

## **Appendix 2**

Schedule of Proposed Replacement Main Modifications to the Local Plan – Text

(Derived from Torbay Local Plan Inspector's Report, October 2015 - Appendix 1) [Examination Library Document PH/24 - see Council Report Background Document A.1]

---

**The Proposed Replacement Main Modifications are expressed as follows:**

Replacement Main Modifications to Local Plan Policies – new text is shown as **underlined emboldened red text**; deleted text is shown as a ~~strikethrough~~.

Replacement Main Modifications to Local Plan explanatory text – new text is shown as underlined text (not emboldened); deleted text is shown as a ~~strikethrough~~.

Unchanged text (from the Proposed Submission Version) is shown as unemboldened black text (headings emboldened as per original document)

Replacement Modification reference	Local Plan Policy/para	<p><b>Amended text:</b> Amended Policy text is set out in <u>red emboldened underlined text</u>. New Explanatory text is shown as non-emboldened <u>underlined</u> text. Deleted text is shown as <del>strikethrough text</del></p> <p>(RMM= Replacement Main Modification. Note that this schedule shows Replacement Main Modifications (FMM) as currently proposed. Some of these were previously part of the (original) Main Modifications (February 2015).</p>
RMM1	Policy SS1	<p>Revise Policy as follows in accordance with Inspector’s “Initial Findings” dated 15 December 2014 : <i>Note change to Plan Period from 2012-2032 and beyond to <u>2012-2030</u> and beyond.</i></p> <p><b>Policy SS1 Growth Strategy for a prosperous Torbay</b></p> <p>The Local Plan promotes a step change in Torbay’s economic performance. It supports urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. This will be achieved within the Bay’s built and natural environmental capacity, ensuring the environment continues to be a driver of economic success and that there is investment in the Bay’s environmental assets.</p> <p>Development should reinforce Torbay’s role as a main urban centre and premier resort. <u>All development should contribute to safeguarding or enhancing the area’s natural and built environment.</u></p> <p>All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay’s carbon footprint, and provide resilience to climate change.</p> <p>The Plan supports the creation of 5,000-6,000 <u>5,500</u> net additional jobs (<u>equating to an average of around 275 jobs per annum</u>) and delivery of at least 17 hectares of employment land over the next 20 years (<del>equal to 250-300 jobs per annum</del>), with an emphasis on bringing employment space forward as early as possible in the Plan period. The Plan also seeks to identify land for <u>the delivery of around</u> <del>between 400-500</del> <u>480 495</u> homes per annum <u>on average</u>, equating to about <u>8,900</u> <del>10,000</del> new homes over the Plan period of 2012-2032 <u>2030</u>. <i>(N.b. Number increased in line with Inspector’s Final report, Paragraph 30 which indicated an 18 year Plan period).</i></p> <p><b>Existing Commitments</b></p> <p>In the first 5 years (2012-17), the Plan will enable delivery of <del>1,250-1,500 net new jobs, and land for</del> around 2,000 new homes. <u>Most of this</u> growth will come forward on committed sites – with planning permission or allocated - and on urban brownfield sites, including windfall sites. <u>These are shown in Appendix D (first table) and will be updated as part of the Council’s annual monitoring activity</u></p>

