





Inspector's Report of Inquiry Recommendations (Paragraph references relate to Inspector's Report of Inquiry)	Council's Statement of Decisions	PROPOSED MODIFICATION (new wording in bold)
<p>b. '... will be opposed', policy S1; (see also Recommendation 6.02 - Chapter 6 Shopping and town centres)</p>	<p>Agree</p>	<p>manner to accommodate such uses, but changes of use which damage the fabric or character of an historic building <b>will not be permitted.</b></p> <p><u>Policy S1 Town centres</u> Improvements to Torquay, Paignton and Brixham town centres will be implemented through proposals for new retail development (including mixed-use schemes), environmental improvement, better accessibility (including traffic and parking arrangements) and other town centre management measures. The loss of key retail, leisure, cultural or other facilities which contribute to the diversity and attractiveness of the town centre <b>will not be permitted.</b></p>
<p>c. '... will be supported', policies E4, S4 &amp; 14, CFS &amp; 12, R7, 8, 9, 10 &amp; 13, IN3.3, EP2, 6 &amp; 12;</p>	<p>Agree</p>	<p><u>Policy E4 Small Business Areas</u> (see Proposed Modification for Recommendation 1.01 above)</p>
<p>(see also Recommendation 6.06 – Chapter 6 Shopping and town centres)</p>	<p>Agree</p>	<p><u>Policy S4 Secondary Shopping Frontages</u> Mixed shopping, service and leisure/entertainment uses <b>are considered to be appropriate</b> at ground floor level in the Secondary Shopping Frontages. Changes of use or</p>

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<p>(see also Recommendation 7.18 – Chapter 7 Community, education and health facilities)</p> <p>(see also Recommendation 8.14 – Chapter 8 Recreation and leisure)</p>	<p>Agree</p> <p>Agree</p> <p>Agree</p> <p>Agree</p>	<p>redevelopment from retail will be permitted where:- (no further change to remainder of this policy)</p> <p><u>Policy S14 Corner shops</u> Proposals for change of use of corner shops, (etc)...within the local vicinity. The introduction of new corner shops <b>will be permitted</b> where such provision enhances the sustainability of new or existing communities.</p> <p><u>Policy CFS Sustainable communities strategy</u> (see Proposed Modification for Recommendation 1.02a above)</p> <p><u>Policy CF12 Language schools</u> The provision of language schools <b>will be permitted</b> within town and district centres (subject to Policies S3, S4 and S11). The introduction of (etc)... (no further change to remainder of this policy).</p> <p><u>Policy R7 Urban play parks</u> <b>The change of use, development or replacement</b> of urban play parks will only be permitted where: (no further change to remainder of this policy).</p>

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<i>(see also Recommendations 8.15 and 8.16 – Chapter 8 Recreation and leisure)</i>	Agree	<p><u>Policy R8 Areas of amenity open space</u></p> <p><b>Proposals for the maintenance and improvement</b> of existing areas of amenity open space will be <b>permitted where they result in an improved level and standard of provision.</b></p> <p>New areas of amenity open space ... <i>(no further change to remainder of this policy).</i></p>
<i>(see also Recommendation 8.17 – Chapter 8 Recreation and leisure)</i>	Agree	<p><u>Policy R9 Allotments</u></p> <p>The change of use or redevelopment of allotment sites will not be permitted unless appropriate alternative provision is made or it can be demonstrated that there is no demand for the facility. Where a need is identified, new allotments <b>will be permitted</b> in appropriate locations.</p>
<i>(see also Recommendation 8.18 – Chapter 8 Recreation and leisure)</i>	Agree	<p><u>Policy R10 Country Parks</u></p> <p>The following Country Parks will be protected and managed to safeguard and enhance their assets. <b>Proposals for</b> the sympathetic improvement of their recreational, cultural and leisure resources <b>will be permitted</b>, where this does not detract from the role and character of these areas; <i>(no further change to remainder of this policy)</i></p>

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<i>(see also Recommendation 8.21 – Chapter 8 Recreation and leisure)</i>	Agree	<p><u>Policy R13 Footpaths</u>  <b>Proposals for the maintenance and improvement of the following strategic recreational footpath systems in Torbay will be permitted where these are consistent with their role and location:</b>  <i>(no further change to remainder of this policy)</i></p>
<i>(see also Recommendation 9.06 – Chapter 9 Infrastructure)</i>	Agree	<p><u>Policy IN3.3 Telecommunications</u>  Proposals for further telecommunications masts (whether requiring express planning permission or submitted under prior approval procedures) <b>will be permitted where:</b>  <i>(no further change to remainder of this policy)</i></p>
<i>(see also Recommendation 13.05 – Chapter 13 Environmental protection)</i>	Agree	<p><u>Policy EP2 Renewable energy</u>  Proposals for the development of renewable energy installations <b>will be permitted</b>, provided they do not:  <i>(no further change to remainder of this policy)</i></p> <p><u>Policy EP6 Derelict and under-used land</u>  Proposals for the development of derelict, vacant or underused <b>sites will be permitted where schemes result in the</b></p>

