for Cabinet members be set at £10,733 (in line with the existing SRA for a collective decision making Cabinet);
- (j) that the allowances for the Leader, Deputy Leader and Cabinet members (x6) be capped at £101,964 ;
- (k) that the SRA for the Overview and Scrutiny Co-ordinator be set at £7,155 (one third reduction of the current allowance);
- (l) that the SRA for the Scrutiny Leads be set at £2,385 (one third reduction of the current allowance) and that there be no more than 4 Scrutiny Leads appointed;
- (m) that the SRA for the Chairman/woman of the Development Management Committee be set at £7,155 (in line with the current allowance);
- (n) that the SRA for all other Chairmen/women of all remaining Committees be set at £3,578 (in line with the current allowance);
- (o) that if any members of the Licensing Committee, other than the Chairman or Vice Chairman, are required to Chair Licensing Sub-Committees the SRA for those members be as follows:

10+ meetings	£1,155
5 - 9 meetings	£578

(both in line with the current allowance);

- (p) that the SRA for the Worshipful Mayor of Torbay (currently known as the Chairman/woman of the Council) be £3,578 (in line with the current allowance);
- (q) that the SRA for the Leaders of Political Groups is set at £347 per member of the group(excluding the Group Leader in the calculations and in line with the current allowance);
- (r) that the Basic Allowances, Special Responsibility Allowances and Co-optees Allowances be indexed from to the annual local government pay percentage increase as agreed by the National Joint Committee for Local Government Services. The travel and subsistence allowances will be updated as and when the Council's Expenses Policy is adjusted and the whole allowances Scheme will be reviewed by no later than 2023;
- (s) that the Council is recommended to consider introducing performance management arrangements for Group Leaders and Leader of the Council to assess the performance of all Members and in particular those in receipt of an SRA, except political group leaders who will be held to account by their group and identify skills development needs;

- (t) that the rates for carers' allowances remains the same, namely equal to the cost incurred when a carer has been engaged to enable a Member or Co-opted Member to carry out an approved duty;**
- (u) that Members have the option to purchase either an annual car parking permit or pay to park on an ad-hoc basis and that both of these options are in line with the charges applicable to staff;**
- (v) that the provision of ICT equipment for members is in line with the officer provision;**
- (w) that, if following the election, there are significant implications to the Members' Allowances Scheme as a result of member appointments to positions of special responsibility or there is not collective decision making in the Cabinet, the Independent Remuneration Panel is re-convened; and**
- (x) that the recommendations set out in (a) to (w) above are implemented from 5 May 2019.**
- (y) that the Independent Remuneration Panel be appointed to undertake a further review once the Leader and Cabinet system has been in operation for a period of three months.**

### Introduction

1. Under the Local Government (Members' Allowances) (England) Regulations 2003, Torbay Council, like all local authorities, has set up an Independent Remuneration Panel to make recommendations to it on members' allowances (Councillors and the Elected Mayor). All Councils are required to convene their Panel before they make any changes or amendments to their Scheme of Allowances and they must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.
2. The Panel comprised the following:
  - Bryony Houlden (Chairwoman), Chief Executive of South West Councils and involved in the 2015 Panel;
  - Linda Lear, from a voluntary and community background, who is an experienced panel member who was also involved in the 2015 Panel; and
  - Debbie Franklin, a chartered accountant and also involved in the 2015 Panel.
3. The Panel would like to thank the officers, particularly Amanda Coote, for their hard work in organising the meetings; collating information and providing factual advice.
4. The Panel would also like to express its appreciation to the Councillors who gave evidence and submitted questionnaire returns. This has given the Panel a sound evidence base for its considerations. The Panel was impressed by the evidence presented to them about the level of commitment of most members to serving the community and being an advocate for them. However, the Panel was concerned about the number of representations made to them that a small number were not actively engaging with their constituents as much as they should be in line with expectations about the work covered by the Basic Allowance. This is reflected in our recommendation on performance management by Group Leaders and the Leader of the Council, although this recommendation also reflects the fact that the Panel believes it is important for all members to identify their skills needs and have the support from the Council to develop.