		<p><b>Identified Sites</b></p> <p>In years 6-10 of the Plan, development will come from completion of committed sites and developable sites identified in Neighbourhood Plans. The pool of developable housing sites is included in Appendix D to this Plan. <b><u>If Neighbourhood Plans do not identify sufficient sites to provide the growth requirement of the Local Plan, the Council will bring forward sites through site allocations development plan documents.</u></b></p> <p><b><u>If it appears that a shortfall in five year supply of deliverable sites is likely to arise, the Council will bring forward additional sites as indicated in Policy SS12 below.</u></b></p> <p><b>Strategic Delivery Areas</b></p> <p>Strategic Delivery Areas, shown outlined in red on the Key Diagram, are the focii for delivery of growth and change in the Bay over the Plan period. They provide strategic and sustainable locations for new employment space, homes and infrastructure. Future Growth Areas (see Policy SS2) are located within these SDAs. There will be some initial delivery of development in Future Growth Areas, within the first 10 years, if required to meet demand for new employment space and homes. Development in these areas will be set out in detail via masterplanning, concept plans and/or in Neighbourhood Plans. They will deliver a balance of jobs, homes and infrastructure, including green infrastructure. Future Growth Areas are shown on the Policies Map.</p> <p>The focus areas for delivery of improvements to AONB, countryside, green infrastructure, as well as sport, leisure and recreation, are also illustrated (outlined in green) in the Key Diagram (See Figure 4.1).</p> <p>Major development proposals, outside the <b>built up area and Future Growth Areas</b>, will need to be the subject of environmental assessment. This will need to take account of the impacts of the proposed development itself and the cumulative impact of development.</p> <p>The Plan will be reviewed at regular intervals to ensure that the growth strategy remains sustainable and conforms to the requirements of the NPPF, or subsequent Government policy.</p> <p>Communities will have a greater influence in determining how development in their area will look and feel, specifically through the new framework of Neighbourhood Plans.</p> <p><b>For Information: Replacement Main Modification 1 (RMM1) is a revised version of withdrawn Main Modification 1 (MM1)</b></p>
<b>RMM2</b>	4.1.25	<p>Amend paragraph 4.1.25 which is under the section heading “Sequence and phasing of development”:</p> <p>Expected phasing is set out broadly in Policy SS1 above, with more details set out in Policies <u>SS11 Housing, and SS12 “Five Year Housing Supply”</u>. <u>These Polices set out a trajectory and broad areas of housing growth. More detailed area specific requirements are set out in the Strategic Delivery Areas’ Policies (SDT1, SDP1 and SDB1 etc).</u></p> <p>Development over the first 5 years (2012-17) will arise on committed sites. These are indicated for information in Appendix D of</p>

		<p><u>the Local Plan (first table), which will be regularly updated as part of the annual Housing Land Monitor and Authority Monitoring Report. Larger sites are expected to last until the second phase of the plan (i.e. years 6-10) and be supplemented by (mainly urban) developable sites allocated in Neighbourhood Plans using the SHLAA as a starting point.</u></p> <p><u>There will be an emphasis on delivering employment developments in the early phases of the Local Plan. This will include existing commitments to B1, B2, B8 employment space provision at:</u></p> <ul style="list-style-type: none"> <li>• <u>White Rock, which itself includes a new innovation centre (EPIC)</u></li> <li>• <u>Edginswell Business Park</u></li> <li>• <u>Town centre sites, including, Torwood Street; and other developments in the adopted Town Centre Masterplans</u></li> <li>• <u>Devonshire Park, Paignton</u></li> <li>• <u>South Devon College’s emerging Hi Tech Centre</u></li> <li>• <u>Claylands, Paignton</u></li> <li>• <u>Land at Yalberton Road/ Yannons Farm Paignton</u></li> </ul> <p><u>Whilst development in Future Growth Areas is anticipated to arise towards the latter part of the Plan period, it is noted that there is active developer interest in some sites, such as Collaton St Mary and Yalberton, Paignton. The Plan will support early delivery where infrastructure, environmental and other relevant planning matters are satisfactorily addressed.</u></p> <p><u>Where there appears to be a risk of a shortfall of deliverable sites against the Local Plan rolling five year requirement, or overall housing trajectory, the Council will bring forward additional sites through site allocations development plan documents. In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e.2017), the Council will start to prepare site allocation documents if neighbourhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been Submitted to the Local Authority by 31 March 2016. If this arises the Council will present site allocations documents to Council within 12 months (i.e. by 1 April 2017). It will be noted that Neighbourhood Plans/site allocations development plan documents only need to identify sufficient sites to maintain a rolling five year housing supply from 2017, with broad locations for longer term growth. Neighbourhood Plans will not be required to allocate sites where there would be likely significant effects on Habitats Regulations related matters.</u></p> <p><b>For Information: RMM2 is a revised version of former MM2</b></p>
RMM3	SS2	<p>Revise Policy as follows:</p> <p>Future Growth Areas are proposed in the following locations:</p> <ol style="list-style-type: none"> <li>1. Edginswell, Torquay</li> <li>2. Land around <b>Paignton North and West Area including</b> Collaton St. Mary, Paignton</li> </ol>

3. Brixham Road, Paignton

4. ~~Wall Park, Brixham~~

.....A bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development within the **following** Future Growth Areas must be submitted and approved before planning permission will be granted.

**SDP 3.2 Great Parks**

**SDP 3.3 Totnes Road/Collaton St Mary**

**SDP 3.4 Brixham Road/Yalberton**

*(N.B. Wall Park moves up into the category of deliverable site, having received planning permission).*

The **mitigation** plans must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the local foraging area and flyway used by commuting GHBs associated with the South Hams SAC. The mitigation plan must demonstrate that development will have no adverse effect on the SAC alone or in combination with other plans or projects **developments**. Development should have regard to Policy NC1 concerning the need for developer contributions to mitigate the impact of **increased** recreational pressure on the South Hams SAC.

