

Appendix 2:

Decision Statement Table: Torquay Neighbourhood Plan

Assessment of Examiner's Report

Background

This Appendix provides a more detailed officer assessment of the Examiner's Modifications and the LPA's Decision Statement.

All written representations were provided to the Examiner along with the submitted plan and associated documents. As part of the examination, Mr McGurk held a public hearing at the Imperial Hotel, Parkhill Road, Torquay on 14th May 2018. The final report was received by the Council on 10th July 2018. The report was published on the Council's website.

The conclusion of the report was that the Plan should proceed to referendum, with modifications recommended by the Examiner.

Submitted Plan Reference (i.e. policy, supporting text, paragraph, section or other matter contained within the plan)	Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information)	Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information)	Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason)	Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3)
Neighbourhood Plan period	Throughout the Plan, change any references to the time period to take account that it should reflect 2012-2030, in common with the Local Plan. (See Report page 6)	For clarity and precision.	<u>Decision</u> – As per the Examiner's recommended modification. Change time period references to reflect the period of the plan throughout the document, including but not limited to the front cover and the introductory section. <u>Reason</u> – As per the Examiner's stated reason.	All time period references within the Plan now reflect and/or take account of the period covered by the plan, which is the same as the Local Plan (2012-2030).
Neighbourhood Area boundary	Provide the Appendix 1 plan (Neighbourhood Area boundary) contained in the Basic Conditions Statement within the Neighbourhood Plan. (See Report page 15)	To satisfy Section 61G(1) of the Town & Country Planning Act 1990 (as amended).	<u>Decision</u> – As per the Examiner's recommended modification, add boundary map of designated area. <u>Reason</u> – As per the Examiner's stated reasoning.	Neighbourhood Area boundary map now shown within the Introduction section on page 4 of the modified Plan.
Introductory Section	Amend wording of 'Foreword' and page 4; Delete page 7 'Glossary';	For clarity and precision and to have regard to recommendations elsewhere in the report.	<u>Decision</u> – As per the Examiner's recommended modifications except for: - para 74 of the Examiner's Report, the recommended modification has been substituted for an alternative	All amendments included in the 'post examination Plan with modifications'.

	<p>Amend and delete wording on pages 8 & 9;</p> <p>Add suffix "T" to all Policy numbers (as in this Statement).</p> <p>(Report pages 19-21)</p>	<p>To distinguish the Torquay Neighbourhood Plan policy numbering from the adopted Torbay Local Plan numbering.</p>	<p>minor change to have regard to modifications made elsewhere in the Plan as set out in this Decision Statement.</p> <ul style="list-style-type: none"> - Para 78 of the Examiner's Report, the recommended modification is made plus with further minor alterations to account for modifications made elsewhere in the Plan as set out in this Decision Statement with regards to the retention of Community Partnership Statements within an Appendix. <p><u>Reason</u> – To meet the Basic Conditions requirement for there to be clarity and precision.</p>	
<p>Policy TS1: The Presumption in Favour of Development</p>	<p>Delete policy and supporting text.</p> <p>(Report pages 22-23)</p>	<p>Vague and inappropriate wording that seeks to direct the LPA and does not have regard to NPPF154. Incorrect information contained within supporting text.</p>	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p>	<p>Modified policy title, wording and supporting text included in the 'post examination Plan with modifications'.</p> <p>Now appears as TS1 – Sustainable Development</p>

			<p><u>Reason</u> – In order to overcome conflict with the Basic Conditions and correct errors, including as identified by the Examiner. This includes providing clarity on how a decision maker should react to a development proposal within the Neighbourhood Area and setting a positive framework for sustainable development, having regard to national guidance.</p> <p>Note that NPPF154 specifically applies to Local Plans, not Neighbourhood Plans. However, the principles also apply to Neighbourhood Plans as set out in Para 041 (PPG ID 41-041) of the Planning Practice Guidance (PPG).</p>	
Policy TS2: Definitions of Greenfield and Brownfield land	Delete policy, supporting text and Glossary heading. (Report page 24)	Definition proposed, conflicts with national policy without justification and no substantive evidence to test impact would not harm delivery of sustainable development	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p>Specifically, relate definition of brownfield</p>	<p>Policy and associated text deleted and does not appear in the 'post Examination Plan with modifications'</p> <p>Modified policy appears as TS4 Support for Brownfield and Greenfield Development</p>

			<p>land in the supporting text to that which is directly specified in the NPPF. Provide modified policy which retains the intent of the policy that brownfield development should be supported in preference to greenfield development,</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner.</p>	
<p>Policy TS3: Master Plans</p>	<p>Delete policy and supporting text. (Report page 25)</p>	<p>Confusing when considered against the supporting text and contains unlawful elements.</p>	<p><u>Decision</u> - Retain the policy with modified wording and supporting text to provide clarity. It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions and correct errors, including as identified by the Examiner.</p>	<p>Modified policy wording and supporting text included in the 'post examination Plan with modifications'</p> <p>Modified policy appears as Policy TS2 – Master Plans</p>