### Primary Purpose of the Review

5. The primary purpose of the fundamental review of the Members' Allowances Scheme was to ensure that the Scheme remains relevant to Torbay Council in the present climate for local government and will reflect the governance arrangements following the local elections on 2 May 2019. It is not however the role of the Panel to consider budgetary implications in detail, although the economic pressures on Local Government funding and the budget which is proposed for 2019/20 have formed part of the background considerations.

### Methodology

6. The Panel met on 4 and 8 January 2019 to carry out its review of the Scheme.

7. All Members were invited to submit comments on the Members' Allowances Scheme via a questionnaire. 13 out of 37 Members responded and one written representation was made - these responses were considered by the Panel.
8. The Panel met with the Executive Lead for Tourism and Harbours (Councillor Nicole Amil), Executive Lead for Community Services (Councillor Robert Excell), Executive Lead for Customer Services (Councillor Richard Haddock), Executive Lead for Adults (Councillor Julien Parrott), Chairman of Audit Committee and Deputy Leader Conservative Group (Councillor Alan Tyerman), Overview and Scrutiny Co-ordinator (Councillor Chris Lewis), Leader of the Independent Group (Councillor Mike Morey) and Chairman of the Development Management Committee (Councillor Mark Kingscote).
9. As part of the review, the Panel also considered the following background documents/information:
  - Current Members' Allowances Scheme;
  - Torbay Council's Officer Structure Chart;
  - Torbay Council Expenses Policy (this is the officers expenses policy);
  - Benchmarking data for other Authorities;
  - Feedback from the South West Independent Remuneration Panel Chairs meeting;
  - Update from the Director of Corporate Services on the new governance arrangements effective from May 2019;
  - Update on from the Section 151 Officer on the budget setting process for local authorities; and
  - Minutes from the meeting of Council held on 5 December 2018.
10. The Panel resolved that some of the SRA's should be set as multiple of the certain allowances and the recommendation reflects this. Having reflected on the relationships between the various roles attracting SRA's the Panel believed this was a transparent and simple mechanism to follow.

### **Basic Allowance**

11. The Panel heard from Members and the Director of Corporate Services about the changes to the system of Governance from May 2019 with the implementation of a Leader and Cabinet system.
12. The Panel did not receive any evidence in support of or objecting to an increase or decrease to the basic allowance. The Panel did however hear representations which suggested that the basic allowance was low compared to other local authorities, but with pressures facing local government funding any measures to align the allowances should be done on a marginal basis.
13. The Panel noted the current IT package available to all Members and that all Members had been provided with an iPad, keyboard, case and data to access their emails at home and out and about. The Panel were advised Members were given the option to buy the iPad and associated equipment over a 4 year period. The Panel observed that only 3 Councillors had opted to purchase the device and that the Council funded all 36 Members' data. The Panel was advised that broadband had

been installed at the Town Hall and the Panel recognised that most people have their own broadband connections at home.

14. The Panel took into account equity and fairness between officers and members and although recognising that the roles are very different, and that members receive an allowance not a salary they agreed that there was discrepancies between officers and members on travel, parking and ICT equipment and therefore the Panel were keen to align these.
15. The Panel were of the view that whilst aligning the Scheme to staff policies and guidance, Members IT equipment after the Election in May 2019 should be provided to all Members by the Council as this was in line with officer practices and was necessary for them to undertake their roles on the Council.
16. Further, in respect of the alignment the Panel recommended that the rates for travel be amended to reflect staff policy (i.e. 30p per mile for motor cars, 40p per mile for electric cars, 40p per mile for motorcycles and 40p per mile for bicycles).
17. The Panel were provided with information about staff parking permits and recommend aligning the members' parking permits to that of staff, therefore the Panel recommends from May 2019 members have the option to purchase an annual car parking permit or pay to park on an ad-hoc basis (currently 50p for six hours, £1 for 12 hours or an annual permit at £170). This would give members more flexibility whilst also delivering a fair and equitable approach. Both these options would be in line with the charges applicable to officers.
18. In looking to set the basic allowance the Panel considered a range of benchmarking data including the average basic allowances across different authorities as follows:

Devon County Council	£12,607
Plymouth City Council	£10,788
Other local authorities	£4,360 to £14,188.74
19. Having regard to the written and oral representations, the Panel considered that the basic allowance be set at £8,668 (current allowance plus 2%increase) and should be deemed to cover all costs which are not covered elsewhere in the Allowances Scheme, such as telephone charges, broadband, all stationery, paper, postage and travel on non-approved duties etc.
20. Payment of the basic allowance, regardless whether the Member has been re-elected or not, should be received up to four calendar days after an Election. Payment of the basic allowance after an election to be paid from the fifth calendar day after the election.

### **Co-opted Members**

21. The Panel noted that the Co-opted Members did the job on a voluntary basis and that the allowance was a token to help cover their expenses.
22. The Panel felt that whilst the co-optees' allowance was fairly modest they did help to cover the costs of attending meetings and that they should continue to be paid at the current rate, but that they would be expected to cover the cost of travel and subsistence expenses. The co-optees would still be entitled to claim childcare and dependent carers' allowances.

## **Special Responsibility Allowances**

23. Special Responsibility Allowances (SRA's) are payable at the Council's discretion to those Members who have significant additional responsibilities over and above the generally accepted duties of a Councillor. Members may only claim one SRA in addition to their basic allowance.
24. The Panel were of the opinion that all SRA's are in place to cover the cost of attending additional meetings within Torbay (eg meetings with officers, briefings and network meetings) as part of their role and felt the current Allowances Scheme covered this point. Where their attendance at meetings etc is required outside Torbay, this would be first agreed by the relevant Directorate and met from their service budget.
25. The Panel's were of the view that some SRA's should be based on a multiple of other allowances and applied this principal to its recommendations as referred to above.
26. Payment of all SRA's end on the last day of the term of office (four calendar days after the election). SRA's are not paid until the new/returning Councillor is formally appointed to a position which attracts a SRA.

## **Leader of the Council's Allowance**

27. The Panel reflected on the governance arrangements which would come into effect from May 2019 and how the appointment of Leader would be made.
28. The Panel had regard to the benchmarking information which showed that the SRA for the Leader of the Council at other authorities within the geographic ranged from £31,518.00 (Devon County Council) to £8,740(West Devon) although they recognised that these were different types of authority
29. The Panel looked at using a multiplier based on the level of the Cabinet allowances for the Leader and Deputy Leader, in doing this they also looked at appropriate benchmarking data from other authorities. This led to the Panel setting a multiplier of 2.25 times the Cabinet Member SRA to set the SRA for the Leader. As the new structure embeds the Panel would wish to revisit the relative weighting of this role in light of evidence.
30. The Panel heard evidence from the Members both verbally and in writing about the austerity measures being applied to the Council and the role of a Leader of the Council. The Panel have recommended an allowance which they feel reflects the representations made to them.
31. Payment of the Mayor's Allowance ends on the last day of the term of office (four calendar days after the election). A new Leader of the Council would be paid their SRA from the start of their term of office (at their election at the Annual Council meeting following the next whole Council election).

## **Deputy Leader and Cabinet Members**

32. The Panel noted that the current Executive Members perform an advisory role to the Elected Mayor and the scheme of delegation if the Mayor is unavailable or the Mayor has a pecuniary interest. The Panel noted that the future Leader could continue with this arrangement or elect to have a collective decision making cabinet, however also

noted that the vast majority of Leader and Cabinet models have adopted collective responsibility and have therefore assumed that collective decision making will be in place in Torbay for the purposes of this allowance review.