Development will ~~be~~ deliver the following:

(i) -(vii) no change from Proposed Submission Plan.

**(viii) Integrated Green Infrastructure rich in biodiversity to be enjoyed by local people.**

All major development outside of the established built up area should be within the identified Future Growth Areas. Major development outside of these areas will only be permitted where the site has been identified by the relevant neighbourhood plan or a subsequent development plan **document and has first been subject to Habitat Regulations Assessment that has concluded there will be no likely significant effect on the South Hams SAC**. Such development proposals will need to take account of the impacts of the proposed development itself and the cumulative impact of development.

**Note: Policies Map changes - Wall Park (SDB3.1) shown as a committed site (greyed out), as the site has planning permission.**

**For Information: RMM3 is a withdrawn version of former MM3**

<b>RMM3A</b>	Policy SS4	<p>The Local Plan supports the creation of at least 5,000-6000 <b>5,500</b> net additional jobs by <b>2030</b> with an emphasis on delivering 1,250-1,500 net new jobs in the first 5 years of the Plan Period.</p> <p><b>For Information: RMM3A is a new Modification, arising out of RMM1 above. See Policy SS5 (Replacement additional Modification 23) for employment site specific information.</b></p>
<b>RMM4</b>	Table 4.3	<p><i>Make Table part of Policy SS11 "Housing". Amend Table to indicate distribution of <b>8,900</b> dwellings by area: <b>See MM5 below.</b></i></p> <p><b>For Information: RMM4 is a revised version of former MM4</b></p>
<b>RMM5</b>	SS11	<p>Amend first paragraph of Policy in line with changes to SS1 above:</p> <p><b>Policy SS11 Housing</b></p> <p>In accordance with Policy SS1, provision will be made for <b>8,900</b> <del>between 8,000-10,000</del> new homes over the Plan period or beyond, so long as these can be provided without harm to the economy or environment, including sites protected under European legislation.</p> <p>Major new housing schemes will be brought forward via partnership between landowners, developers , the community and Council , in accordance with <b><u>the broad numbers set out in Table 4.3 (H1)</u></b>, Policies SDT1 Torquay, SDP1 Paignton and SDB1 Brixham.</p> <p><b>(Insert housing table 4.3 (see RMM4 above) as part of policy). Note that housing numbers have been revised as part of these Replacement Modifications. The revised housing tables are set out at Annex 2.</b></p> <p><b>For Information: RMM5 is a revised version of withdrawn MM5</b></p>
<b>RMM6</b>	4.5.36	<p>Clarify numbers in Policy as per MM1:</p> <p>Development in Torbay is nearing the area's total capacity. A cross-boundary review of strategic housing land availability <del>may be needed</del> <u>will be undertaken</u> as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would <del>take the requirement above 8,000-10,000 homes.</del> generate a demand for additional housing. The 2012 based DCLG Household Projections indicate 7,550 additional households in Torbay between 2012-30. These figures are not based upon short term migration trends but assume that inwards migration will return to pre-2008 levels later in the Plan period. This strongly implies that economic success is built into the household projections. Therefore it is not expected that <del>this</del> there will be a jobs generated housing demand <u>above the Local Plan level</u> <del>will be needed</del> for at least the first 15 years of the Plan (i.e. before the late 2020s), and possibly later.</p> <p><b>For Information: RMM6 is a revised version of withdrawn MM6</b></p>
<b>RMM7</b>	SS12	<p>Revise Policy as follows:</p> <p><b>SS12 Five year housing land supply</b></p> <p>The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of 400 dwellings a year (i.e.2000 dwellings over 5 years) made up from 270 a year on committed or identified sites and 130 on windfall</p>

sites 8,900 dwellings over the Plan period 2012-30, including an allowance for windfall sites.

The trajectory is:

400 dwellings per year for the period 2012/13 – 2016/17

460 ~~495~~ dwellings per year for the period 2017/18 – 2021/22

510 ~~555~~ dwellings per year for the period 2022/23- 2030/31 ~~2029-30~~

*(N.b. This amendment to the housing trajectory is necessary to ensure that the trajectory is for 8900 dwellings over an 18 year Plan period 2012-2030; whereas the wording in RMM7 would result in a trajectory of 8380. This is less than the Housing Requirement identified in Paragraphs 41 and 50, as Modified by RMM1. Paragraph 30 of the Inspector's Final Report indicates the need to amend the housing tables and related policy text to correct the arithmetic and meet the Requirement and 18 year Plan period identified in the Inspector's Initial Findings and Report of Examination).*

New housing will be monitored to ensure that it is matched by the provision of infrastructure, particularly infrastructure that would support job creation. Five year supply of housing land will be updated annually as part of the Council's Housing Land Monitor.