Policy TS4: Community led planning	Amend policy title, number and wording. Amend supporting text. (Report page 26)	To accord with a consultation approach that has regard to national guidance and law.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> - As per the Examiner's stated reasoning.	Modified policy wording and supporting text included in the 'post examination Plan with modifications' Modified policy appears as Policy TS4 - Community led planning
Policy TH1: Allocation of housing sites and revisions to the Local Plan	Amend policy wording; delete one housing site Provide a new Table and plan of sites allocated by the Neighbourhood Plan. Amend page 12 supporting text. (Report pages 27-29)	The policy is confusing and not wholly consistent with national policy and guidance Not the role of a Neighbourhood Plan to allocate land already allocated. Delete 'Kwik Fit' site as it is unavailable for development.	<u>Decision</u> – As per the Examiner's recommended modification plus further minor amendments of policy title, supporting text and table to reflect those changes, wider plan modifications and correct minor errors in numbering and site name classifications within table. Decision was taken not to provide a further map within the written document of the housing sites as these are already shown with clarity on the Policies Maps. <u>Reason</u> - to provide clarity and precision having regard to national guidance (PPG ID 41-042)	All amendments included in the 'post examination Plan with modifications'. Modified policy appears as TH1 - Housing Allocations
Policy TH2: Designing out crime	Amend policy wording. (Report page 30)	As worded the policy appears vague and ambiguous.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> - As per the Examiner's stated reasoning plus to provide clarity having regard to national guidance (PPG ID41-042)	Policy retained with amended policy wording in the 'post examination Plan with modifications'. Modified policy appears as Policy TH2 – Designing out crime
Policy TH3:	Delete policy and related text.	Wording conflicts with NPPF173 and Local Plan Policy H2 in regard to viability and also does	<u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting	Modified policy title, wording and supporting text included in the 'post

Future Growth Area viability exclusions	(Report page 31)	not contribute to the achievement of sustainable development.	<p>this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Including to contribute to the achievement of sustainable development and be consistent with national policy and be in general conformity with the Local Plan.</p> <p>NPPF173 relates to deliverability in terms of viability of a Local Plan but PPG ID41-005 makes it clear that this also applies to neighbourhood planning</p>	<p>examination Plan with modifications’.</p> <p>Modified policy appears as TH3 – Future Growth Area viability priorities</p>
Policy TH4: Affordable homes from Greenfield developments	Delete policy; Amend supporting text. (Report page 32)	Lack of substantive evidence to justify approach. Less clear than Local Plan and not in general conformity with Policy H2, Does not have full regard to national guidance	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and amending the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated</p>	<p>Modified policy wording and supporting text included in the ‘post examination Plan with modifications’.</p> <p>Modified policy appears as TH4 – Affordable</p>

			<p>supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner.</p>	homes from greenfield developments
Policy TH5: Affordable housing occupancy restrictions	<p>Delete policy and supporting text;</p> <p>Delete 'Community Aspiration'.</p> <p>(Report page 33)</p>	Fails to contribute to achievement of sustainable development.	<p><u>Decision</u> - As per the Examiner's recommendation.</p> <p><u>Reason</u> - As per the Examiner's stated reasoning.</p>	Policy and associated text deleted and does not appear in the 'post Examination Plan with modifications'
Policy TH6: Sustainable later life homes	<p>Delete policy.</p> <p>(Report page 34)</p>	Appears restrictive and a risk to achieving sustainable development.	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as</p>	<p>Modified policy, wording and supporting text included in the 'post examination Plan with modifications'.</p> <p>Modified policy appears as TH5 – Sustainable later life homes</p>

			<p>amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner.</p> <p>Encouraging sustainable locations for accommodation designed for needs of the elderly or who are frail has regard to national policy, contributes to achievement of sustainable development and is in general conformity with the strategic policies of the Local Plan.</p>	
Policy TH7: Retirement and assisted living	Delete policy and supporting text; (Report page 35)	As worded it creates a presumption in favour of potentially inappropriate development that would not contribute to achievement of sustainable development and is not in general conformity with the Local Plan	<p><u>Decision</u> - As per the Examiner's recommended modification but some supporting text retained.</p> <p><u>Reason</u> – As per the Examiner's recommended modification. Some supporting text retained to support the retained Policy TH6 Sustainable later life homes</p>	Policy and some associated supporting text deleted and does not appear in the 'post Examination Plan with modifications'.
Community Infrastructure Levy (Page 16)	Amend presentation and wording of these stated 'Community Aspirations'. (Report page 36)	Could be confused with Policies.	<p><u>Decision</u> - As per the Examiner's recommended modification.</p> <p><u>Reason</u> – As per the Examiner's stated reasoning.</p>	All amendments included in the 'post examination Plan with modifications'.
Policy TH8:	Delete policy.	Not in general conformity with the Local Plan, lacks substantive	<u>Decision</u> - As per the Examiner's recommended modification.	Policy and associated text deleted and does

Prioritisation of Town Centre redevelopment and Brownfield sites	(Report page 37)	evidence, and without due regard to the NPPF,	<u>Reason</u> - As per the Examiner's stated reasoning.	not appear in the 'post Examination Plan with modifications'
Policy TH9: Homes for Torbay residents	Delete policy. (Report page 38)	Lack of evidence provided to support such restrictive requirements which would exceed national and local policy requirements. Fails to contribute to the achievement of sustainable development.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> - As per the Examiner's stated reasoning.	Policy and associated text deleted and does not appear in the 'post Examination Plan with modifications'
Policy TH10: Gateway sustainable community planning	Delete policy and amend text. (Report page 39)	As worded, fails to contribute towards achieving sustainable development and is not in general conformity with the Local Plan	<u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements. <u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Positively encouraging consideration of the	Modified policy title, wording and supporting text included in the 'post examination Plan with modifications'. Modified policy appears as TH10 – Gateway sustainable community planning

			wider area has regard to national policy, contributes to achieving sustainable development and is in general conformity with the strategic policies of the Local Plan.	
Homes from former Tourism properties (page 18)	Delete heading and policy list. (Report page 40)	Detracts from clarity.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	Section deleted and does not appear in the 'post Examination Plan with modifications'
Policy TH11: Minimum bedrooms	Delete policy. (Report page 41)	Imprecise and ambiguous. Lacks due regard to national policy.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	Policy deleted and does not appear in the 'post Examination Plan with modifications'.
Policy TH12: HMO's	Delete policy and supporting text. (Report page 42)	Not compliant with NPPF173 regarding viability. No substantive evidence.	<u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.	Policy deleted and does not appear in the plan in Appendix 3 Modified policy appears as TH7 - HMOs

			<p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. NPPF173 relates to deliverability in terms of viability of a Local Plan but PPG ID41-005 makes it clear that this also applies to neighbourhood planning.</p>	
<p>Policy TH13: Established Architecture</p>	<p>Modify the policy wording. (Report page 43)</p>	<p>To provide for a more balanced consideration and to avoid ambiguity.</p>	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that modifying this policy, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a further modification to the policy, better retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> - In order to overcome conflict with the Basic Conditions, as identified by the Examiner. The policy as modified has the required due regard to NPPF58, is in general conformity with the Local Plan and better contributes to the achievement of sustainable development.</p>	<p>Policy amended and contained within the 'post Examination Plan with modifications'.</p> <p>Modified policy appears as TH8 – Established architecture</p>
<p>Policy TH14 Parking facilities</p>	<p>Delete policy and supporting text. (Report page 44)</p>	<p>Lack of evidence to support policy, and would not have due regard to national policy (NPPF173 and NPPF204). Not in general conformity with the</p>	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner,</p>	<p>Modified policy wording and supporting text included in the 'post examination Plan with modifications'.</p>

		Local Plan.	<p>would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Ensuring an appropriate provision of parking for residential development has regard to national guidance, contributes to the achievement of sustainable development and is in general conformity with the strategic policies of the Local Plan.</p>	Modified policy appears as TH9 – Parking facilities
Policy TH15: Sites excluded from development	Delete policy and supporting text. (Report page 45)	Unduly restrictive.	<p><u>Decision</u> - As per the Examiner's recommended modification but move some modified supporting text to the support text section of TH1.</p> <p><u>Reason</u> – As per the Examiner's stated reasoning. Text moved to TH1 in order to reflect that the Neighbourhood Plan chose not to allocate two potential housing sites contained in the Local Plan. Adds clarity to the plan.</p>	All amendments included in the 'post examination Plan with modifications'.

Policy TH16: Protection of the historic built environment	Delete policy and supporting text. (Report page 46)	Does not have regard to national policy and fails to contribute to the achievement of sustainable development.	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Appropriate protection of heritage assets through plan policy has regard to national policy, contributes to achieving sustainable development and is in general conformity with the strategic policies of the Local Plan.</p>	<p>Modified policy wording and supporting text included in the 'post examination Plan with modifications'.</p> <p>Modified policy appears as TH10 Protection of the historic built environment</p>
Policy TH17: Rural village buffer zones	Delete policy. (Report page 47)	Restrictive approach not justified by evidence, does not have regard to national policy, not in general conformity with the Local Plan and fails to contribute to the achievement of sustainable development.	<p><u>Decision</u> - As per the Examiner's recommended modification.</p> <p><u>Reason</u> – As per the Examiner's stated reasoning.</p>	Policy and associated text deleted and does not appear in the 'post Examination Plan with modifications'
Policy TH18:	Delete policy and	Wording does not have regard	<u>Decision</u> - It is agreed that the submitted	Modified policy wording

Rural Village Conservation areas	supporting text. (Report page 48)	to national policy.	<p>plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Encouraging development proposals that would enhance a designated Conservation Area has regard to national policy, contributes to achievement of sustainable development and is in general conformity with the strategic policies of the Local Plan.</p>	<p>and supporting text included in the ‘post examination Plan with modifications’.</p> <p>Modified policy appears as TH11 – Rural village conservation areas</p>
Policy TH19: Maidencombe area	<p>Amend policy wording; Amend supporting text and title;</p> <p>Replace village envelope diagram on page 64.</p> <p>(Report pages 49-51)</p>	To avoid conflict with national policy, the Local Plan, contribute to sustainable development and provide clarity for decision making	<u>Decision</u> – Policy wording changed as per the Examiner’s recommended modification but further detail added to re-emphasise the unique landscape character and setting of Maidencombe, which better retains the intent of the submitted policy and better meets the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). This includes making	<p>All amendments included in the ‘post examination Plan with modifications’.</p> <p>Modified policy appears as TH12 – Maidencombe area</p>

			<p>reference to the context of the Local Plan (C1, C2 and SS2) with regards to the intent of the policy. Further information added in supporting text to link to Landscape Character Assessment evidence undertaken as part of the Local Plan evidence base and already referenced within the Torquay NP submission documents.</p> <p>The boundary of the Village Envelope which is retained as specified in the Plan. In addition, supporting text retained and amended to reflect modification002E</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Proposed amended village envelope boundary retained on the basis of being in general conformity with the Local Plan (including Policy C1) and evidence being sufficient to support proposed changes. Changes to supporting text add clarity to the plan.</p>	
Policy TH20: Cockington village and Country Park	Delete policy and supporting text. (Report page 52)	Blanket presumption approach inappropriate.	<p><u>Decision</u> - Retain policy with modified wording to overcome the issue raised.</p> <p><u>Reason</u> – providing clear guidance for development in the historic area involved has regard to national policy, contributes to achieving sustainable development and is in general conformity with the strategic policies of the Local Plan.</p>	<p>Revised policy and text included in Appendix 3 and agreed with the Torquay neighbourhood Forum as the Qualifying Body that submitted the Plan.</p> <p>Modified policy appears as TH13 – Cockington Village and Country Park</p>
Policy TJ1:	Delete policy and	Content imprecise and unclear.	<u>Decision</u> - It is agreed that the submitted	Modified policy title

<p>Designated Employment Sites and minimum employment space</p>	<p>supporting text; Delete all employment sites from policies maps, (Report pages 53-54)</p>		<p>plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. This applies not just to this employment policy but also to policies TJ2, TJ3, TJ5 and TJ6. It is considered that these policies perform related functions and have common aims. It is considered that a modified, single policy and associated supporting text can be introduced which would retain the policies general intent (TJ1, TJ2, TJ3, TJ5, TJ6) and that this would enable a single policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, provide a new policy to replace the employment policies already listed together with amended supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner (also see reasons identified for Policy TJ2, TJ3, TJ5 and TJ6).</p>	<p>(TJ1), wording and supporting text included in the 'post examination Plan with modifications'. Modified policy appears as TJ1 - Employment</p>
<p>Policy TJ2: Gateway Employment Sites</p>	<p>Delete policy and supporting text. (Report page 55)</p>	<p>Highly restrictive, not in general conformity with the Local Plan.</p>	<p><u>Decision</u> - As per the Examiner's recommended modification (though note new Policy TJ1)</p> <p><u>Reason</u> – As per the Examiner's stated reasoning.</p>	<p>Policy and associated text deleted (though note new Policy TJ1 which seeks to retain some of its intent) and does not appear in this form within the 'post Examination Plan with</p>

				modifications'
Policy TJ3: Retention of existing purpose built B Class employment sites	Delete policy and supporting text. (Report page 56)	Not clear or flexible, not in general conformity with the Local Plan.	<u>Decision</u> - As per the Examiner's recommended modification (though note new Policy TJ1) <u>Reason</u> - As per the Examiner's stated reasoning.	Policy and associated text deleted (though note new Policy TJ1 which seeks to retain some of its intent) and does not appear in this form within the 'post Examination Plan with modifications'
Policy TJ4: Home Based Enterprises	Modify policy wording. (Report page 57)	To remove ambiguity.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	All amendments included in the 'post examination Plan with modifications'. Modified policy appears as TJ2 – Home based enterprises
Policy TJ5: Change of use for unsustainable businesses	Delete policy and supporting text. (Report page 58)	Confusing and does not contribute to the achievement of sustainable development.	<u>Decision</u> - As per the Examiner's recommended modification (though note new Policy TJ1) <u>Reason</u> - As per the Examiner's stated reasoning.	Policy and associated text deleted (though note new Policy TJ1 which seeks to retain some of its intent) and does not appear in this form within the 'post Examination Plan with modifications'
Policy TJ6: Support for certain existing Employment Sites	Delete policy and supporting text. (Report page 59)	Policy cannot direct LA to grant or refuse planning permission	<u>Decision</u> - As per the Examiner's recommended modification (though note new Policy TJ1) <u>Reason</u> – As per the Examiner's stated reasoning.	Policy and associated text deleted (though note new Policy TJ1 which seeks to retain some of its intent) and does not appear in this form within the 'post

				Examination Plan with modifications'
Policy TJ7: Commercial street scenes	Modify policy wording. (Report page 60)	To have regard to national policy.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	All amendments included in the 'post examination Plan with modifications'. Modified policy appears as TJ3 – Commercial street scenes
Policy TJ8	No policy or recommendation attributed to this number.	N/A	N/A	N/A
Policy TJ9: Prevention of crime through design	Delete policy and supporting text. (Report page 61)	Repetitive of policy TH2.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	Policy and associated text deleted and does not appear within the 'post Examination Plan with modifications'
Tourism 'Community Aspiration' (page 25)	Delete 'Community Aspiration' and related text. (Report page 62)	Reads as a Policy and detracts from clarity. Places obligations on the Council and is confusing.	<u>Decision</u> - Retain with modified wording to make it clear it is not a policy. <u>Reason</u> – Community expression of aspirations in the Plan is allowed if they are not able to be confused with policy statements.	All amendments included in the 'post examination Plan with modifications'.
Policy TT1: Limited period for Change of Use of Tourism Properties within a CTIA	Delete policy and supporting text. (Report page 63)	Fails to contribute to sustainable development and lacks evidence to justify.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	Policy and associated text deleted and does not appear in the 'post Examination Plan with modifications'

<p>Policy TT2: Change of Use constraints within an established tourism area or CTIA</p>	<p>Modify policy title and wording. (Report page 64)</p>	<p>To avoid imprecision and be in general conformity with the Local Plan.</p>	<p><u>Decision</u> – It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that modifying this policy, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a further modification to the policy could be made could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions whilst also better retaining the original intent. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, further amend policy wording to meet Basic Condition requirements. Specifically this includes the provision of change of use outside as well as inside CTIAs (capturing the intent of established tourism areas within the submitted policy).</p> <p>Also modify policy to incorporate some of the original intent of TT3 (see further below)</p> <p><u>Reason</u> – As per the Examiner’s stated reasoning plus better capture the full intent of the submitted policy in way which meets the Basic Conditions.</p>	<p>Modified policy title and wording included in the ‘post examination Plan with modifications’.</p> <p>Modified policy appears as TT1 – Change of use constraints within and outside a CTIA</p>
<p>Policy TT3: Permitted Change of Use of Tourism</p>	<p>Delete policy. (Report page 65)</p>	<p>Restrictions are unduly placed on development without evidence to support an assessment of impact. Does not</p>	<p><u>Decision</u> – Agree partly with Examiner’s modification but some elements could be retained in a modified form and have been</p>	<p>Policy deleted but some elements incorporated into TT1.</p>

Properties outside CTIA's		contribute to the achievement of sustainable development.	incorporated within TT1 (see above). As per the Examiner's recommended modification. <u>Reason</u> – Because the modified reasoning meets the basic conditions in terms of meeting the basic conditions and is in particular in general conformity with Local Plan tourism policies.	
Policy TT4: Change of Use in Conservation Areas and Listed Buildings	Delete policy and supporting text; Amend 'Community Aspirations'. (Report page 66)	The presumption in favour of change of use does not have regard to national policy. The policy lacks clarity and precision. The 'Community Aspirations' read as requirements.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	Policy deleted and does not appear in the 'post Examination Plan with modifications'. Community aspirations amended in the modified plan. Modified policy appears as TT2 – Change of Use in Conservation Areas and Listed Buildings.
Policy TT5: Change of use constraints on Babbacombe Downs CTIA	Delete policy. (Report page 67)	Not in general conformity with Local Plan Policy TO1 and wording imprecise.	<u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording to meet Basic Condition	Modified policy title, wording and supporting text included in the 'post examination Plan with modifications'. Modified policy appears as TT3 – Change of use constraints on Babbacombe Downs CTIA

			requirements. <u>Reason</u> - In order to overcome conflict with the Basic Conditions, as identified by the Examiner.	
Policy TT6: Oddicombe Beach	Delete policy and supporting text; Delete and amend various 'Community Aspirations'. (Report page 68)	Policy not sufficiently precise. The 'Community Aspirations' exceed their remit.	<u>Decision</u> - As per the Examiner's recommended modification with regards to TT6. In relation to the Community Aspirations, retain all with appropriate introductory text to make to ensure they are aspirations and not requirements placed on the Council. <u>Reason</u> – As per the Examiner's stated reasoning plus policy is not consistent with the Local Plan in terms of reflecting flood risk at Oddicombe Beach.	Policy deleted and does not appear in the 'post Examination Plan with modifications'. All other amendments to community aspirations included in the 'post examination Plan with modifications'.
Policy TE1: Protection of SSSI	Delete policy; Amend supporting text. (Report page 69)	Not in general conformity with the Local Plan and inflexible.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	Policy and associated text deleted and does not appear in the 'post Examination Plan with modifications'. All other amendments included in the 'post examination Plan with modifications'.
Policy TE2: Protection of the Countryside and Undeveloped Coastal Areas	Delete policy; Delete supporting text. (Report page 70)	Not in general conformity with the Local Plan and not supported by any substantive evidence.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning.	Policy and associated text deleted and does not appear in the 'post Examination Plan with modifications'.

<p>Policy TE3: Tourism Accommodation on Greenfield sites</p>	<p>Delete policy; Delete supporting text. (Report page 71)</p>	<p>Does not have regard to national policy and no evidence to indicate it would contribute to sustainable development.</p>	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. As modified the policy has regard to national guidance, contributes to achievement of sustainable development and is in general conformity with the strategic policies of the Local Plan.</p>	<p>Modified policy title, wording and supporting text included in the 'post examination Plan with modifications'.</p> <p>Modified policy appears as TE1 – Tourism Accommodation on Brownfield Sites</p>
<p>Policy TE4: Local Green Spaces</p>	<p>Modify the policy wording: Delete Nightingale Park as does not meet the required criteria; Provide Table and Map of all other sites confirmed and reference as LGS1-99;</p>	<p>To accord with national guidance. To provide clarity and precision.</p>	<p><u>Decision</u> – As per the Examiner's recommended modifications except for amendments to table numbering/reference and the provision of an indicative plan to show location of each site. Further line added regarding allowing minor improvements to access and community facilities consistent with the intent of the policy and consistent with NPPF policy for managing Local Green Space (in accordance with Green Belt). Amendment</p>	<p>All amendments included in the 'post examination Plan with modifications'.</p> <p>Modified policy appears as TE2 – Local Green Spaces</p>

	<p>Amend boundary of LGS at Teignmouth Road.</p> <p>Amend supporting text on pages 31-32.</p> <p>(Report pages 72-75)</p>		<p>to table to correct error with name of TLGSM18 to reference King George playing Fields.</p> <p><u>Reason</u> – As per the Examiner’s stated reasoning but with regards to presentation modifications it is considered that this is unnecessary in terms of providing additional clarity. The policy, maps and table are sufficiently clear. To correct errors.</p>	
Policy TE5: Green Infrastructure Delivery Plan	<p>Replace the policy with a ‘Community Aspiration’</p> <p>(Report page 76)</p>	<p>The Green Infrastructure Delivery Plan is guidance (not planning policy or SPD) only and it is unclear and not supported by evidence why those requirements should be placed upon development.</p>	<p><u>Decision</u> - As per the Examiner’s recommended modification.</p> <p><u>Reason</u> – As per the Examiner’s stated reasoning.</p>	<p>The Policy (as revised to a Community Aspiration) has been incorporated into the ‘post examination Plan with modifications’.</p>
Policy TE6: Development on Established Woodland	<p>Modify policy wording;</p> <p>Delete 2 ‘Community Aspirations’ below Policy TE6 and single paragraph of supporting text.</p> <p>(Report page 77)</p>	<p>(No clear reason given for the policy wording change.)</p> <p>Both ‘Community Aspirations’ deleted because they read as Policy requirements.</p>	<p><u>Decision</u> - As per the Examiner’s recommended modification.</p> <p><u>Reason</u> – As per the Examiner’s stated reasoning.</p>	<p>All amendments included in the ‘post examination Plan with modifications’.</p> <p>Modified policy appears as TE3 – Development on Established Woodland</p>
Policy TE7: Green Corridors	<p>Modify policy wording;</p> <p>Amend supporting text.</p> <p>(Report page 78)</p>	<p>Confusingly worded and vague.</p>	<p><u>Decision</u> - As per the Examiner’s recommended modification.</p> <p><u>Reason</u> – As per the Examiner’s stated reasoning.</p>	<p>All amendments included in the ‘post examination Plan with modifications’.</p> <p>Modified policy appears as TE4 – Green</p>

				Corridors
Policy TE8: Protected species habitats and biodiversity – general	Delete policy. Report page 79).	Conflicting wording that does not contribute to achievement of sustainable development.	<u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements. <u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner.	Modified policy title, wording and supporting text included in the 'post examination Plan with modifications'. Modified policy appears as TE5 – Protected species habitats and biodiversity
Policy TE9: European Protected species	Replace policy wording; Amend supporting text. (Report page 80)	Taking account of European obligations.	<u>Decision</u> - As per the Examiner's recommended modification but with additional line to reference all stages of construction process in order to retain original intent of submitted plan and also meet the basic conditions. <u>Reason</u> – As per the Examiner's stated reasoning and to meet the basic conditions.	All amendments included in the 'post examination Plan with modifications'. Modified policy appears as TE6 – European protected species
Policy TE10:	Delete policy and supporting text.	Not a land use planning matter.	<u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic	Modified policy title, wording and supporting

Marine Management Planning	(Report page 81)		<p>Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements. In this instance the modification can ensure that only land use matters are included,</p> <p><u>Reason</u> – to ensure only land use matters are involved in the policy proposed in accordance with Basic Conditions.</p>	<p>text included in the ‘post examination Plan with modifications’.</p> <p>Modified policy appears as TE7 – Marine Management Planning</p>
Policy THW1: Travel Plans	<p>Delete policy.</p> <p>Amend ‘Community Aspirations’.</p> <p>(Report page 82)</p>	<p>The policy unduly imposes conditions and obligations on the local planning authority and its Councillors.</p> <p>‘Community Aspirations’ read as policies.</p>	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as</p>	<p>All amendments included in the ‘post examination Plan with modifications’.</p> <p>Modified policy appears as THW1 – Travel Plans</p>

			<p>amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements. Some aspects of the policy which were deleted (e.g. Ward Councillors) retained in the form of a Community Aspiration.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner.</p>	
<p>Policy THW2: Community Food Production and high quality agricultural land</p>	<p>Modify policy title and wording: Amend supporting text. (Report page 83)</p>	<p>Insufficient information provided for a blanket protection as proposed.</p>	<p><u>Decision</u> - Modify policy and associated 'Community Aspiration' wording to meet the Basic Conditions. It is noted that modifying this policy and the associated text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a further modified policy, retaining more of the policy's general intent, could be introduced to instead replace the submitted policy and that this would enable the policy, as modified, to meet the Basic Conditions.</p> <p><u>Reason</u> – preventing the loss of allotments has full regard to national guidance, supports achievement of sustainable development and is in general conformity with the strategic policies of the Local Plan.</p>	<p>Modified policy title, wording and supporting text included in the 'post examination Plan with modifications'.</p> <p>Modified policy appears as Policy THW2 – change of use of allotments and retention of food production areas</p>
<p>Policy THW3: Community Hub Facilities</p>	<p>Modify policy title and wording; Amend supporting text; Delete second 'Community Aspiration'.</p>	<p>To accord with national policy, in the absence of substantive evidence for a more onerous requirement.</p>	<p><u>Decision</u> - Retain submitted title with further revised policy wording, supporting text and amended wording of the 'Community Aspiration'</p> <p><u>Reason</u> – Encouraging the provision of new residential development that is served by supporting facilities has full regard to</p>	<p>Policy wording, supporting text and amendment of 'Community Aspiration' text as further modified is included in the 'post examination Plan with modifications'</p>

	(Report page 84)		national guidance, contributes towards the achievement of sustainable development and is in general accordance with the strategic policies of the Local Plan.	Modified policy appears as THW3 – Community facilities
Policy THW4: Outside Space Provision	Modify policy wording; Amend supporting text. (Report page 85)	Insufficient justification for exempting flats from the requirement where they are near green space or the coastline and does not contribute to sustainable development.	<u>Decision</u> - Modify policy and associated supporting text to meet the Basic Conditions. It is noted that modifying this policy and the associated text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a further modified policy, retaining more of the policy's general intent, could be introduced to instead replace the submitted policy and that this would enable the policy, as modified, to meet the Basic Conditions. <u>Reason</u> – to ensure development contributes to achievement of sustainable development having regard to national policy.	Policy wording and amendment of text as further modified is included in the 'post examination Plan with modifications'. Modified policy appears as THW4 – Outside Space Provision
Policy THW5: Access to sustainable transport	Delete policy. (Report page 86).	As worded would prevent sustainable growth and development.	<u>Decision</u> - Amend policy wording to meet the Basic Conditions. It is noted that deleting this policy and the associated text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy, retaining the policies general intent, could be introduced to instead replace the submitted policy and that this would enable the policy, as modified, to meet the Basic Conditions. <u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Encouraging sustainable	Policy wording and amendment of text as further modified is included in the 'post examination Plan with modifications'. Modified policy appears as THW5 – Access to Sustainable Transport

			transport has full regard to national guidance, contributes to achievement of sustainable development and is in general conformity with the strategic policies of the Local Plan.	
Policy THW6: Cycle Storage and Changing Facilities	Modify policy wording. (Report page 87)	Does not provide a decision maker with clarity.	<u>Decision</u> - As per the Examiner's recommended modification. <u>Reason</u> – As per the Examiner's stated reasoning. To provide the decision maker with clarity having regard generally to national guidance.	Policy wording and amendment of text as modified is included in the 'post examination Plan with modifications'. Modified policy appears as THW6 – Cycle storage and changing facilities
Policy TSL1: Alpine Ski Facility	Modify policy wording; Amend supporting text; Amend 'Community Aspirations' pages 39 and 40. (Report pages 88-89)	Imprecise and confusing.	<u>Decision</u> - As per the Examiner's recommended modifications. <u>Reason</u> – As per the Examiner's stated reasoning, to improve clarity for application by the decision maker having regard to national guidance.	Policy wording and amendment of text as modified is included in the 'post examination Plan with modifications'. All other amendments included in the 'post examination Plan with modifications'.
Policy TSL2: Sport and Leisure – Nightingale Park	Delete policy (Report page 90).	Confusing, lack of evidence provided to justify and not in conformity with Local Plan.	<u>Decision</u> - Modify to address concerns raised by Examiner in respect of meeting the Basic Conditions. It is noted that deleting this policy and the associated text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy, retaining the policies general intent, could be introduced to instead replace the submitted policy and that this would enable	Policy wording and amendment of text as modified is included in the 'post examination Plan with modifications'

			<p>the policy, as modified, to meet the Basic Conditions.</p> <p><u>Reason</u> – To be in conformity with the Local Plan, better contribute to the achievement of sustainable development and add clarity.</p>	
<p>Policy TSL3: Sport and Leisure</p>	<p>Combine with TSL4 (below) and modify policy wording;</p> <p>Provide a plan showing the facilities protected.</p> <p>(Report page 91)</p>	<p>Imprecise on areas intended to be protected and inflexible.</p>	<p><u>Decision</u> - As per the Examiner's recommended modification except show plan within Policies Maps not within written document.</p> <p><u>Reason</u> – As per the Examiner's stated reasoning. For clarity.</p>	<p>All amendments included in the 'post examination Plan with modifications'.</p> <p>Modified policy appears as TSL3 Sport and Leisure – Sports grounds and facilities</p>
<p>Policy TSL4: Sport and Leisure – Sports grounds and facilities</p>	<p>See TSL3 above.</p>	<p>See TSL3 above</p>	<p>See TSL3 above</p>	<p>See TSL3 above</p>
<p>Policy TTR1: Access to primary schools</p>	<p>Delete policy and supporting text.</p> <p>(Report page 92)</p>	<p>Does not have regard to national guidance and harms the delivery of sustainable development.</p>	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the</p>	<p>Modified policy wording and supporting text included in the 'post examination Plan with modifications'.</p> <p>Modified policy appears as TTR1 - Access to primary schools</p>

			<p>requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> - In order to overcome conflict with the Basic Conditions, as identified by the Examiner.</p>	
<p>Policy TTR2: Sustainable Communities</p>	<p>Delete policy and supporting text. (Report page 93)</p>	<p>As worded, would prevent sustainable growth.</p>	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Encouraging sustainable transport has full regard to national guidance, contributes to achievement of sustainable development and is in general conformity with the strategic policies of the</p>	<p>Modified policy wording and supporting text included in the 'post examination Plan with modifications'.</p> <p>Modified policy appears as TTR2 - Sustainable Communities</p>

			Local Plan.	
Policy TTR3: Potential Park and Ride or Helipad facility	Delete policy. (Report page 94)	Does not meet Basic Conditions including having regard to national guidance in respect of viability and deliverability and tests for planning conditions.	<p><u>Decision</u> - It is agreed that the submitted plan, in this regard, does not meet the Basic Conditions and it is understood that deleting this policy and the associated supporting text, as recommended by the Examiner, would allow the plan to meet the Basic Conditions. However, it is considered that a modified policy and associated supporting text, retaining the policies general intent, could be introduced and that this would enable the policy, as modified, to meet the Basic Conditions. It is considered that the proposed modification would meet the requirements of Section 61E of the Town and Country Planning Act 1990 (as amended). For this reason, amend policy wording and supporting text to meet Basic Condition requirements.</p> <p><u>Reason</u> – In order to overcome conflict with the Basic Conditions, as identified by the Examiner. Minimising the effect of development on landscape quality has regard to national guidance, contributes to achievement of sustainable development and is in general conformity with the strategic policies of the Local Plan (including SS6 and C1).</p>	Modified policy wording and supporting text included in the 'post examination Plan with modifications'.
'Community Aspirations' (pages 42-44)	Remove boxes; Amend wording (Report page 94-95)	To distinguish from being policies.	<p><u>Decision</u> - As per the Examiner's recommended modification.</p> <p><u>Reason</u> – As per the Examiner's stated reasoning.</p>	All amendments included in the 'post examination Plan with modifications'.

<p>Art Culture and Community Partnership Statements and all Appendices (pages 44-72)</p>	<p>Delete all pages 45-72. (Report page 96)</p>	<p>The section detracts from the clarity and precision of the Plan. Moving the section to Appendices would transfer confusing and potentially misleading information from one place to another.</p>	<p><u>Decision</u> - Amend wording of these pages to enable their retention in a manner that meets the Basic Conditions and clearly identify them as an appendix separate but supplementary to the main plan. Add additional text to make clear that the appendix has no land use planning policy status.</p> <p><u>Reason</u> – To be consistent with national guidance as set out in PPG ID41-004</p>	<p>All amendments included in the ‘post examination Plan with modifications’.</p>
<p>Policies Maps</p>	<p>Provide within the Plan (currently in a separate document) and amend where indicated. (Report pages 96-97)</p>	<p>Not expressly given but assumed for clarity and ease of use by decision makers.</p>	<p><u>Decision</u> - All recommendations agreed.</p> <p><u>Reason</u> – to meet the Basic Conditions requirements.</p>	<p>All amendments included in the ‘post examination Plan with modifications’.</p>
<p>Contents page, Tables, Plans, page/policy numbering.</p>	<p>Update taking into account the recommendations of the Report. (Report page 97)</p>	<p>Not expressly given but assumed for clarity and ease of use by decision makers.</p>	<p><u>Decision</u> - All agreed. In addition, minor editorial changes associated with typos/grammar/presentation within the submitted Torquay Neighbourhood Plan have been made.</p> <p><u>Reason</u> – for clarity (consistent with national guidance) and to ease the practical application of the Plan as a legible, clear document</p>	<p>All amendments included in the ‘post examination Plan with modifications’.</p>