The Panel also noted the current number of Executive Leads and noted that a future Cabinet could be made up of a maximum of 9 Cabinet members plus the Leader. The Panel had regard to the officer structure with 5 Directors and felt that 6 Cabinet members would align to the officer structure whilst giving the Leader some flexibility in Cabinet appointments, but that more than 6 could cause duplication in work across portfolios. However, the Panel resolved that should the Leader of the Council wish to appoint more than 6 Cabinet members or if there was no collective decision making, the Panel should be reconvened to recommend revised SRA's for these positions. If this did occur the Panel would see the same level as set out in this report as the starting point maintaining the overall pot of money set aside for the Cabinet at the same level as the expectation would be that additional cabinet members would lighten the load across other portfolios.

33. Whilst undertaking their interviews the Panel sought Members' views on the differing portfolios and asked Members to weight which Portfolios they considered to have a higher level of accountability. The Panel heard evidence to suggest that Children and Adults were high profile portfolios, but each portfolio undertaken by a Cabinet member would not be significantly more onerous than other roles and that if they were all part of collective decision making they should not distinguish between them. Therefore the Panel did not recommend the portfolios receive differential SRA's.
34. Following the gathering of evidence the Panel recognised there were additional responsibilities of the Deputy Leader. The benchmarking data showed the SRA ranging from £6,184 (East Devon) to £21,571 (Plymouth).
35. As with the Leader the Panel also looked at using a multiplier based on the level of the Cabinet allowances for the Deputy Leader, in doing this they looked at appropriate benchmarking data from other authorities. This led to the Panel setting a multiplier of 1.25 times the Cabinet Member SRA to set the SRA for the Deputy Leader. As the new structure embeds the Panel would wish to revisit the relative weighting of this role in light of evidence.

## **Overview and Scrutiny**

36. The Overview and Scrutiny Co-ordinator currently receives an SRA of £10,523 which is the same as an Executive Member who has collective decision making powers. This was originally set when the Council had a collective decision making Executive as it was felt the role of the Overview and Scrutiny Co-ordinator was on par with that of an Executive Member.
37. The Panel saw effective scrutiny as of real importance to the operation of the Council. However, having regard to evidence presented to it by members which for the most part reflected the view that the SRA for this post was set too high and taking into account benchmarking data and the belief that this is a changed role under a Leader and Cabinet model, the Panel felt that the SRA for the Overview and Scrutiny Co-ordinator should be reduced by one third to £7,155. The Panel were of the view that this is closer to the average allowance paid in other authorities which ranged from £2,147 (Reading) to £10,788 (Plymouth).

38. The Council currently has 4 Scrutiny Leads. Taking into account the written and oral representations, the Panel considered that the SRA for this post should also be reduced by one third to £2,385 and that was more in line with other authorities. They were also of the view that a cap of a maximum of 4 leads should be set.

### **Development Management Committee**

39. The Panel reviewed the SRA for the Chairman/woman of the Development Management Committee and felt that the current SRA was appropriate and recommended the SRA should remain unchanged £7,155 (this includes the 2% pay increase).

### **Licensing**

40. The Panel reviewed the SRA for the Chairman/woman of the Licensing Committee and Licensing Sub-Committee. The Panel noted that, although the Licensing Committee only met twice a year, it was usual for the Chairman/woman of the Committee to chair approximately 50% of the meetings of the Licensing Sub-Committee with the Vice-Chairman and possibly another member of the Committee chairing the remaining meetings of the Sub-Committee.
41. The Panel felt that any other Member who Chairs meetings of the Licensing Sub-Committee should be paid an SRA depending on the number of meetings they chair as follows:

10 + meetings	£1,155; and
5 - 9 meetings	£578;