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<p>(see also Recommendation 13.14 – Chapter 13 Environmental protection)</p> <p>d. '... will be encouraged', policy IN3.1(c), BE9;</p> <p>e. '... may be acceptable', policy TU7. (see also Recommendation 1.02a – Chapter 5 Tourism)</p>	<p>Agree</p> <p>Agree</p> <p>Agree</p> <p>Agree</p>	<p><b>beneficial reuse of land</b>, and will be given priority over the use of greenfield sites.</p> <p><u>Policy EP12 Coastal Protection Zone</u> A Coastal Protection Zone is proposed in the area shown on the Proposals Map. Applications for development or change of use in this Zone <b>will be permitted</b> only where the proposals are in accordance with the following criteria: <i>(no further change to remainder of this policy)</i></p> <p><u>Policy IN3.1(c) Telecommunications</u> In Paignton, <b>priority will be given to proposals which use</b> existing masts or buildings wherever this is technically feasible. Existing masts.... <i>(no further change to remainder of this policy)</i></p> <p><u>Policy BE9 New uses for historic buildings</u> (see Proposed Modification for Recommendation 1.02a above)</p> <p><u>Policy TU7 Principal Holiday Accommodation Areas</u> Amend sentence immediately following list of PHAAs as follows:</p>

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		<p>The loss of holiday accommodation or important tourism- related facilities may, however, <b>be permitted</b> within PHAAs where the following criteria apply: <i>(no further change to remainder of this policy)</i></p>
<p><b>1.03</b> Where it is the intention that a development brief or other Supplementary Planning Guidance is to be prepared to support the policy/proposal in the Plan, modify the Plan to clarify the status of this document and its relationship to the Plan policy or proposal</p>	<p>Agree</p>	<p>It is considered that this recommendation is best dealt with by the introduction of additional informative text in the Introduction to the Plan, supplemented by a reference to specific planning briefs or other Supplementary Planning Guidance in the Explanations accompanying individual policies.</p> <p>Insert <u>new Paragraph</u> following new paragraph 13b in Chapter 1 Introduction (see Proposed Modification for Recommendation 1.08 below) as follows:</p> <p><b>For specific proposals, it is the Council's intention to prepare planning briefs in consultation with developers. In such cases, this intention is indicated in the relevant policy. Briefs will comprise Supplementary Planning Guidance (SPG) and will supplement the specific policy requirements outlined for planning applications relating to such proposals.</b></p>

<p>Inspector's Report of Inquiry Recommendations (Paragraph references relate to Inspector's Report of Inquiry)</p>	<p>Council's Statement of Decisions</p>	<p>PROPOSED MODIFICATION (new wording in bold)</p>
<p><b>1.04</b> Modify the proposals map to show the boundaries for the sites of Scheduled Ancient Monuments, in accordance with PFC 14/7.</p> <p><u>Editorial change not subject to Inspector's recommendation</u> For clarification, add a definition of the term 'Scheduled Monument' to the Glossaries contained in the Written Statement of the Local Plan and Local Plan Environmental Guide (text <u>underlined</u>).</p>	<p>Agree</p> <p>(Modify as indicated)</p>	<p><u>Proposals Map</u> This Recommendation supports the Council's Proposed Further Change (PFC 14/7) which recognises the importance of showing these boundaries.</p> <p>Modify the Proposals Map to show the boundaries for the sites of Scheduled Ancient Monuments, as indicated on plans attached to Appendix 2.</p> <p>Add a definition of the term 'Ancient Monument' to the Glossary forming Appendix A to the Written Statement of the Local Plan, and Appendix 1 to the Local Plan Environmental Guide, as follows:</p> <p><b><u>Scheduled Monument:</u></b> <b><u>A monument of national importance, which is scheduled for legal protection under the Ancient Monuments and Archaeological Areas Act 1979. Any works to scheduled monuments require Scheduled Monument Consent from the Department of Culture Media and Sport (DCMS) which must consult English Heritage (EH). The use of metal detectors is</u></b></p>

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		<b><u>also prohibited without consent. Unauthorised works to a scheduled monument are a criminal offence.</u></b>
<p><b>1.05</b> Modify the proposals map to show the boundaries of Historic Parks and Gardens, as listed under policy BE10.</p>	<p><i>(Not applicable)</i></p>	<p><u>Recommendation 1.05 deleted</u> – see Inspector's Addendum / Corrigendum Report dated 5 April 2003. (No action required – boundaries are already shown on the Revised Deposit Version)</p>
<p><b>1.06</b> Modify the proposals map to show the boundaries for County and Local Wildlife Sites and County Geological Sites and modify the Plan to include a full numbered list of such sites taken from the Environmental Guide and the Plan text, paragraph 12.23.</p>	<p>Agree</p>	<p><u>Proposals Map</u> Modify the Proposals Map to show boundaries of County and Local Wildlife Sites currently shown on the 'Torbay Wildlife Site Review 1998 Map' contained in the Environmental Guide (EG), together with County Geological Sites (which are not currently shown in the EG). These sites are indicated on plans attached to Appendix 2.</p> <p><u>(Note</u> - County and Local Wildlife Sites will ultimately be shown at the same scale as the Proposals Map, currently 1:5000 – the composite Torbay-wide plan in Appendix 2 is reproduced for reference purposes).</p>

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		<p>The following consequential amendments are proposed to supporting text in Chapter 12 Nature conservation:</p> <p><u>Paragraph 12.21</u> Amend last sentence as follows:</p> <p><b>The following schedule lists those sites of wildlife importance that have been identified in Torbay. The location of individual sites is shown on the Proposals Map. Further information including</b> details of the Torbay LBAP are provided in the Environmental Guide (see Section 19).</p> <p><b><u>Torbay Wildlife Sites Review (1999)</u></b></p> <p><b>1. Maidencombe (CWS)</b> <b>2. Sladnor Park (LWS)</b> to ... <b>83. Highfield Crescent Paignton (LWS)</b> (as listed in paragraph 19.32 of the Environmental Guide).</p> <p><u>Paragraph 12.23</u> Delete last sentence and replace with the following:</p>

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		<p>Six Regionally Important Sites are situated in Torbay at the following locations:</p> <ol style="list-style-type: none"> <li>1. Chapel Hill, Torquay</li> <li>2. Quarry Woods Quarry, Torquay</li> <li>3. Barcombe Mews Quarry, Paignton</li> <li>4. Goodrington Quarry / Road Cutting, Paignton</li> <li>5. Brokenbury Quarry, Churston</li> <li>6. Breakwater Quarry, Brixham</li> </ol> <p>The boundaries of these sites are shown on the Proposals Map.</p>
<p><b>1.07</b> Modify the text of paragraph 1.12 by the deletion of the last sentence to be replaced as follows:</p> <p>When the local planning authority receive a planning application for development which does not accord with the provisions of the development plan they are required to advertise it both by site notice and by notice in the local press.</p>	<p>Agree</p>	<p><u>Paragraph 1.12</u></p> <p>Other 'material considerations' may in principle be any considerations that relate to the use or development of land (see PPG1 'General Policy and Principles' (1997) para 50). <b>When the local planning authority receive a planning application for development which does not accord with the provisions of the development plan they are required to advertise it both by site notice and by notice in the local press.</b></p>

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<p><b>1.08</b> Modify paragraph 1.13 in accordance with PFC 1/1 to clarify that the Plan is in two parts and to make the section on the Environment Guide into a new paragraph. Delete the words 'but gives' in the second line and substitute 'comprises Supplementary Planning Guidance and does not form part of the Local Plan. Its role is to complement the Plan by providing ....'</p>	<p>Agree, subject to editorial text amendment (<u>underlined</u>)</p>	<p><u>Paragraph 1.13</u> The Local Plan is in <b>two</b> parts:</p> <ul style="list-style-type: none"> <li>• The Written Statement – which contains.....(etc) <i>(no change to this bullet point text)</i></li> <li>• The Proposals Map – which shows precisely.....(etc) <i>(no change to this bullet point text)</i></li> </ul> <p><u>New Paragraph 1.13a</u> The Environmental Guide, which does not contain <b>formal Local Plan</b> policies, <b>comprises Supplementary Planning Guidance and does not form part of the Plan. <u>The Environmental Guide has therefore been prepared in conjunction with the Local Plan and, consistent with PPG1 General Policy and Principles, has been the subject of consultation at the same time as the Local Plan, during each of the statutory stages.</u></b> Its role is to complement the Plan by providing detailed guidance on design ...etc <i>(no further change to remainder of this explanatory text)</i></p>
<p><u>Inspector's informal recommendation</u> (paragraph 1.3.3.4)</p>	<p>Agree</p>	<p><u>Figure 1</u></p>

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<p>Amend diagram comprising Figure 1 on page 5 of RDV to distinguish those documents/strategies that have formal and informal roles</p>		<p>This diagram illustrates the interrelationship between different types of plan and strategy and is included in the Written Statement for information. It is the intention of the Council to update this diagram as an editorial task prior to the printing of the Plan following its adoption, in view of the revisions / changes that are likely to take place during the ensuing period. The Council will embrace this informal recommendation as part of that editorial process.</p>

**Statement of Council's Reasons for Disagreeing with Inspector's Recommendations**

**CHAPTER 1 – LOCAL PLAN FORMAT AND INTRODUCTION**

N/A – No Statements required

Schedule of Proposed Modifications to Proposals Map		
CHAPTER 1 - LOCAL PLAN FORMAT AND INTRODUCTION		
Recommendation	Proposal Number	Proposed Modification
1.04	BE11 Archaeological assessment of development proposals on sites identified by the Sites and Monuments Record	Show boundaries of sites of Scheduled Ancient Monuments on Proposals Map
1.06	NC3 Protected sites – locally important sites	Show boundaries for County and Local Wildlife Sites, and County Geological Sites