Monitoring within the five year period

Sites comprising the Council's five year supply will be published annually as part of the Authority Monitoring Report.

Housing completions and permissions will be monitored on an annual basis to ensure that a rolling supply of deliverable sites sufficient to meet the five year requirement, and to meet any shortfall within five years, is maintained (see Appendix D).

Where the supply of specific deliverable sites (plus windfall allowance) falls below this figure, or Neighbourhood Plans do not identify sufficient sites to meet Local Plan requirements in years 6-10 of the housing trajectory, the Council will, either:

1). bring forward housing land from later stages of the Plan, working closely with land owners, developers and Neighbourhood Forums; or

2). identify additional sites through new site allocation development plan documents, or

~~23).~~ consider favourably applications for new housing, consistent with Policy SS2, **H1** and other policies of this Plan.

New housing leading to the 5 year supply figure being exceeded will be permitted where:

i. the proposal would bring social, regeneration or employment benefits, including through the provision or funding of infrastructure;



		<p>ii. the proposal would not lead to serious infrastructure shortfalls; and  iii. the proposal is consistent with other policies in the Local Plan.</p> <p><b><u>Five year Review of the Local Plan</u></b></p> <p><b><u>The Local Plan will be reviewed on a five year basis from adoption, and the housing trajectory adjusted if assessed by the Council to be necessary to meet objectively assessed needs. Further details of criteria to be considered at review are set out at Section 7.5</u></b></p> <p><b><u>An early review of the Local Plan’s housing trajectory will be triggered where there is evidence of a potential imbalance between jobs and homes.</u></b></p> <p><b>For Information: RMM7 is a revised version of withdrawn MM7</b></p>
RMM8	4.5.40	<p>Add the following text at end of paragraph (n.b. will necessitate renumbering of paragraph numbers in printed Adopted Local Plan):</p> <p><u>It is important that the provision of new homes keeps pace with the likely provision of jobs and that a shortage of homes does not impede job creation or deter inward investment. On this basis, the ongoing relationship between new homes and jobs will be reviewed on a yearly basis. If evidence suggests that a shortage of homes is in danger of curtailing growth, additional land will be identified through a Local Plan review. Examples of evidence that could trigger this review are:</u></p> <ul style="list-style-type: none"> <li>• <u>An increase of more than 275 net new FTE jobs per annum for two consecutive years (based on BRES/NOMIS data).</u></li> <li>• <u>Economic projections showing an increase in FTE jobs of more than 275 FTE per year sustained over a five year period.</u></li> <li>• <u>Population projections or mid year estimates indicate an increase of working age population (aged 18–65) of more than 275 people per year over a five year period.</u></li> <li>• <u>Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing.</u></li> </ul> <p><u>Where monitoring indicates a danger of a shortfall against the five year supply or overall trajectory, action to identify additional sites will commence in the first year of a shortfall being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12.</u></p> <p><u>The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting growth needs after the first five years – i.e. expected requirements from April 2017. The Local Plan identifies a pool of sites, based on a Strategic Housing Land Availability Assessment, which could provide a suitable selection of sites for development subject to further scrutiny through the neighbourhood planning process (see Appendix D). Neighbourhood Plans are at a draft stage of preparation for the Brixham, Paignton and Torquay areas which will cover 100% of the administrative area of Torbay. It is</u></p>

		<p>expected that these three Neighbourhood Plans will, drawing on the pool, allocate sufficient housing land to enable delivery of the growth strategy outlined in Policy SS1 and Table 4.3.</p> <p><u>Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found to not be in general conformity with the strategic policies of the Local Plan and/or does not pass the Examination or Referendum process, then under those circumstances the Council undertakes to produce a Site Allocations DPD to allocate land to meet housing needs later in the Plan period. Sufficient land is allocated within the Local Plan to meet housing needs during the first five years, so either Neighbourhood Plans and/or a Site Allocations DPD will allocate sites to contribute to providing clarity over housing supply from April 2017.</u></p> <p><u>To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by 31 March 2016, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required.</u></p> <p><b>For Information: RMM8 is a revised version of withdrawn MM8</b></p>
<b>RMM9</b>	SDT1	<p>In final paragraph amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 (above).</p> <p>Torquay will deliver <b>a minimum of 37,200 sq m (net) of employment floorspace and</b> around <del>3,865</del> <b>3,955</b> new homes, <del>at 150-200 new homes per annum and a minimum of 37,200m<sup>2</sup> sq m (net) of employment floorspace</del> over the Plan period. The sources and timing of delivery are set out in Tables 5.1 and 5.2 below and Policies SDT2–SDT4 (see also Policy W5).</p> <p>Note that numbers in Tables 5.2, 5.4, 5.6 revert to the figures in the Proposed Submission Local Plan.</p> <p><b>For Information: RMM9 is a revised version of withdrawn MM9</b></p>
<b>RMM10</b>	SDP1	<p>In final paragraph, amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 above.</p> <p>Paignton will <b>provide a minimum of 30,100 sq m (net) of employment floor space</b> and around <del>4585</del> <b>4,290</b> new homes (averaging 230 per annum) and a minimum of 30,100m<sup>2</sup> sq m (net) of employment floor space over the Plan period. The expected delivery pace and sequence of delivery are set out in Tables 5.7 and 5.8 below and Policies SDP2–SDP4. See also Policy W5.</p> <p>Note that numbers in Tables 5.8, 5.10 and 5.12 will be amended as a result of RMM10 and RMM11. This includes a reduction in numbers at SDP3.3 Totnes Road, as a result of Masterplanning. The revised housing tables are set out at Annex 2</p> <p><b>For Information: RMM9 is a revised version of former MM9</b></p>
<b>RMM11</b>	SDP3	Reduction of 376 dwellings at Collaton St Mary as a result of Masterplanning (to 460 dwellings in total)

		<p>The revised housing table 5.12 showing this change is set out at Annex 2</p> <p><b>For Information: RMM11 is the same wording as former MM11</b></p>
<b>RMM12</b>	SDB1	<p>In final paragraph, amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 (above).</p> <p>Brixham is expected to provide sufficient land to enable delivery of at least 2,700m<sup>2</sup> sq m of employment <b>floor</b> space and <del>800</del> <b>660</b> new homes (<del>around 40 per annum</del>) over the Plan period.</p> <p>Note that numbers in Tables 5.14, 5.16 and 5.18 will be amended as a result of RMM1 and RMM11 The revised housing tables are set out at Annex 2</p> <p><b>Note Policies Map Change: Policies Map changes at Churston Golf Club (site of 1<sup>st</sup> and 18<sup>th</sup> holes and Clubhouse) – reclassification as a Potential Housing Development Site for consideration in the Brixham Peninsula Neighbourhood Plan.</b></p> <p><b>For Information: RMM12 is a revised version of withdrawn MM12</b></p>
<b>RMM13</b>	<b>Appendix D</b>	<p>Amend Appendix D: Pool of Housing Sites as follows.</p> <p><b>Table 1</b>  The following sites are ‘committed development sites’ i.e. have planning permission or are considered imminently deliverable (at January 2014). They are sites for 6 or more dwellings. They are shown on the Policies Map (as greyed out areas) for information purposes. <u>These sites are part of the Council’s Five Year supply of deliverable sites. The list will be updated as part of the Council’s Annual Housing Land Monitor and Authority Monitoring Report.</u></p> <p>Remove:  Churston Golf Club (Dartmouth Road)</p> <p>Add:  Wall Park Brixham (165 dwellings) (Note that Future Growth Area designation has been removed, as the land has planning permission- see RMM3 (policy SS2) above).</p> <p><b>Note: Policies Map Change.</b></p> <p><b>Table 2</b>  Add the following sites to the pool of housing sites:</p> <p><b>Torquay</b>  Town Hall Car Park (50). Subject to retention of sufficient car parking.</p>

Temperance Street (65). Subject to retention of sufficient car parking.  
Lower Union Lane (20). Subject to retention of sufficient car parking.  
Terrace Car Park (20). Subject to retention of sufficient car parking.

**Paignton**

Victoria Square (60). Subject to retention of sufficient car parking.  
Station Lane (30). Subject to retention of sufficient car parking.  
Paignton Harbour (40). Subject to retention of sufficient car parking.

**Brixham**

Churston Golf Club (Dartmouth Road) Subject to resolution of environmental and traffic concerns

**Note: Policies Map Change. See Annex 1.**

Note that the lists of sites in Appendix D (both Tables 1 and 2) are shown for information purposes and will be updated as part of the Council's housing monitor and Authority Monitoring Report. The lists are based upon the Strategic Housing Land Availability Assessment (PBA 2013) and are not definitive. They do not preclude other sites coming forward or being identified by Neighbourhood Forums.