42. This is in line with the existing allowance plus 2% pay increase.

### **Other Chairman roles**

43. The Panel noted the respective roles of the remaining Chairman/woman of Committees. The Panel noted that the Audit Committee Chairperson received a higher SRA but did not hear any evidence to suggest that this role was more onerous than the other Chairing roles. The Panel felt that additional duties the Chairman of the Audit Committee undertake are not of significantly greater burden than the other Chairman positions (excluding the Chairman of Development Management Committee) to warrant a higher allowance and recommended this SRA's be reduced to be brought in line with the other Chairman roles at £3,578 (this includes the 2% pay increase).
44. The Panel noted that the Investment & Regeneration Committee and Housing Committee may cease to exist after the Local Election in May 2019, however, as this remains unclear they recommend that should they be re-appointed the Chairman/woman of these committees receive the same SRA as other Chairmen/women of £3,578 (this includes the 2% pay increase).

### **The Worshipful Mayor of Torbay (currently known as Chairman of the Council)**

45. The Panel noted that Council meets bi-monthly with additional meetings required during the budget setting process. The Panel heard evidence which informed them that both the Elected Mayor and Chairman currently attend events, depending on the

nature of the event. The Panel were minded that the demands on this role could increase significantly and would like to explore this further at their next review.

46. The Panel noted that outside of the Members' Allowances Scheme the Chairman/woman of the Council also receives a civic allowance which is set by the Council and is paid in monthly instalments. The Vice-Chairman/woman of Council also receives a civic allowance. This is intended to cover the additional cost of outfits, purchase of raffle tickets, gifts to charity and helping with general expenses relating to the ceremonial aspect of the role.
47. The Panel confirmed that the Chairman's allowance is payable from the Adjourned Annual Council meeting date to the Annual Council meeting 12 months later. In the year of a Local Election and in the event the Chairman is not re-elected or does not re-stand, the SRA is still paid to the Chairman until, and including, the Annual Council Meeting.

### **Leaders of Political Groups**

48. The Panel noted that the Political Groups no longer had the support of Political Assistants. The Panel felt the SRA for the position of Group Leader should remain unchanged, but this would not include the Group Leader as part of the calculation. The Panel have included a recommendation that Group Leaders undertake performance management of their group members and identify skills development training.
49. The Group Leaders' Allowance should be received up to four calendar days after the election. Payment of the Leaders' Allowances after an election is made once the Governance Support Manager receives written confirmation of the appointment of Group Leader.

### **Indexing**

50. The Panel noted that the Scheme was currently updated using the annual local government pay settlement as agreed by the National Joint Committee for Local Government Services. The Panel felt that the current method for updating the Scheme should remain unchanged as it meant that staff and members will receive the same increase in pay. The method for updating the Scheme and the whole allowances scheme must be reviewed at least every four years (e.g. by no later than 2023).
51. The Panel also felt that when changes to staff policy are made in respect of travelling, subsistence and parking, the Scheme should also be changed to ensure they are aligned. This would ensure fairness and equity between members and officers.

### **Performance Management**

52. The Panel felt that formal performance management arrangements should be introduced ideally for all Members particularly those in receipt of SRA's, to be carried out by the appropriate Group Leader or the Leader of the Council, so that there is recorded evidence as to the people appointed to these positions.

## **Childcare and Dependent Care**

53. The current Scheme includes provision for the payment of the actual costs incurred for childcare and dependent care to be reimbursed to enable a member to carry out an approved duty. The Panel considered that the current system was fair and should be retained.

## **Outside Bodies**

54. Members cease being representatives on outside bodies four days after the election and are re-appointed at Annual Council or by the Chief Executive under urgent powers if the outside organisation needs Councillor representation prior to the Annual Council meeting.

## **Significant Changes such as alterations to the Governance Arrangements, Scheme of Delegation**

55. If any significant changes are made prior to the next review of Members' Allowances (for example changes to governance arrangements, the number of Cabinet/Scrutiny Lead Members, the scheme of delegation or changes to warrant a review of the current Members Allowances Scheme) the Independent Review Panel should be consulted and requested to make any recommendations to Council.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted