

**Torbay Local Plan- A landscape for success: The Plan for Torbay 2012-32 and beyond  
Schedule of representations By Organisatio/Name (alphabetical)**

<b>Consultee ID</b>	<b>File No.</b>	<b>Person / Organisation</b>
843591	N11	CPRE Devon
425628	N9	Devon and Cornwall Police Architectural Liaison Officer
843579	N5	English Heritage
843585	N7	Environment Agency
843248	N4	Homes and Communities Agency
494352	N1	Marine Management Organisation (MMO)
820819	N3	National Grid (Amec for)
400188	N6	Natural England
415792	N2	Network Rail
468952	N14	RSPB (Late representation received 23 July 2014)
417366	N8	South West Water (Martyn Dunn)
501495	N10	Sport England
400123	N12	The Theatres Trust
843602	N13	The Woodland Trust

## From CPRE Torbay

Reply to : [torbay@cpredevon.org.uk](mailto:torbay@cpredevon.org.uk)

### Torbay Local Plan

Unsatisfactorily the Local Plan is housing led not jobs led. There is a considerable imbalance between the link in housing and jobs. Achieving 5-6000 additional jobs will be a huge challenge. This conflicts with NPPF 37 and does not meet the link with jobs growth and housing. Torbay jobs are often in tourism including walking, sightseeing and other outdoor activities. Tourism, environment and future sustainable growth will be badly affected if even more greenspace is taken for house building.

For this reason we do not support proposed large developments - in particular Collaton St. Mary and Edginswell. Both areas form the important 'Entrance Approach' to Torbay's English Riviera and should not be covered by sprawling housing developments. This will damage the bay's landscape character.

We do not agree that the housing provision should be 8-10,000 by 2031. Research on the ONS data indicates unusual population and inward migration characteristics for Torbay. Therefore, we would support no more than 3- 4000 additional homes with strict monitoring over the plan period.

### Loss of agricultural land, countryside and coastal identity

The proposed Local Plan is contrary to NPPF 109 'protecting and enhancing valued landscapes'. We do not support the removal of AGLV land for example in areas of Galmpton, Brixham Peninsula and Collaton St. Mary. We include all sites currently in the Local Plan. Making use of Greenfield land for housing should be only used as a last resort.

We support protecting and enhancing the AONB *and AGLV land*. These areas play a crucial part in future food security and maintaining the diverse habitat in Torbay.

### 'Big Ticket Items page 15' Protection of Villages,

We wish to include Collaton St. Mary alongside Churston, Galmpton and Maidencombe.

Westerland Valley should be included in AGLV protection.

Policy SC4 We support sustainable food production and food security. Particularly in view of increased interest in local West Country food produce.

Policy C1

We do not support 'development' in the Countryside Zone unless it is very small scale and enhances the rural setting.

Policy C2

We do not support any 'acceptable' harm to the Coastal Landscape. The Coastal Landscape and environment is of paramount importance to Torbay.

Policy C4

We support the protection of hedgerows, trees and natural landscape.

Policy SS10 Empty Homes

We fully support bringing empty homes back into use. However this should not be limited to only over the next 5 years but a continuous process.

Brixham Peninsula SDB1

We do not support the proposed housing numbers for Brixham which are too high and should be reduced to 300-400. The reasons are environmental constraints including lack of infrastructure. Damage to the landscape and loss of greenspace, this will have a negative impact on the Brixham Peninsula. It unique heritage and is reliant on tourism, farming and fishing.

We support restrictions on building heights so not to block important vistas.

Five year housing supply SS12

Para. 4.5.41

Bringing forward sites from later in the plan. This is likely to develop greenfield sites rather than brownfield particularly where the developer is claiming that the economics of the site do not give sufficient profit. This paragraph is not supported by CPRE as it is likely to lead to loss of farmland and greenfields and not the improvement of our towns through brownfield development.

Policy SDT 3 Torquay Gateway

Para. 3 insert the following sentence after the first sentence. *"Where this is needed Developers will be required to provide funding for a secure off-site provision preferably in the Gateway Area with a funded long term management plan."*

Policy ER1 Flood risks

We do not support any development in flood risk areas.

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*Page 17 The photograph of the AONB and River Dart is not in Torbay..*

CPRE Torbay March 2014



Torbay Local Plan  
*A Landscape for Success*  
The Plan for 2012 – 2032 and beyond  
Proposed Submission Plan

For official use:

425628  
DE1

## Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

### Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Police Architectural Liaison Officer (ALO) West Devon, Torbay & South Hams	
First name(s)	Sarah-Jane	
Last name	Barr	
Organisation (if you are representing that organisation)	Devon & Cornwall Police	
Address – line 1	Totnes Police Station	
Address – line 2	Ashburton Road	
Address – line 3		
Post Town	Totnes	
Postcode	TQ95JY	
Telephone number		
E-mail address		
Consultee ID (if known)	425628	

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

## 5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

## 6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan)) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for each policy you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan) or contact the Strategic Planning team on 01803 208804.

E-mail comments should be sent to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk).

Postal comments should be sent to:

Torbay Local Plan  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> Floor)  
Castle Circus  
Torquay  
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

**Part B – Your representation. Please use a separate Form for each policy you wish to comment on**

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Please state which policy this representation relates to?

Policy number

DE1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

---

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

*Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).*

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Legal Compliance and Duty to co operate

The Police are concerned that the Plan makes no mention to Section 17 of the Crime and Disorder Act which places a clear legal obligation on local authorities to consider crime prevention in every function they undertake, including planning (as per planning practice guidance paragraph 014 rev date 06/03/2014).

The Police Architectural Liaison Officer (ALO) is the single point of contact for council officers and public appointed officials to enable them to comply with Section 17 of the Crime and Disorder Act (1998) as referred to in the National Planning Practice Guidance (NPPG).

It is essential that consideration be given for the principles and practices of designing out



crime, disorder, antisocial behaviour (ASB) and community conflict within the built environment be incorporated into the new Local Plan.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In order for legal compliance the plan should make mention of the Crime and Disorder Act, specifically section 17 which will support the following:-

DE1 (point 4) - In addition to reducing crime and the fear of crime, designing out opportunities for antisocial behaviour and community conflict to occur in the built environment is an effective method of improving the safety, security and well being of those who will live, work and visit the development. It is also a major part of ensuring sustainability.

DE1 (point 6.4.25) - Designing out crime, disorder, ASB, conflict and/or crime prevention measures should be included in Design and Access statements, as without there is no way of knowing how a developer is going to address the principles in relation to designing out crime/crime prevention. Taking steps to ensure the security and layout of the proposed development is appropriate will provide reassurance to residents, visitors and staff as well as increasing sustainability.

The ALO will in turn be able to provide advice and recommendations on designing out opportunities for crime, disorder, antisocial behaviour and community conflict in the built environment following crime analysis and a demographic overview in relation to specific sites which meet the requirements of the ALO protocol (established between the Police and planning authority).

Crime and ASB analysis will underline the need for change which can be made to ensure communities are safe, secure and where opportunities for antisocial behaviour and community conflict are minimised. Poor design can result in run down town centres and inferior quality housing where crime and disorder can impact on local communities.

(Continue on a separate sheet if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

**Please note** the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

Only if required for elaboration

(Continue on a separate sheet if necessary)

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.*

*Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.*

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

S-J Barr Police Architectural Liaison Officer - Torbay

Date:

04/04/2014



Torbay Local Plan  
*A Landscape for Success*  
The Plan for 2012 – 2032 and beyond  
Proposed Submission Plan

For official use:

425628  
SS10

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First name(s)	Sarah-Jane	
Last name	Barr	
Organisation (if you are representing that organisation)	Devon & Cornwall Police	
Address – line 1	Totnes Police Station	
Address – line 2	Ashburton Road	
Address – line 3		
Post Town	Totnes	
Postcode	TQ95JY	
Telephone number		
E-mail address		
Consultee ID (if known)	425628	

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Policy number

SS10

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It is essential that consideration be given for the principles and practices of designing out opportunities for crime, disorder, antisocial behaviour and community conflict within the built environment be incorporated into the new Local Plan.

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Policy SS10 - In addition to reducing crime, preventing crime and the fear of crime, a major part of creating sustainability and cohesive communities for a development is by designing out opportunities for antisocial behaviour and/or community conflict to occur in the built environment through the design process. This is an effective method of improving the safety, security and well being of those who will live, work and visit.

Sustainability is not just about energy use but also includes the creation of developments which will maintain longevity. Conflict will create the erosion of sustainability.

The Police actively support the National Planning Policy Framework (NPPF) requirement to; 'Create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community cohesion'.

The ALO will provide advice and recommendations on designing out opportunities for crime, disorder, antisocial behaviour and community conflict in the built environment. Appropriate and relevant advice is given following crime analysis and demographic overviews in relation to specific sites which meet the requirements of the ALO protocol (established between the Police and planning authority). Crime and antisocial behaviour analysis will underline the need for change which can be made to ensure communities are safe, secure and where opportunities for antisocial behaviour and community conflict are minimised.

Poor design can result in run down town centres and inferior quality housing where crime and disorder can impact on local communities.



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(Continue on a separate sheet if necessary)

Signature:

S-J Barr Police Architectural Liaison Officer - Torbay

Date:

04/04/2014



ENGLISH HERITAGE

SOUTH WEST

Strategic Planning Team  
Torbay Council  
3<sup>rd</sup> floor, Electric House  
Torquay  
TQ1 3DR

Our ref: HDP 6041  
Your ref:  
Telephone 0117 975 0692  
Fax 0117 975 0683

11 June 2014

Dear Sir

re: **Torbay Local Plan - Proposed Submission Plan**

Thank you for the meeting on the 6 May 2014. The Council agreed at this meeting to make additions to the evidence base and a series of modifications. These were itemised in a number of pieces of correspondence that followed.

Subject to the agreed modifications being fully incorporated in to the Torbay Local Plan, English Heritage withdraws its objections.

If you would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely



Ross Simmonds  
Principal Planning Adviser

843579



ENGLISH HERITAGE

SOUTH WEST

Torbay Local Plan  
Strategic Planning Team  
Torbay Council  
Floor 2 Roebuck House  
Abbey Road  
Torquay  
TQ25TF

Our ref: HDP 6041  
Your ref:  
Telephone 0117 975 0692  
Fax 0117 975 0683

6 April 2014

Dear Sir

re: **A Landscape for Success – Torbay Local Plan - Proposed Submission Plan**

English Heritage welcomes the opportunity to comment on this important document. In the first instance we wish to make a few key observations about Torbay's Plan that in our opinion makes it unsound. We then look in more detail at elements within the plan and these are addressed in the table below.

We raised a number of point's in our letter of the 13 November 2012, on the draft consultation, which looked at the historic environments role in achieving sustainable development across sectors, from transport, town centres green infrastructure etc. however, these appear not to have been taken up in the latest iteration.

Local Plans have to enable the delivery of sustainable development in accordance with the policies in the NPPF<sup>1</sup>. One of the core dimensions of sustainable development is the protection and enhancement of the historic environment<sup>2</sup>.

The NPPF sets out a number of requirements for Local Plans in respect of the historic environment and a draft Local Plan may be considered unsound if:-

<sup>1</sup> NPPF, Paragraphs 151 and 182

<sup>2</sup> NPPF, Paragraph 7



29 QUEEN SQUARE BRISTOL BS1 4ND  
Telephone 0117 975 0700 Facsimile 0117 975 0701  
www.english-heritage.org.uk  
Please note that English Heritage operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available



1. It does not set out a positive and clear strategy for the conservation, enhancement, improvements and enjoyment of the historic environment<sup>3</sup>;
2. It does not contain strategic policies to deliver the conservation and enhancement of the historic environment<sup>4</sup>;

A strategy to conserve heritage assets potentially engages all aspects of planning. As part of a sound conservation strategy, policies for local housing, retail and transport, for example, may need to be tailored to achieve the positive improvements in the historic environment that the NPPF expects<sup>5</sup>. Conservation is certainly not a stand-alone exercise satisfied by standalone policies that repeat the NPPF objectives.

Consequently, the Local Plan should also consider the role which the historic environment might play in delivering other planning objectives, such as:-

- **Building a strong, competitive economy**
  - How can the quality of the historic environment be improved to encourage investment?
  - What is the role for the historic environment, heritage led tourism and culture in the economic vision and strategy for Torbay?
  - Have sites/locations for heritage regeneration and environmental enhancement been identified?
- **Ensuring the vitality of town centres**
  - Do the policies recognise and support historic town centres?
  - Are historic markets and market places retained and enhanced?
  - How can declining town centres capitalise on their historic environment?
- **Supporting a prosperous rural economy**
  - How is heritage-led rural tourism supported?
  - What policies are included for the retention and development of locally important services and facilities, which may occupy buildings of historic interest?
- **Promoting sustainable transport**
  - How will the future transport proposals be expected to respond positively to the historic environment?
  - How are traffic/street management, environmental improvements, paving, and street furniture going to be designed and managed in a historic streetscene?

<sup>3</sup> NPPF, Paragraphs 9, 126, and 157

<sup>4</sup> NPPF, Paragraph 156

<sup>5</sup> NPPF Paragraph 8



- **Delivering a wide choice of high quality homes**
  - What policies are included to identify and bring back into residential use empty housing and buildings?
  - What policies are included to encourage the sensitive adaptive reuse of buildings?
  - How does larger scale development, new settlements or extensions to villages and towns impact on the historic environment and reflect the character and appearance of the local area?
  
- **Requiring good design**
  - How has an understanding and evaluation of the defining characteristics of an area been reflected in design standards?
  - How has local distinctiveness been promoted / reinforced?
  - What policies are included to successfully integrate new development into the historic environment?
  
- **Meeting the challenge of climate change, flooding and coastal change**
  - Do flood prevention measures demonstrate an awareness of heritage assets in their location and design?
  - Has the renewable energy strategy positively cross-referenced the historic environment in terms of installation location and type?
  - Are appropriate retrofitting standards that conserve and enhance heritage assets reinforced?

### **Evidence Base**

In order to be sound, local plans need to be based on adequate up-to-date evidence about the historic environment. This information appears to be missing from the website. If the work has not been undertaken it needs to identify, and include an assessment of the significance of the area's historic environment, including its designated and non-designated heritage assets [footnote NPPF 158, 169].

Without such evidence, the local authority cannot properly assert that the objectives for sustainable development have been understood and, therefore, cannot say whether the objectively assessed development needs of the area will be met or not in accordance with the presumption in favour of sustainable development [footnote NPPF 14].

The evidence base needs to express:

- What the area's historic environment is comprised of;
- What the issues pertaining to the historic environment are; and
- What opportunities the historic environment presents.

Identifying the area's historic environment needs to address the following:

- how the area has developed through history;
- what designated and non-designated heritage assets the area includes, and is surrounded by;
- the contribution of the settings of the identified heritage assets; and,



29 QUEEN SQUARE BRISTOL BS1 4ND  
 Telephone 0117 975 0700 Facsimile 0117 975 0701  
[www.english-heritage.org.uk](http://www.english-heritage.org.uk)

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 Correspondence or information which you send us may therefore become publicly available



- scope for enhancement.

This is not just an exercise in listing known sites, but of understanding their value to society (their significance), i.e: their potential to contribute to the delivery of other sustainable development objectives. Without an understanding of what are sometimes subtle qualities of an area, its local distinctiveness and character may be easily lost.

Page and Policy	EH comment
<b>The Bay's Unique Selling 2.1.2</b>	We welcome the inclusion of a Unique Selling Point (USP) as an approach and the recognition of the historic environment role as part of that. This is however only a brief mention. Across the whole section of Opportunities and Challenges there needs to be much greater recognition of the historic environment. It brief mention is, somewhat surprisingly as the environment is central to the Vision and Ambition.
<b>Headline - Protect and enhance a superb environment paragraphs, 2.2.8 - 2.2.11 the supporting facts and Plan position</b>	The paragraphs and the supporting facts make no reference to the historic environment. It appears to be considered only as an after-thought in the Plan's position.
<b>2.3 Big Ticket Items</b>	<p>The historic environment has a significant role to play in helping you achieve the Big Ticket Items. With an intention to ensure "high quality development" with "a strong urban focus" There should be much better recognition of the historic environment and it's role in achieving the economic as well as the physical regeneration of Torbay.</p> <p>A key opportunity to protect and enhance the historic environment is, for example, the reinvention and rejuvenation of town centres in 2.3.1. This is a reference to the holistic approach we are promoting in the opening paragraphs of this letter. The reinvention and rejuvenation of town centres are compatible.</p> <p>Much of the plans agenda is the drive to renew infrastructure. So often this is thought of simply in terms of road, rail and digital infrastructure. But it should also include the infrastructure we have inherited and which continues to support so much economic activity. The heritage of Torbay is recognised as making a major contribution to the quality of life for its residents, businesses and visitors. Our historic infrastructure reflects past enterprise and creates the conditions for future growth. It</p>



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can literally change the fortune of places.

HERITAGE is a good place to do business. In an increasingly globalised market, attracting new talent, new businesses and skilled workers will become ever more competitive, even in the desirable South West. We advocate investing in historic infrastructure – buildings, landscapes, monuments and historic places – to maintain the competitive advantage it gives us in a sustainable way: the adaptive reuse of historic assets is the ultimate in resource efficiency. Conversion is the most sustainable form of development, protecting past investment of effort, energy and materials and minimising the need for new construction materials and waste.<sup>6</sup>

Priorities should include:

- regenerating commercially viable 'at risk' heritage. A small proportion of the region's most important historic assets are suffering from neglect, underinvestment and decay and are on English Heritage's Register of Heritage at Risk. Almost half are capable of economic re-use.
- Investing in historic places to attract people, businesses and spend. There is commercial demand for historic premises: one in four businesses in a recent survey agreed that a historic location is an important factor in deciding where to establish a business, the same as for road access.
- For 68% of people it's important to work in a historic location, and for 74% it's important to live in one. People spend more in the local economy after investment in the historic environment, and businesses experience an increase in turnover. Every £1 invested in the historic environment directly generates an additional £1.60 in the local economy over a ten year period.<sup>7</sup>
- Supporting retail in historic centres. The South West's cities and towns possess a distinctive historic character crucial to creating an attractive setting for retailing and reinforcing competitive advantage. Historic centres can and have adapted to changing policy and economic drivers in the retail sector to remain vibrant and sustainable.<sup>8</sup>
- Capitalising on the affinity between historic buildings and key growth sectors. Some entrepreneurs, SMEs and independent businesses are attracted to historic buildings because they are

<sup>6</sup> Heritage Counts South West (2012).

<sup>7</sup> VisitEngland (2011), Visitor Attraction Trends in England, 2011.

<sup>8</sup> Deloitte (2008), The Economic Case for the Visitor Economy, p 38.



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	<p>often more affordable, flexible, cost-effective and add distinctiveness to their offer. Listed buildings are particularly sought after by creative industry start-ups, a key growth sector.</p> <ul style="list-style-type: none"> <li>• In cities such as Bristol, for example, there is a correlation between density of listed buildings and concentration of creative and knowledge-based businesses.</li> <li>• In the rural communities in the South West, market town regeneration and the conversion of traditional farm buildings often supports other growth sectors, such as food and drink and tourism.<sup>9</sup></li> </ul>
<b>3.1 Aspirations for the Bay.</b>	<p>We welcome the approach for the five aspirations and that at the heart is the environment. However some of the points that are drawn out do not follow through to the remainder of the plan.</p> <p>In addition there should be reference to Heritage at Risk within Torbay, this could also be referenced in the Aspiration 3 on page 20.</p>
<b>Part 4 - Spatial Strategy and policies for strategic direction.</b>	<p>There appears to be no provision for the historic environment, unlike the natural environment, in this section. The SHLAA identifies that a significant number of the sites that may come forward will be within the existing built environment and it is surprising that as such there so little mention on the existing historic built form and its character.</p> <p>The plan is unsound with regard to the historic environment as it is not positively prepared justified or consistent with national policy.</p>
<b>SS8 - Environment</b>	<p>This policy makes no reference to the historic environment. As we have mentioned in the preceding comment most of the development opportunities that will come about in Torbay will be within the existing built envelope and this policy provides little guidance on the expectations within that built environment. As the key strategic policy it does not accord with the NPPF. Local Plans should include strategic policies to conserve and enhance the historic environment of the area<sup>10</sup> and to guide how the presumption in favour of sustainable development should be applied locally<sup>11</sup>. It is vital to include strategic policies for the historic environment in the local plan as the plan will be the starting point for decisions on planning applications and Neighbourhood Plans are only required to be in general conformity with the <u>strategic</u> policies of the Local Plan<sup>12</sup>. The Local Plan should</p>

<sup>9</sup> VisitEngland, 2011 p 41.

<sup>10</sup> NPPF, Paragraph 156

<sup>11</sup> NPPF, Paragraph 15

<sup>12</sup> NPPF, Paragraph 12



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	<p>identify which policies it considers are strategic in order to assist those preparing Neighbourhood Plans.</p> <p>We believe the policy is unsound as it is not positively prepared, justified or consistent with national policy.</p>
<b>SS9 – Green Infrastructure</b>	<p>The policy makes no reference to the opportunities that Green Infrastructure can bring in mitigating harm to historic assets. This is a missed opportunity to holistically consider schemes for new development.</p> <p>The policy is unsound.</p>
<b>Policy SS10 Sustainable Communities.</b>	<p>The policy makes only oblique references to the historic environment. We have already established that the historic environment is fundamental to place. As part of a positive strategy for the historic there needs to be much greater recognition of the benefits and the role of heritage as well as its protection and enhancement.</p>
<b>4.1.21 – Evidence Base</b>	<p>The Council's belief that the development level within paragraph 4.1.21 can be achieved without harm is not proven, based upon the updated SHLAA, the appendices of which are not available. While the main report considers a few environmental constraints by no means all are considered.</p> <p>On the evidence available there is doubt as to the growth level proposed can be achieved without causing harm to Torbay's environment. This casts doubt over the plans deliverability and soundness.</p> <p>The plan is unsound as it is not justified or consistent with National Policy.</p>
<b>Part 5 Strategic Delivery Areas</b>	<p>Across all the policies within this section there needs to be clear guidance about the historic environment so as to provide a positive strategy and inform not only neighbourhood plans but development should the neighbourhood plans not come to fruition.</p> <p>Some of the site or thematic policies for development are encouraged as long as they do not fall foul of European Directives, a recurring provision in: SDT2 Torquay Town centre and Harbour, SDT4 Babacombe and St Marychurch, Policy SDB2 Brixham town Centre, Harbour and Waterfront, Policy SS7 Infrastructure, Phasing and delivery to name a few. We are unsure what these directives might be specifically or why they should be singled out exclusively and seem a rather odd generic constraints to be included in such policies. It would be more appropriate and consistent with National Policy that there is reference to relevant Historic Environment considerations. This would provide a strategy for the historic environment across the plan and consistent with the approach we have advocated in the previous paragraphs and letter.</p>



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	In they current form they are not consistent with national policy and unsound.
<b>Policy TO3</b>	<p>The Tor Bay Harbour Port Masterplan is referred to as the basis, or source, for proposals affecting Torquay, Paignton and Brixham harbours (policy TQ3, p102). But this document is poor in its accommodation of heritage significance generally (we have said as much in consultations on this exercise) and it is difficult to ensure that the proposals have taken sufficient account of the HE and will not, however developed, cause substantial harm to heritage assets.</p> <p>As such the policy is not sound as it is not justified or consistent with National Policy.</p>
<b>SDT2 Torquay Town centre and Harbour</b>	<p>This is a significant heritage asset providing a key source of revenue as a tourism and retail focus. There are links here between public realm, shop front, retail and transport policies all of which have as a foundation the historic environment upon which they are based. Please see our comments at the beginning of this letter.</p> <p>As such the policy is not sound.</p>
<b>Policy HE1 &amp; 6.3.3</b>	<p>We broadly support this policy.</p> <p>We advise that the policy be strengthened by removing the word "seek" in the first line.</p>
<b>Policy HE2</b>	<p>While English Heritage supports this policy we are unsure why there is a particular policy for just listed buildings and not for other asset types? A Local Plan is likely to require one or more specific Development Management policies for the historic environment in order to help a decision-maker to determine how they should react to an application affecting a heritage asset. Such circumstances could include the following:-</p> <p><b><i>Those areas where Development Management policies are necessary to amplify a general, overarching, Strategic Policy for the historic environment within a Core Strategy.</i></b></p> <ul style="list-style-type: none"> <li>• The broad strategic Policies of most Plans are likely to be insufficient to provide the detailed guidance necessary to enable decision-makers to determine a large number of development proposals affecting the historic environment. Therefore, there is likely to be a need to amplify general strategic guidance by more detailed Development Management policy.</li> </ul> <p><b><i>Those areas about which the NPPF is largely silent</i></b></p> <ul style="list-style-type: none"> <li>• The NPPF provides very little advice on how local planning authorities should determine applications affecting archaeological</li> </ul>



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	<p>remains of less than national importance. As a result, Local Plans may need to include a Policy to help guide consideration of development proposals affecting these assets.</p> <p><b><i>Those areas where the NPPF policies are very generalised</i></b></p> <ul style="list-style-type: none"> <li>• There may be a need for a detailed Policy to guide development proposals within and around a World Heritage Site in order to ensure that its Outstanding Universal Value is safeguarded.</li> <li>• Because of the considerations which need to be taken into account in determining proposals which might affect a Registered Battlefield, it will often be necessary for a Plan to include a more detailed policy?</li> </ul> <p><b><i>Those areas where Development Management policies may be necessary to address the local circumstances of the Plan area.</i></b></p> <ul style="list-style-type: none"> <li>• To address the particular issues likely to affect the management of local Conservation Areas;</li> <li>• To clarify the approach to development within an Area of Archaeological Importance;</li> <li>• To protect or enhance important views and vistas;</li> <li>• To provide a framework for the consideration of applications involving tall buildings; and</li> <li>• To guide decision-making in those cases where development may affect assets identified on a Local List, as assets identified on a local list are of more significance than other non-designated assets</li> </ul> <p><b><i>Those circumstances where Development Management Policies are needed to address particular cross-boundary issues</i></b></p> <ul style="list-style-type: none"> <li>• In order to provide an effective strategy for the management of those extensive historic landscapes which run across a number of authority areas, detailed Development Management Policies may be required in the plans of all those authorities.</li> </ul>
<p><b>Glossary of Terms</b></p>	<p>While we welcome the clarification of the definition of a number of heritage types this is only partial. In addition to those already identified it would also be useful to define:</p> <p><b>Heritage asset:</b> A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local</p>



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	<p>planning authority (including local listing).</p> <p><b>Historic environment:</b> All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.</p>
<p><b>Sustainability Appraisal</b></p>	<p><i>The Council believes that a growth strategy of 8,000-10,000 homes and a minimum of 17 hectares (65,000m<sup>2</sup> net) employment space, with associated community facilities, green infrastructure etc, is the upper level of development that can be achieved in a sustainable fashion, without causing serious harm to Torbay's natural environment or to the functioning of its infrastructure. Appendices supporting the SHLAA have not been made publically available and as such we are not able to comment on some evidence and appraisals in the Plan.</i></p> <p>The upper limit for growth, without damage to the environment, is 9200 homes according to the appraisal evidence. Why therefore does the Sustainability Appraisal conclude a positive outcome when the policy SSI provides for up to 10 000 houses, 800 more than the environmental limit; stating that <i>"The growth strategy is based on the principles of sustainable development, having regards to the area's environmental capacity"</i>.</p> <p>Where development conflicts with environmental assets mitigation and solutions must be deliverable. The plan depends upon strategic development and therefore "no development" is not an adequate option. This creates a conflict within the objectives of the plan.</p> <p>There is doubt as to whether this plan is justified. The evidence should be made available and the Appraisal re-examined.</p>

In the current form the Plan is unsound it appears that it is not positively prepared, justified or consistent with national policy.

If you have any queries about any of the matters raised or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely



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Principal Planner Historic Places Team



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Pickhaver, David

**From:** Salmon, Marcus [REDACTED]  
**Sent:** 04 April 2014 20:21  
**To:** Planning, Strategic  
**Subject:** RE: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)  
**Attachments:** dps1.rtf

Please find attached copy of our formal response to this consultation.

Regards

**Marcus Salmon**  
Sustainable Places Planning Specialist  
Environment Agency – Devon & Cornwall Area

✉ Sir John Moore House, Victoria Square, Bodmin, Cornwall, PL31 1EB  
[REDACTED]



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For more information please speak to your local Sustainable Places team.

---

**From:** Planning, Strategic [mailto:Strategic.Planning@torbay.gov.uk]  
**Sent:** 21 February 2014 10:46  
**To:** Salmon, Marcus  
**Subject:** Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear Mr Marcus Salmon,

**Torbay Local Plan - A Landscape for Success: The Plan for Torbay - 2012 to 2032 and beyond**  
**Publication of the Proposed Submission Plan**

Your consultee identification number is - **399933**

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council wishes to notify you that it is publishing the above Development Plan Document prior to submission to the Secretary of State for Independent Examination.

Views are invited specifically on matters concerning legal compliance, soundness and the duty to co-operate relating to the Proposed Submission Plan (the Plan), which will be published for a six week period from **9.00am Monday 24 February to 9:00am Monday 7 April 2014**. A Sustainability Appraisal (incorporating Strategic Environmental Assessment requirements) and a Habitats Regulations Assessment (HRA) have also been published and are available for comments.

The Plan is a revised version of the Local Plan Consultation Draft consulted on in September 2012. The Plan and accompanying documents, including a **Statement of Representations Procedure**, can be viewed from Monday 24 February online at [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan), at the Council's planning offices and in all Torbay libraries and Connections Offices during normal opening hours.

Torbay Council will be using an **online consultation portal** and we would strongly encourage you to use this system to make representations as it the most efficient way in which to comment on the Local Plan. Alternatively, you

should submit comments in writing via letter or e-mail preferably using a representation form (available to download via the website) which will ensure you provide all the information necessary for your response to be valid. Copies of the response form can be posted to you on request. It would be helpful if you could include your Consultee ID in your response

Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a public document and made publicly available on the Council's website.

Limited complementary hard copies of these documents are available on request. There may be a charge for additional copies of documents – please see details on the website.  
Please contact the Strategic Planning Team if you have any queries.

Yours sincerely

**Steve Turner**  
**Team Leader - Strategic Planning**

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Mr. Steve Turner  
Torbay Council  
Planning & Development Services  
Town Hall Castle Circus  
TORQUAY  
TQ1 3DR

**Our ref:** DC/2012/112403/CS-  
01/PO2-L01  
**Your ref:**  
**Date:** 04 April 2014

Dear Mr. Turner

**TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS: THE PLAN FOR  
TORBAY – 2012 TO 2032 AND BEYOND  
PUBLICATION OF THE PROPOSED SUBMISSION PLAN**

Thank you for your consultation of 21 February 2014 providing us with an opportunity to comment to comment the proposed submission draft of your new local plan.

**General comments**

We are generally supportive of this proposed submission draft of the plan and we are pleased to see that, for the most part, our previous recommendations and advice have been taken incorporated. We have no reason to consider that the proposed plan is unsound.

Nonetheless we do still have some recommendations for changes and additions. Accordingly, our specific comments in relation to the key issues facing Torbay, the aspirations for the Bay and the various strategic policies which relate to matters within our remit are set out below.

**Key issues facing Torbay – Protect and enhance a superb environment**

We consider that this section could also highlight the possibilities for development to meet the need of many other policies, in connecting people to the environment, through green infrastructure, climate adaptation in Sustainable Drainage Systems (SUDs) and cooling areas for heat sinks. Promoting eco-tourism in the future will be more likely with a settlement connected to its environment. Allocations of land could also be made on the premise that the most holistically productive sites would be developed.

**Aspirations for the Bay**

We consider that **Aspiration 3 (Protect and enhance a superb natural and built environment)** would be strengthened by making more reference to the natural

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Cont/d..

environment and the use of development as the lever to enhance river corridors, open space or create natural areas.

We consider that the final point of **Aspiration 4 (Create more sustainable communities and better places)** could be used to emphasise connection to the environment which would in turn suggest the development of potential through other aspirations such as eco-tourism, healthy life styles. If the interconnection is made as a thread through aspirations it is more likely to be effective.

We suggest that, for **Aspiration 5 (Respond to climate change)** the following text (in italics) is added to the following sentence:

*'To minimise flood risk to new and existing development over their lifetime by incorporating predicted climate change factors such as additional runoff, sea level rise and increased storminess'.*

This Aspiration could also require the inclusion of low carbon/renewable in development.

### **Spatial strategy and policies for strategic direction**

We are satisfied with the proposed **Policy SS1 (Growth Strategy for a prosperous Torbay)** and **Policy SS2 (Future growth areas)**. However, as stated in our letter of 08 November 2012 in response to the first consultation draft we consider that the explanatory notes to **Policy SS3 (Presumption in favour of Sustainable Development)** should highlight which specific policies in the National Planning Policy Framework (NPPF) indicate that planning permission should be refused as well as any specific policies in this plan which indicate that development should be restricted.

We note that **Policy SS4 (Economy and employment)** does not refer to the potential of environmental economy in Torbay. However, it is clear that there is a desire within the plan to make the most of eco-tourism. Accordingly your Authority may consider it appropriate to link an aspect of economic growth to the development of eco-tourism as one factor benefitting the green infrastructure requirements of other policies.

It is noted that **Policy SS8 (Natural Environment)** appears to focus principally on landscape and omits any reference to bathing waters. However, the bathing waters are a key environmental and economic asset for Torbay.

Misconnections into surface water sewers and poor sewerage infrastructure generally (including combined sewers) are the key threats to the quality of bathing waters in the Bay. The revised Bathing Waters Directive requires cleaner seas than previously and urban pollution is one of the main reasons Torbay's beaches are under threat. Closure of bathing waters due to poorly informed development will impact reputation and economic growth. Accordingly, it is important that Development Management policies specifically seek to address these issues (e.g. removing existing, and restricting new surface water connections to combined sewers as referred to in paragraphs **6.5.2.22** and **6.5.3.26**).

We are satisfied with **Policy SS9 (Green Infrastructure)** and in particular we welcome paragraph **4.4.12** of the explanatory text.

We welcome the commitment in **Policy SS13 (Low carbon development and adaptation to climate change)** to 'conserving water supplies and minimising the

risk and impact of flooding'. Paragraph 4.6.17 highlights the importance of green infrastructure in terms of helping the natural and urban environment to adapt to climate change. This is welcomed. Nonetheless it would also be beneficial to see some view of the potential benefits to Torbay's economy in addition to the general building design/built environment comments.

#### **Strategic delivery areas – Torquay**

With regard to **Policy SDT1 (Torquay)** and **Policy SDT3 (Torquay Gateway)** and we are pleased to see reference in **Table 5.2** to flooding.

#### **Strategic delivery areas – Paignton**

We are pleased to see reference to the requirement for flood risk management measures within **Policy SDP1 (Paignton)** as well as reference to a master-planning process.

We also welcome see reference to the requirement for flood risk management measures, sea level rise, financial contributions towards defence maintenance/upgrade, and avoidance of basement flats in **Policy SDP2 (Paignton Town Centre and Seafront)**.

Whilst we welcome the reference to 'need to address local flooding issue' within Collaton St Mary in **Policy SDP3 (Paignton North and Western Area)** we suggest that the following text (in italics) is added to the following sentence in paragraph 5.2.2.7 regarding Phase 2 at Great Parks:

The development should secure better access to countryside and the creation of new green infrastructure through the proposed Great Parks Country Park, *which should be landscaped and designed to offer food risk benefits.*

We also welcome reference to flood risk in the explanatory notes for **Policy SDP4 (Clennon Valley leisure Club)**.

#### **Strategic delivery areas – Brixham**

We welcome reference to flood defence infrastructure needs in **Policy SDB2 (Brixham Town Centre, Harbour and Waterfront)**. We also welcome the aspiration to 'avoid the vulnerable areas subject to flood' in **Policy SDB3 (Brixham Urban fringe and AONB)**.

#### **Policies for managing changing and development in Torbay**

We welcome paragraph 6.3.1.4 of the explanatory text for **Policy C1 (Countryside and the rural economy)** regarding the multiple benefits provided by undeveloped countryside and green space. Furthermore, we welcome the clarity provided by paragraph 6.3.1.12 of the explanatory text for **Policy C2 (The coastal landscape)**.

We recommend the following addition (in italics) to criterion 3 of **Policy C3 (Coastal change management)**:

*'It will be safe through its planned lifetime without increasing risk to people or property and does not create a need for significant further coastal protection and sea defence works in undeveloped or developed coastal locations, or inhibit the ability to access, maintain and/or improve, existing sea defence, and coastal management assets'.*

We are satisfied with **Policy NC1 (Biodiversity and geodiversity)** and welcome the reference to priority (BAP) habitats and species in paragraph 6.3.2.5.

By and large we support the proposed **Policy ER1 (Flood risk)**, however, we have several comments and recommendations to ensure that it is sufficiently robust and tailored to Torbay's particular circumstances. We are satisfied with the wording for the first paragraph, however, we recommend a slight amendment (in italics) to the second sentence of the second paragraph as follows:

*Where development is necessary in areas at risk of flooding it should be laid out and designed to ensure buildings and their surroundings are appropriately resistant and resilient to all forms of flooding, would be safe, and would not increase the risk of flooding to third parties.*

We also recommend an amendment (in italics) to the second sentence of the third paragraph of policy ER1 as follows:

*Development of basement accommodation, including changes of use, or basement parking will not be permitted where there is danger of inundation and consequent risk to life.*

An additional sentence should also be added at the end of the third paragraph as follows:

*A flood risk assessment is also required for sea frontages within FZ1 that would be at risk of flooding from the sea due to wave action.*

We fully support the final three paragraphs of this policy. We also support the wording of much of the explanatory text to policy ER1 in particular paragraph **6.5.2.9**. However we have the following recommendations.

We recommend that the following sentence is added to the end of paragraph **6.5.2.3**:

*It is important to note that coastal frontages that are mapped as being within Flood Zone 1 may be at risk from flooding due to wave action and the consequences of this must be recognised and addressed.*

References to the Technical Guide to the NPPF (paragraphs **6.5.2.6** and **6.5.2.12**) should be updated to reflect the publication of the Government's new National Planning Practice Guidance.

We recommend that the final sentence of paragraph **6.5.2.13** is deleted and replaced with text regarding the nature of catchments in Torbay and how surface water drainage should be managed to reduce flood risks overall:

*The catchments within Torbay are typically small, steep, and in the most part highly developed, in nature. There is also a legacy of culverting (piping) of the watercourse channels which adds to the risk of flooding and as such all new development must deliver a reduction in current rainfall runoff rates. This requirement also applies to Brownfield sites that will have to match the same standards. All off site Surface water discharges from new development should mimic Greenfield performance up to a maximum 1 in 10 year discharge. On site all surface water should be safely managed in conditions up to the 1 in 100 event plus an allowance for climate change. To satisfy the above will require additional water storage areas to be created within the site compared to the normal SUDS design thereby contributing to a reduction in flooding downstream.*

With regard to **Policy ER2 (Water management)** we are pleased to see reference to Water Framework Directive (WFD) within the policy itself and to the requirement for there to be no deterioration have been incorporated in paragraph **6.5.2.18**.

We also welcome policy's requirement for Pollution Prevention Plans (paragraph **6.5.2.20**), the reference to SUDS (paragraph **6.5.2.21**) and the requirement for the separation of foul and surface water drainage (paragraph **6.5.2.22**). The later is important for the reasons explained above in our comments on **Policy SS8** in respect of Bathing Waters and sewerage infrastructure in Torbay.

We still consider that the plan could be strengthened with regard to the WFD, for example using new development to improve and maintain protected areas such as bathing waters and shellfish waters as well delivering mitigation measures to restore Highly Modified Water Bodies.

We are happy with the wording for **Policy ER3 (Contamination)**. We are also happy with the wording for **Policies W1, W2, W3 and W4** in respect of waste management.

We are happy to see that future growth areas and the implications for waste water treatment have been considered within **Policy W5 (Waste water disposal)**. We also welcome the commitment of your Authority in paragraph **6.5.3.26** to reduce the amount of storm water going into the shared (combined) sewer, however, the text here could explicitly highlight that the problem with insufficient capacity in the combined sewer network can result in overflows of untreated sewage into the water environment of the Torbay as well as flooding of infrastructure and properties. The penultimate paragraph of Policy W5 could be strengthened to cover this explicitly.

Furthermore, although there is welcome reference to the WFD again (along with the use of SUDS) in paragraph **6.5.3.28** as highlighted above the plan makes no reference to other protected areas such as bathing waters or shellfish waters within Torbay, and the impact that growth and water management can have on the compliance of these protected areas. We would look for adequate protection and therefore no deterioration for compliance for these areas, as well as for general WFD targets.

We are happy with the wording for **Policy M1 (Minerals extraction)**.

We will be happy to meet with you to discuss our comments further.

Yours sincerely

**MARCUS SALMON**  
**Sustainable Places Planning Specialist**

Direct dial [REDACTED]

Direct fax [REDACTED]

Direct e-mail [REDACTED]



**From:** Salmon, Marcus [REDACTED]  
**Sent:** 27 June 2014 14:43  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan - Sustainability Appraisal (DC/2012/112403/CS-01/PO2-L02)

Dear Ashwag,

My sincere apologies for the delay in getting back to you on this. I have had the opportunity to review the Sustainability Appraisal (SA) prepared in respect of the Torbay Local Plan (2012 to 2032 and beyond).

For the most part we are satisfied that the SA address the issues of relevance within our remit. In particular it has recognised the principal risks to the water environment in terms of water quality, resource and flood risk. We welcome the SA's recommendations for SuDS to be incorporated into all new development and the recognition that surface water run-off has implications for water quality as well as flood risk especially given pressures on drainage capacity in Torbay. We also welcome the reference to Water Framework Directive in paragraph 18.12.9 and the relevant policies plans and programmes set out in Appendix 2.

However, given their importance to the local economy (particularly with regard to tourism) and the risks the SA acknowledges for water quality it is surprising to find no reference to Bathing Waters in the main SA document. In fact the only reference to Bathing Waters appears to be in the 'Comments' column of Appendix 4 (Monitoring Framework) in respect of sub-objective 6.5 (page 62). We recommend that this is addressed.

We apologise again for our delay in responding to you.

Regards,

**Marcus Salmon**  
Sustainable Places Planning Specialist  
Environment Agency – Devon & Cornwall Area

✉ Sir John Moore House, Victoria Square, Bodmin, Cornwall, PL31 1EB  
[REDACTED]



**New: charging for planning advice**

From 24 March 2014 we will begin charging for some of our planning advice.  
For more information please speak to your local Sustainable Places team.

---

**From:** Planning, Strategic [REDACTED]  
**Sent:** 28 April 2014 17:34 [REDACTED]  
**To:** Salmon, Marcus  
**Subject:** RE: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear Marcus,

Further to your email on 14<sup>th</sup> April below, we have not received your comments.

Can you please confirm that the Environment Agency is satisfied with the contents of the Torbay Local Plan Sustainability Appraisal and have no further comments to make.

Kind regard

*Ashwag Shimin*


Strategic Appraisal Officer  
Strategic Planning Team  
Spatial Planning  
Environment  
Torbay Council

✉ Electric House, 2nd Floor, Torquay, TQ1 3DR

☎ 01803 208857

✉ [ashwag.shimin@torbay.gov.uk](mailto:ashwag.shimin@torbay.gov.uk)

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**From:** Salmon, Marcus [REDACTED]  
**Sent:** 14 April 2014 11:17  
**To:** Planning, Strategic  
**Subject:** RE: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Sorry about that.

I'll try and get something to you by Wednesday afternoon.

Cheers  
Marcus

**Marcus Salmon**  
Sustainable Places Planning Specialist  
Environment Agency – Devon & Cornwall Area

✉ Sir John Moore House, Victoria Square, Bodmin, Cornwall, PL31 1EB



**New: charging for planning advice**

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---

**From:** Planning, Strategic [<mailto:Strategic.Planning@torbay.gov.uk>]  
**Sent:** 14 April 2014 10:37  
**To:** Salmon, Marcus  
**Subject:** RE: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear Marcus,



Thank you for your representation on the above consultation. We do not appear to have received a response on the Local Plan Sustainability Appraisal Report.

The deadline is now passed, but we can still consider comments if you want to email them. If you do wish to make comments, please can we receive them by Thursday 17<sup>th</sup> April.

Kind regards

*Ashwag Shimin  
Strategic Appraisal Officer  
Strategic Planning Team  
Spatial Planning  
Environment  
Torbay Council*

✉ Electric House, 2nd Floor, Torquay, TQ1 3DR

☎ 01803 208857

✉ [ashwag.shimin@torbay.gov.uk](mailto:ashwag.shimin@torbay.gov.uk)

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**From:** Salmon, Marcus [REDACTED]  
**Sent:** 04 April 2014 20:21  
**To:** Planning, Strategic  
**Subject:** RE: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Please find attached copy of our formal response to this consultation.

Regards

**Marcus Salmon**  
Sustainable Places Planning Specialist  
Environment Agency – Devon & Cornwall Area

✉ Sir John Moore House, Victoria Square, Bodmin, Cornwall, PL31 1EB



**New: charging for planning advice**

From 24 March 2014 we will begin charging for some of our planning advice.  
For more information please speak to your local Sustainable Places team.

---

**From:** Planning, Strategic [<mailto:Strategic.Planning@torbay.gov.uk>]  
**Sent:** 21 February 2014 10:46



Homes &  
Communities  
Agency

David Pickhaver  
Torbay Council  
Electric House  
Castle Circus  
Torquay  
TQ1 3DR

14th April 2014

Dear David

**Torbay Local Plan - Publication of the Proposed Submission Plan**

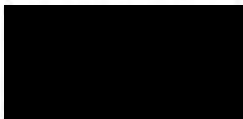
Many thanks for inviting the Homes and Communities Agency to submit representations to the above document.

The documents have now been reviewed and we have no objections to the policies. We support your approach towards the associated housing policies. In particular, we **support Policy H2** in terms of affordable housing.

We also **support Policy H3**, relating to self-build housing. In accordance with national guidance, Torbay Council should identify the demand and supply for self build housing across the area. It should also be noted that this is for a range of housing types and so should not be limited to just affordable self-build.

HCA supports regeneration proposals within the main town centres and would express a desire to deliver housing-led mixed use development. This should include housing development proposals in Torquay town centre to support regeneration. Brixham will also require a viable mix of uses in order to support harbour improvements.

I trust these comments aid in the adoption of the Local Plan in Torbay.



**Paul Britton**  
Area Manager

H2 sup  
H3 sup  
H3 GOB - need to show evidence of need.  
SDTI/SDBI support

Homes and Communities Agency  
2 Rivergate, Temple Quay, Bristol, BS1 6EH

0300 1234 500  
homesandcommunities.co.uk



## Pickhaver, David

---

**From:** Paul Britton [REDACTED]  
**Sent:** 14 April 2014 13:36  
**To:** Planning, Strategic; Jesica Ford  
**Subject:** RE: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)  
**Attachments:** 140414 HCA Letter Torbay Local Plan.pdf

Hi David

Apologies for the delay and please find attached our response.

Regards

Paul

**Paul Britton**  
Area Manager  
Homes and Communities Agency  
T: 07768 670 543

---

**From:** Planning, Strategic [mailto:Strategic.Planning@torbay.gov.uk]  
**Sent:** 11 April 2014 12:27  
**To:** Jesica Ford; Paul Britton; Planning, Strategic  
**Subject:** FW: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear Jesica or Paul

Thanks for your help on the phone this morning. We do not appear to have received a response from HCA on our recent consultation on the Torbay Local Plan. Please see email below for details. [TorbayLocalPlanProposedSubmissionPlan.pdf](#) In particular, comments on affordable housing policy H2 (p129) and self Build affordable Housing (H3, p132) would be welcome.

The deadline is now passed, but we can still consider comments if you want to email them. If you do wish to make comments, please can we receive them by Thursday 17<sup>th</sup> April if possible.

Our original letter was sent to your Exeter office, so apologies if it did not reach you. Please can you let us have your updates contact details.

Please contact myself or my colleague Steve Turner (01802 208812) if you have any queries.

Many Thanks  
Kind Regards  
David

David Pickhaver  
Senior Strategic Planner,  
Strategic Planning and Group,  
Spatial Planning  
Environment and Place  
Torbay Council  
Postal address: Electric House, Castle Circus, Torquay, TQ1 3DR  
Tel: 01803 208814  
Fax: 01803 208882  
E mail: [David.Pickhaver@torbay.gov.uk](mailto:David.Pickhaver@torbay.gov.uk)  
Web site: [www.torbay.gov.uk/ldf](http://www.torbay.gov.uk/ldf)

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**From:** Planning, Strategic  
**Sent:** 21 February 2014 10:46  
**To:** 'nature@devon.gov.uk'  
**Subject:** Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Dear Ms Sarah Jennings,

**Torbay Local Plan - A Landscape for Success: The Plan for Torbay - 2012 to 2032 and beyond  
Publication of the Proposed Submission Plan**

Your consultee identification number is - **723934**

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council wishes to notify you that it is publishing the above Development Plan Document prior to submission to the Secretary of State for Independent Examination.

Views are invited specifically on matters concerning legal compliance, soundness and the duty to co-operate relating to the Proposed Submission Plan (the Plan), which will be published for a six week period from **9.00am Monday 24 February to 9:00am Monday 7 April 2014**. A Sustainability Appraisal (incorporating Strategic Environmental Assessment requirements) and a Habitats Regulations Assessment (HRA) have also been published and are available for comments.

The Plan is a revised version of the Local Plan Consultation Draft consulted on in September 2012. The Plan and accompanying documents, including a **Statement of Representations Procedure**, can be viewed from Monday 24 February online at [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan), at the Council's planning offices and in all Torbay libraries and Connections Offices during normal opening hours.

Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it the most efficient way in which to comment on the Local Plan. Alternatively, you should submit comments in writing via letter or e-mail preferably using a representation form (available to download via the website) which will ensure you provide all the information necessary for your response to be valid. Copies of the response form can be posted to you on request. It would be helpful if you could include your Consultee ID in your response

Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a public document and made publicly available on the Council's website.

Limited complementary hard copies of these documents are available on request. There may be a charge for additional copies of documents – please see details on the website.  
Please contact the Strategic Planning Team if you have any queries.

Yours sincerely

**Steve Turner**  
**Team Leader - Strategic Planning**

Strategic Planning Team  
Spatial Planning  
Place and Resources  
Torbay Council

Electric House (2nd Floor)  
Castle Circus  
Torquay TQ1 3DR

Tel: 01803 208812

Email: [steve.turner@torbay.gov.uk](mailto:steve.turner@torbay.gov.uk)

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

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494352



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By email:  
[strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk)

Our reference: 509

19 March 2014

Dear Sir/Madam,

**Re: Torbay Local Plan Proposed Submission Plan**

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. The MMO has reviewed the document and whilst we have no specific comments to make we would like to draw your attention to the remit of our organisation as you may wish to be aware of this in relation to the consultation.

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring mark there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. In our duty to take all reasonable steps to ensure compatibility with existing development plans, which apply down to the low water mark, we are seeking to identify the 'marine relevance' of applicable plan policies. The MMO began planning for the east area in April 2011. The next round of planning, in the south plan area, began in 2013. The south plan area runs from Folkestone to the River Dart and therefore includes Torbay. The MMO will be working with all local councils in the plan area and until such time as a marine plan is in place we advise local councils to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the UK Marine Policy Statement unless relevant considerations indicate otherwise. The Marine Policy Statement will also guide the development of Marine Plans across the UK. More information can be found at <http://www.defra.gov.uk/news/2011/03/18/marine-policy-statement/>

The MMO is responsible for issuing marine licences under the Marine and Coastal Access Act 2009. We also issue consents under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts and are a Statutory Consultee to the Planning Inspectorate for relevant Planning Act developments (Nationally Significant Infrastructure Projects). A marine licence may be needed for activities involving a deposit or removal of a substance or object below the mean high water springs mark or in any tidal



**INVESTORS  
IN PEOPLE**



river to the extent of the tidal influence. Any works may also require consideration under The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) and early consultation with the MMO is advised. We would suggest that reference to this be made within planning documents to ensure that necessary regulatory requirements are covered. We would encourage applicants to engage early with the MMO alongside any application for planning consent to ensure that the consenting process is as efficient as possible.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website [www.marinemanagement.org.uk](http://www.marinemanagement.org.uk)

Yours sincerely



Angela Atkinson  
Strategic Intelligence Officer

E 

(399499)

820810

**nationalgrid**

**amec**

Torbay Local Plan  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> Floor)  
Castle Circus  
Torquay  
TQ1 3DR

Julian Austin  
Consultant Town Planner



24 March 2014

Dear Sir / Madam

**Torbay Council: Local Plan Proposed Submission Consultation  
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed AMEC to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the current consultation on the above document.

**Overview – National Grid**

National Grid is a leading international energy infrastructure business. In the UK National Grid's business includes electricity and gas transmission networks and gas distribution networks as described below.

Electricity Transmission

National Grid, as the holder of a licence to transmit electricity under the Electricity Act 1989, has a statutory duty to develop and maintain an efficient, co-ordinated and economical transmission system of electricity and to facilitate competition in the supply and generation of electricity.

National Grid operates the national electricity transmission network across Great Britain and owns and maintains the network in England and Wales, providing electricity supplies from generating stations to local distribution companies. We do not distribute electricity to individual premises ourselves, but our role in the wholesale market is key to ensuring a reliable and quality supply to all. National Grid's high voltage electricity system, which operates at 400,000 and 275,000 volts, is made up of approximately 22,000 pylons with an overhead line route length of 4,500 miles, 420 miles of underground cable and 337 substations. Separate regional companies own and operate the electricity distribution networks that comprise overhead lines and cables at 132,000 volts and below. It is the role of these local distribution companies to distribute electricity to homes and businesses.

To facilitate competition in the supply and generation of electricity, National Grid must offer a connection to any proposed generator, major industry or distribution network operator who wishes to generate electricity or requires a high voltage electricity supply. Often proposals for new electricity projects involve transmission reinforcements remote from the generating site, such as new overhead lines or new development at substations. If there are significant demand increases across a local distribution electricity network area then the local network distribution operator may seek reinforcements at an existing substation or a new grid supply point. In addition National Grid may undertake development works at its existing substations to meet changing patterns of generation and supply.

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Kenilworth Road  
Leamington Spa  
Warwickshire CV32 6JX  
United Kingdom  
Tel +44 (0) 1926 439 000  
Fax +44 (0) 1926 439 010

Registered Office  
Booths Park  
Chelford Road  
Knutsford  
Cheshire WA16 8QZ  
Registered in England no. 2190074

[amec.com/ukenvironment](http://amec.com/ukenvironment)



### Gas Transmission

National Grid owns and operates the high pressure gas transmission system in England, Scotland and Wales that consists of approximately 4,300 miles of pipelines and 26 compressor stations connecting to 8 distribution networks. National Grid has a duty to develop and maintain an efficient co-ordinated and economical transmission system for the conveyance of gas and respond to requests for new gas supplies in certain circumstances.

New gas transmission infrastructure developments (pipelines and associated installations) are periodically required to meet increases in demand and changes in patterns of supply. Developments to our network are as a result of specific connection requests e.g. power stations, and requests for additional capacity on our network from gas shippers. Generally network developments to provide supplies to the local gas distribution network are as a result of overall demand growth in a region rather than site specific developments.

### Gas Distribution

National Grid also owns and operates approximately 82,000 miles of lower-pressure distribution gas mains in the north west of England, the west Midlands, east of England and north London - almost half of Britain's gas distribution network, delivering gas to around 11 million homes, offices and factories. National Grid does not supply gas, but provides the networks through which it flows. Reinforcements and developments of our local distribution network generally are as a result of overall demand growth in a region rather than site specific developments. A competitive market operates for the connection of new developments.

### **National Grid and Local Development Plan Documents**

The Energy White Paper makes clear that UK energy systems will undergo a significant change over the next 20 years. To meet the goals of the white paper it will be necessary to revise and update much of the UK's energy infrastructure during this period. There will be a requirement for:

- an expansion of national infrastructure (e.g. overhead power lines, underground cables, extending substations, new gas pipelines and associated installations); and
- new forms of infrastructure (e.g. smaller scale distributed generation, gas storage sites).

Our gas and electricity infrastructure is sited across the country and many stakeholders and communities have an interest in our activities. We believe our long-term success is based on having a constructive and sustainable relationship with our stakeholders. Our transmission pipelines and overhead lines were originally routed in consultation with local planning authorities and designed to avoid major development areas but since installation much development may have taken place near our routes.

We therefore wish to be involved in the preparation, alteration and review of Development Plan Documents (DPDs) which may affect our assets including policies and plans relating to the following issues:

- any policies relating to overhead transmission lines, underground cables or gas pipeline installations;
- site specific allocations/land use policies affecting sites crossed by overhead lines, underground cables or gas transmission pipelines;
- land use policies/development proposed adjacent to existing high voltage electricity substation sites and gas above ground installations;
- any policies relating to the diverting or undergrounding of overhead transmission lines;
- other policies relating to infrastructure or utility provision;
- policies relating to development in the countryside;
- landscape policies; and
- waste and mineral plans.

In addition, we also want to be consulted by developers and local authorities on planning applications, which may affect our assets and are happy to provide pre-application advice. Our aim in this is to ensure that the safe and secure transportation of electricity and gas is not compromised.

## National Grid infrastructure within Torbay Council's administrative area

### Electricity Transmission

There are no National Grid high voltage electricity overhead transmission lines or underground cables within Torbay Council's administrative area

National Grid has provided information in relation to electricity transmission assets via the following internet link:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW>

### Gas Transmission

National Grid has the following gas transmission assets within the administrative area of Torbay Council:

Pipeline	Feeder Detail
FM20	20 Feeder Kenn to Fishacre

National Grid has provided information in relation to gas transmission assets via the following internet link:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW>

National Grid requests that any High Pressure Major Accident Hazard Pipelines (MAHP) are taken into account when site options are developed in more detail. These pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to retain our existing transmission pipelines in situ.

### Electricity and Gas Distribution

Western Power Distribution owns and operates the local electricity distribution network in the administrative area of Torbay Council. Wales and West Utilities owns and operates the gas distribution network in the administrative area of Torbay Council. Contact details for both distribution companies can be found at [www.energynetworks.org.uk](http://www.energynetworks.org.uk).

### **Specific Comments**

National Grid notes the inclusion of the future growth area for housing identified at Edginswell, Torquay. National Grid's high pressure gas pipeline identified above is located to the north of the proposed future growth area. National Grid therefore request that the following comments are taken in consideration.

Our underground pipelines are protected by permanent agreements with landowners or have been laid in the public highway under our licence. These grant us legal rights that enable us to achieve efficient and reliable operation, maintenance, repair and refurbishment of our gas transmission network. Hence we require that no permanent structures are built over or under pipelines or within the zone specified in the agreements, materials or soil are not stacked or stored on top of the pipeline route and that unrestricted and safe access to any of our pipeline(s) must be maintained at all times.

Local authorities have a statutory duty to consider applications for development in the vicinity of high pressure (above 7 bar) pipelines and to advise the developer on whether the development should be allowed on safety grounds on rules provided by HSE. This advice is provided by the HSE Planning Advice for Development near to Hazardous Installations (PADHI) process. The relevant HSE guidance can be accessed via the following link: <http://www.hse.gov.uk/landuseplanning/padhi.pdf>

In order to ensure that National Grid's pipelines are protected from uncontrolled development in the vicinity of the pipeline please also read the following guidance prepared by National Grid:

- Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties

[http://www.nationalgrid.com/NR/rdonlyres/50ACAC0A-ED26-41A7-91FA-83163A98270F/23790/TSPSSW22\\_J537\\_Rev0807.pdf](http://www.nationalgrid.com/NR/rdonlyres/50ACAC0A-ED26-41A7-91FA-83163A98270F/23790/TSPSSW22_J537_Rev0807.pdf)

- Gas Transmission Underground Pipelines – Guidance  
[http://www.nationalgrid.com/NR/rdonlyres/446009BF-ABB5-42E1-B9FE-44E90D577DD5/18653/APTGasGuidance\\_2\\_.pdf](http://www.nationalgrid.com/NR/rdonlyres/446009BF-ABB5-42E1-B9FE-44E90D577DD5/18653/APTGasGuidance_2_.pdf)

Should these sites be taken forward as development sites in the future, the developers should be made aware of the above issues.

#### **Further Advice**

National Grid is happy to provide advice and guidance to the Council concerning our networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us. In addition the following publications are available from the National Grid website or by contacting us at the address overleaf:

- National Grid's commitments when undertaking works in the UK - our stakeholder, community and amenity policy;
- specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties; and
- A sense of place - design guidelines for development near high voltage overhead lines.

Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Julian Austin  
Consultant Town Planner

[n.grid@amec.com](mailto:n.grid@amec.com)

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Gables House  
Kenilworth Road  
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CV32 6JX

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours sincerely,

[via email]  
**Julian Austin**  
Consultant Town Planner

cc. Vicky Stirling, National Grid

**Pickhaver, David**

---

**From:** [REDACTED]  
**Sent:** 24 March 2014 11:47  
**To:** Planning, Strategic  
**Cc:** Stirling, Vicky  
**Subject:** Representation on behalf of National Grid  
**Attachments:** Torbay Local Plan Submission 24.03.2014.pdf

Dear Sir / Madam

Please find attached representation on behalf of National Grid in response to the Local Plan consultation.

Regards

**Julian Austin MRTPI  
Consultant  
AMEC**

[REDACTED]

Be more sustainable - think before you print

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Date: 04 April 2014  
Our ref: 113607  
Your ref:



Steve Turner  
Team Leader - Strategic Planning  
Spatial Planning  
Place and Resources  
Torbay Council  
Electric House (2nd Floor)  
Castle Circus  
Torquay TQ1 3DR

Customer Services  
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T 0300 060 3900

## BY EMAIL ONLY

Dear Mr Turner

### Planning consultation: Torbay Local Plan - Publication of the Proposed Submission Plan

Thank you for your consultation on the above dated 21 February 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Whilst Natural England is very supportive of certain aspects of the plan we are currently unable to conclude that the plan is sound for the reasons detailed below. In summary we have concerns:

- That the evidence base is not detailed enough to be able to conclude the plan will not have a significant impact on the natural environment, the plan is in our opinion too reliant on down the line assessments;
- Relating to the soundness of policies SS8, SS6, W5 and TO3;
- Relating to the Habitats Regulations Assessment – in our view the assessment does not meet the requirements of the Habitats Regulations and the plan has therefore adopted a strategy which in our view is unsound as there is still too much uncertainty regarding deliverability of the planned levels of growth.

### 1.0 Evidence Base

We note that the Plan states in paragraph 4.1.21 that *The Council believes that a growth strategy of 8,000-10,000 homes and a minimum of 17 hectares (65,000m<sup>2</sup> net) of employment space, with associated community facilities, green infrastructure etc., is the upper level of development that can be achieved in a sustainable fashion, without causing serious harm to Torbay's natural environment or to the functioning of its infrastructure*. This statement is based on the recently updated Strategic Housing Land Availability Assessment (SHLAA). The appendices to this document are not publically available so our comments on this are based on the main report.

Whilst the SHLAA does consider some environmental constraints by means of a desk based study, not all are considered. The omission of consideration of the South Hams Special Area of Conservation substance zone and flyways and the Lyme Bay and Torbay Special Area of Conservation are significant gaps in the analysis. The need to consider the European designations (both in the Bay and on land) is advised in the Habitat Regulation Assessment response in this letter. This lack of consideration of these constraints has a significant effect on both the proposed



growth areas and infrastructure and the structure of the Torbay Development Framework.

We note that in line with Practice Guidance nationally and internationally designated sites were also excluded from the SHLAA assessment. We also note and welcome that that assessment did consider landscape including the Area of Outstanding Beauty. We agree that development may be acceptable in the Area of Outstanding Natural Beauty in certain circumstances, provided it would not harm its Special Qualities. However it is unclear from the report whether the Special Qualities or settings of Protected Landscapes were considered in the assessment. Additionally, it is unclear whether only Sites of Special Scientific Interest (SSSIs) were considered or whether water courses feeding some designated sites, which some SSSIs are dependent upon were considered.

Whilst we accept that the higher the level of a plan in the hierarchy, the more general and strategic will be its provisions, we are not yet persuaded by the evidence presented that that it is not possible to undertake a meaningful assessment of the effects of at least some of the policies of the Core Strategy upon designated sites, especially European sites.

Indeed, for certain types of potential impacts, such as those that relate to the location of and quantity of change, it is often necessary to undertake an assessment at Core Strategy level. That is because it is only at Core Strategy level that any necessary changes to the plan can be introduced.

We therefore advise on the evidence available that we cannot agree that the growth proposed can be achieved without causing serious harm to Torbay's natural environment. Therefore there is a risk that the growth proposed may not be achieved. In our view the lack of evidence presents a real risk to the Plan's soundness, in part reflected in policies e.g. Policy W5 and SS8.

**We therefore consider that the Plan is unsound as the planning policies are not based on up-to-date information about the natural environment and other characteristics of the area in accordance with paragraph 165 of the NPPF.**

## **2.0 Policy SS8 – Environment and supporting policies C1-C5 and NC1**

This is the main strategic policy in the Plan protecting environmental assets supported by development management policies C1 to C5 and NC1. We welcome that the Plan intends that *all* development should have regard to its environmental setting contributing positively to the conservation and enhancement of the natural assets and setting of the Bay. We advise that the policy be strengthened by the removal of the word "*seek*" in the second paragraph. As outlined in paragraph 117 of the NPPF the policy should also include distinctions between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. We note that this is covered in policy NC1, along with the value of the local environmental eco-system, and the contribution it makes to the Torbay economic development. It should therefore be afforded more weight within a strategic policy and so should be included in Policy SS8.

So that the Plan can take a strategic approach to the environment, identifying natural environment objectives as well as opportunities and areas for enhancement or strategic projects, the Plan must also map as well as identify components of the local ecological networks, including the hierarchy of sites, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation. Ideally this should be with the list of sites in Appendix E.

We welcome the weight afforded to the AONB and its setting.



**Without these inclusions in our view the Plan will not be sound.**

### **3.0 Policy SS9 Green Infrastructure**

We welcome the policy to maintain, restore and create Green Infrastructure in the wider environment with a goal of achieving a net gain in biodiversity.

### **4.0 The Marine Economy Policies TO3 and SS6**

We note that some of the Plan policies, notably TO3 the Marine Economy, propose significant development within the Lyme Bay and Torbay SAC and the newly designated Marine Conservation Zone. The policies in the Plan are based on the proposals in the Torbay Harbour Port Masterplan. However, this masterplan did not give detailed consideration of potential environmental impacts or possible mitigation measures. Also it appears not to have been subject to screening to meet the requirements of the Habitats Regulations. The Local Plan must therefore consider the effects of policy SS6 and TO3 in the Habitat Regulation Assessment of the Plan. This is commented on further below. Whilst the existing harbours do not form part of the candidate Special Area of Conservation, it is not clear whether extensions to them will necessitate development within the SAC. This needs to be clarified in the plan.

#### **4.1 Lyme Bay and Torbay candidate Special Area of Conservation**

Natural England responded to the Marine Management Organisation consultation on the proposal for pontoons within Torquay harbour only, a significant element nevertheless of any future ferry service. We previously advised that that proposal, if undertaken in strict accordance with the details submitted at that time, (particularly that pontoons works are only undertaken in the existing footprint of the harbour) was not likely to have a significant effect on the interest features for which the Lyme Bay and Torbay candidate SAC has been classified.

Text accompanying policy SS6 should highlight the environmental constraints and Policy SS6 should specify the mitigation that would be required for the development proposals in policy TO3. Sea Caves (which are SAC features) are present at Corbyn Head, Roundham Head and around Brixham Harbour. Operations likely to affect the habitat are:

- Physical loss by removal or smothering;
- Physical damage by siltation, abrasion or selective extraction;
- Toxic contamination by introduction of synthetic or non-synthetic compounds;
- Non-toxic contamination from changes in nutrient loading, organic loading, changes in thermal regime or changes in turbidity;
- Changes in salinity (for sea caves only);

We understand that the new proposed Breakwater will be situated in the outer harbour at Brixham i.e. outside the SAC and that the construction of it will not involve dredging. Please confirm that this is the proposal within the Plan. All works and development within or adjacent to the SAC which could significantly affect the sea caves (or reefs which are further away) will require screening under the Habitat Regulations.

#### **4.2 Marine Conservation Zone**

Whilst the Marine Conservation Zone (MCZ) is subject to the marine planning regime, paragraph 105 of the NPPF states that "In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes". This is particularly true of any land or sea –based proposals at harbours. In addition the LPA will need to ensure collaborative working, particularly with the MMO (a listed public body and a body under the duty to cooperate). Where authorities undertake or have responsibilities

for activities that may affect the achievement of site conservation objectives, they will need to do this in a manner that best furthers MCZ conservation objectives. Therefore, in principle the development outlined in Policy TO3 is acceptable and is unlikely to harm the conservation objectives of the MCZ, provided specific mitigation measures are in place. Text accompanying policy SS6 should highlight the environmental constraints and mitigation that would be required for the development proposals in policy TO3.

The ferry operation presents a risk to the seagrass, the restoration and recovery of which is a conservation objective of the Marine Conservation Zone. This has already been commented upon in the consultation with Marine Management Organisation in regard to the ferry pontoon construction and as part of our response to the Torbay Harbour Port Masterplan. We advise that measures should be developed for the operation of the proposed ferry highlighting the location of the sensitive features to ensure that the operation will be consistent with the recommended conservation objective of the MCZ site features to 'recover'. Natural England has information that would assist in formulating such measures. There is also a need for monitoring of the Policies to ensure that the Conservation Objectives are adhered to, as this is a requirement of Strategic Environmental Assessment.

### 4.3 Protected Species

Seahorses have been observed in the harbours. Under the Wildlife and Countryside Act it is an offence to cause damage or disturbance to seahorses, a species protected under Schedule 5 of the *Wildlife and Countryside Act* (as amended). We advise that:

- Construction should take place during winter months only when seahorses may migrate to deeper waters away from the harbours.
- Should protected species be encountered during the project, all piling work should cease and further advice should be sought from Natural England. Piling should be delayed if marine mammals detected within 500m mitigation zone from area of works.
- Environment Agency Pollution Prevention Guidelines for work on or near watercourses should be followed.

Further details appropriate to the planning stage of Pontoon Construction are in our response dated 25<sup>th</sup> January 2013 to the Marine Management Organisation.

Cetaceans (Whales, porpoises and dolphins) are European Protected Species and are known to occur in Torbay. Cetaceans could be impacted by the noise emitted during piling. We advise 'Soft start' approaches to the piling work to mitigate potential disturbance to marine life and delaying piling if marine mammals are detected within mitigation zone.

Other Marine mammals are also known to be present also such as seals. As these mammals are a European Protected Species protected under the Conservation of Habitats and Species Regulations 2010 (as amended), a licence is required in order to carry out any works that involve certain activities such as disturbing or capturing the animals, or damaging or destroying their resting or breeding places. It is for the developer to decide whether a species licence is needed to carry out work directly connected with the proposed development as well as associated mitigation work. The developer may need to engage specialist advice in making this decision.

Natural England's advice on this consultation relates only to whether the proposed development (including any proposed mitigation measures) is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status. It does not consider whether the proposal requires a licence, satisfies the three licensing tests or whether a licence is likely to be granted for this proposal. In particular, it should be noted that we are not in a position to advise whether there are alternative solutions that would deliver the stated need while having a lesser impact on the protected species.

Under regulation 9(3) of the Habitats Regulations, competent authorities (in this instance the local planning authority) must have regard to the requirements of the Habitats Directive when exercising any of their functions, including whether or not to grant planning permission. This includes having regard to whether the development proposal is likely to negatively affect any European Protected Species (EPS) and whether any necessary licence is likely to be granted by Natural England. This should be based on the advice we have provided in this response on likely impacts on favourable conservation status and our published guidance on the three licensing tests (i.e. no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status). More information on the requirements to meet the three tests is provided in Defra's draft [guidance on the Habitats Directive](#) (of particular interest are paragraphs 125-143) and Natural England's guidance [on how we apply the three tests](#).

The impacts on the designated sites of policy TO3 will need to be considered more fully through the Sustainability Appraisal. We note that the Pre-submission Plan now includes the Ports Masterplan projects but the update to the SA does not include consideration of the impacts of these on the Marine Conservation Zone. We advise the Sustainability Appraisal should be updated and its advice incorporated into the Plan.

**Since the proposals in SS6 and TO3 are key strategic elements on which the Plan depends, a caveat which prevents development if there is adverse harm to a designated site is not sufficient as this policy would not then be effective. We advise that these policies are currently unsound. We consider that the Policy would be effective if the amendments advised above were incorporated. If any of these suggested amendments are not deliverable or appropriate, we would wish to be re-consulted.**

## 5.0 Waste Water – Policy W5

The age and capacity of shared sewers, especially in Paignton has been identified in the Plan as a major infrastructure constraint to growth; one issue being that they serve both domestic sewage and surface water. In times of flood, the outfall as articulated in the Water Cycle Study has the potential to damage environmental assets including those within the candidate Special Area of Conservation and Marine Conservation Zone in the Bay. This potential is also articulated in the Plan and the Plan seeks to address this issue. We welcome that all new build will incorporate Sustainable Urban Drainage systems to divert surface water away from sewers. However, it is noted that given the existing capacity of the system, especially the sewers themselves, even this may not be sufficient, particularly after 2020. It is unclear whether there would be an effect on the Special Area of Conservation or the Marine Conservation Zone and therefore how reliant the growth after 2020 is on additional unplanned infrastructure without which there are uncertain impacts on these environmental assets. Given that this equates to more than 3/5 of the planned growth, there is a significant risk to the delivery of the Plan. Whilst Policy W5 attempts to remedy this with the prevention of development that would affect the cSAC, we advised that this will not provide the certainty required for the policy to be effective. We also advise that Natural England not South West Water would be the advisors on whether development is likely to have an adverse effect on the integrity of the cSAC and that capacity and the potential for outfall in flood situations is a consideration as well as pollutants.

**We therefore consider the Policy W5 is not sound as it is not effective.**

## 6.0 Habitat Regulations Assessment

### 6.1 HRA Screening

We note that not all policies in the Plan have been screened for Likely Significant Effects. In

particular policy SS1 defers to policies SDT1, SDP1 and SDB1 which in turn defer to growth area policies which defer to neighbourhood Plans and a general caveat. The principle of the proposed growth has not therefore been assessed against effects on Natura 2000 sites. This is a serious omission of the HRA. Indeed, for certain types of potential impacts, such as those that relate to the location of and quantity of change, it is often necessary to undertake an assessment at Core Strategy level. That is because it is only at Core Strategy level that any necessary changes to the plan can be introduced to avoid likely significant effect upon European sites.

While we accept that the higher the level of a plan in the hierarchy, the more general and strategic will be its provisions, the protective regime of the Habitats Directive is intended to operate at differing levels. We are not yet persuaded by the evidence presented that it is not possible to undertake a more meaningful assessment of the effects of the strategic policies of the Core Strategy upon European sites. Whilst Appropriate Assessment has been carried out, we do not agree with its findings or solutions proposed as being effective.

## 6.2 Proposed approach for allocating sites

We note that Neighbourhood Plans and Master plans will be used to determine allocations relating to Policies SDT1, SDP1, SDB1 and the related Future Growth Areas. As stated above we advise that the evidence base is not sufficient to show that the proposed growth strategy can be achieved *without* causing serious harm to Torbay's natural environment or to the functioning of its infrastructure. We are concerned that the approach of allocating and assessing the impacts of the allocations further down the line is not appropriate as there may be instances where the required mitigation is not deliverable e.g. due to a lack of suitable habitat. The South Hams Special Area of Conservation is in part designated for its Greater Horseshoe Bat population and consists of 4 strategic sites, one of which is situated in Torbay at Berry Head. These areas are known to be linked and dependent upon another. In addition sustenance zones around each site, especially the maternal roosts are essential for the integrity of the Special Area of Conservation (SAC). Greater Horseshoe bats follow established routes but are susceptible to artificial light or changes to their routes. Further evidence is required to show that these features integral to the SAC are not compromised and mitigation measures are in place and can be delivered, to ensure certainty of no Likely Significant Effects from the development.

Because there are no allocations in the Plan, bespoke plans to ensure foraging and flyways are protected, is not considered an appropriate mechanism to ensure certainty of no Likely Significant Effects. We also have concerns that by relying on a general caveat of "*For European Protected Sites any proposals that may lead to likely significant effects will only be permitted where no adverse effects on integrity of the site can be shown*", that significant strategic sites are not deliverable as mitigation or avoidance measures may not be workable. This would then jeopardise the growth strategy of the whole plan, Furthermore, legislation, prevents Neighbourhood Plans giving rise to Likely Significant Effects and cannot themselves propose mitigation measures such as those proposed in the Plan. Therefore since it is the neighbourhood plans that would allocate development, their delivery of the proposed growth is uncertain and the methodology of the proposed development framework deferring allocations to neighbourhood plans is not legally sound. The impacts of the growth will therefore need to be undertaken at the Local Plan level.

The same principles would apply to the mitigation funding measures proposed to offset recreational pressures on the calcareous grasslands. More evidence is required to show:

- the impact that recreational pressures have on these areas,
- the management measures above that required for the management of a National Nature Reserve that will be needed to reduce the effects to insignificant
- And the mechanism for funding arrangements.

This was advised in our letter dated 7 June 2012, but no such survey is apparent in the Evidence base.

For certainty of funding (where evidence shows that on-site measures are appropriate mitigation) Natural England advises that this should be included in the infrastructure provision policy and where CIL is considered to be an appropriate means of funding should be included as the top priority in the Regulation 123 list.

As stated above, as the Harbour Plan was not screened for Habitat Regulation Assessment this needs to be carried out in the Plan, because it is referenced in the Plan and the Local Plan is dependent on some of its key features. On the evidence available to us, we advise that if all the proposed developments in policy TO3 are within the existing harbour areas the risk of Likely Significant Effects is much reduced. However, should a more detailed screening of the proposed development cannot show certainty of on Likely Significant Effects; a full Appropriate Assessment will be required. The proposed mitigation measures of a general caveat is not sufficient.

**We therefore advise that the Plan is legally unsound in its present format and the HRA is not compliant with the Habitat Regulations.**

## 7. Sustainability Appraisal

We have the following comments to make on the sustainability appraisal. We look forward to discussing these with you further.

1. The lack of proper consideration of the new Marine Consultation Zone and supporting habitat for the Special Area of Conservation is a significant omission.
2. We are not able to comment on some evidence and appraisals in the Plan as that is contained within appendices supporting the SHLAA which have not been made publically available. If these contain confidential information, then the evidence base should include an alternative appraisal to justify the statement *The Council believes that a growth strategy of 8,000-10,000 homes and a minimum of 17 hectares (65,000m<sup>2</sup> net) employment space, with associated community facilities, green infrastructure etc., is the upper level of development that can be achieved in a sustainable fashion, without causing serious harm to Torbay's natural environment or to the functioning of its infrastructure.*
3. If the appraisal evidence shows that the upper limit for growth without damage to the environment is 9 200 homes, it is unclear why the Sustainability Appraisal states that "*The growth strategy is based on the principles of sustainable development, having regards to the area's environmental capacity*" and concludes a positive outcome when the policy SS1 provides for up to 10 000 houses, 800 more than the environmental limit.
4. We advise that the mitigation and solutions where development conflicts with environmental assets must be deliverable. For key strategic development that the Plan depends upon, no development is not an adequate mitigation as whilst it might protect the asset, it conflicts with the objectives of the Plan.
5. Traffic light systems of appraisal should not be aggregated together to provide a pseudo evidence based quantifiable sustainability "tariff". This is not an acceptable method of determining sustainability which is a subjective undertaking. We therefore do not accept the statement "*This shows that the 'constrained, balanced growth' approach of 5 – 6,000 new jobs and 8 –10,000 new homes, as set out in the Draft Plan and submission versions of the Plan, performs much better than either of the other two options against sustainability criteria and for Torbay*" in the introduction. This may be true but is not supported by the methodology.

6. Whilst the Sustainability Appraisal gives a good iteration of the evolution of the Plan and how it was assessed against alternative options, there is no means that this can be tested by consultees as the evidence contained within the appendices to the SHLAA which are not publically available.

**We therefore advise that all evidence supporting the Plan should be made available and the Appraisal should be re-examined in the light of our comments. A sound Sustainability Appraisal is a legal requirement of the Plan.**

We would be happy to meet with you to discuss how the Plan can be made sound but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Laura Horner on [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

We also welcome your feedback on Natural England's revised standing advice in terms of its usability (ease of access, presentation), quality of content and, its clarity and effectiveness as a tool in guiding decision-making. Please provide this, with any suggested improvements, by filling in the attached customer feedback form or by emailing your feedback direct to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Sarah Fraser  
Senior Advisor

**Pickhaver, David**

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**From:** Horner, Laura (NE) [REDACTED]  
**Sent:** 04 April 2014 15:50  
**To:** Planning, Strategic  
**Subject:** FW: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April) FAO Mr Steve Turner  
**Attachments:** 113607 Torbay local Plan Pre- submission NE response Final.pdf; Natural England Consultation Feedback(v3)\_pub\_0001.pdf  
**Importance:** High

Dear Mr Turner

Please find enclosed the response from Natural England on the Torbay Pre-submission Local Plan. You will note from our response that Natural England does have some significant concerns about the methodology of the Plan and aspects of it affecting soundness; including the soundness of the Habitat Regulation Assessment. We would be very happy to meet with you to discuss our concerns further and solutions to the issues.

Regards  
Laura Horner

Mrs Laura Horner  
Lead Advisor Forward Planning Network

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Mobile [REDACTED]

[www.naturalengland.org.uk](http://www.naturalengland.org.uk)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England is accredited to the Cabinet Office Customer Service Excellence Standard**

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**From:** Planning, Strategic [<mailto:Strategic.Planning@torbay.gov.uk>]  
**Sent:** 31 March 2014 14:18  
**To:** Consultations (NE)  
**Cc:** Planning, Strategic  
**Subject:** FW: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear Natural England Consultation Service,

The above consultation is coming to an end at 9:00 am on Monday 7 April 2014. As the statutory nature conservation body, I would like to remind you to send through any comments you may have on the Local Plan Sustainability Appraisal Report and Habitat Regulation Assessment before the end of the consultation period. The two documents can be accessed as stated in the consultation letter below.

Yours sincerely

*Ashwag Shimin  
Strategic Appraisal Officer  
Strategic Planning Team  
Spatial Planning  
Environment  
Torbay Council*

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Please consider the environment- do you really need to print this email?

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**From:** Planning, Strategic

**Sent:** 21 February 2014 10:46

**To:** 'consultations@naturalengland.org.uk'

**Subject:** Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Dear Natural England Consultation Service,

**Torbay Local Plan - A Landscape for Success: The Plan for Torbay - 2012 to 2032 and beyond  
Publication of the Proposed Submission Plan**

Your consultee identification number is - **400188**

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council wishes to notify you that it is publishing the above Development Plan Document prior to submission to the Secretary of State for Independent Examination.

Views are invited specifically on matters concerning legal compliance, soundness and the duty to co-operate relating to the Proposed Submission Plan (the Plan), which will be published for a six week period from **9.00am Monday 24 February to 9:00am Monday 7 April 2014**. A Sustainability Appraisal (incorporating Strategic Environmental Assessment requirements) and a Habitats Regulations Assessment (HRA) have also been published and are available for comments.

The Plan is a revised version of the Local Plan Consultation Draft consulted on in September 2012. The Plan and accompanying documents, including a **Statement of Representations Procedure**, can be viewed from Monday 24 February online at [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan), at the Council's planning offices and in all Torbay libraries and Connections Offices during normal opening hours.

Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it the most efficient way in which to comment on the Local Plan. Alternatively, you should submit comments in writing via letter or e-mail preferably using a representation form (available to



**Pickhaver, David**

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**From:** Morgan Barbara [REDACTED]  
**Sent:** 17 April 2014 09:13  
**To:** Planning, Strategic  
**Cc:** Pickhaver, David  
**Subject:** Torbay Local Plan

Dear Sir/Madam

Network Rail has been consulted by Torbay Council on the Torbay Local Plan - Publication of the Proposed Submission Plan. Thank you for providing us with this opportunity to comment on this Planning Policy document. This email forms the basis of our response to this consultation request.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.

- Section 4.3.10: Policy SS6 Strategic Transport Improvements

*"Maintenance and enhancement of the rail network serving the Bay including new or improved passenger and freight rail services to and from the Bay, a new station at Edginswell, Torquay and enhancement of existing stations."*

Network Rail has worked and will continue to work closely with Devon County Council in order to develop their Devon Metro proposals, which includes proposals for a new station at Edginswell and the introduction of additional cross-Exeter services.

With regards to freight services, there are currently no freight operations on the line, and Network Rail is unaware of any proposals to introduce freight services.

*"Minimising the impact of development upon level crossings, and where necessary seeking developer contributions to help fund improvements to level crossings, where these are required as a result of development."*

Should any development occur that would impact on the operation of a level crossing, we would seek appropriate contribution from the developer for any required works.

- Section 4.3.22: Facilitating Sustainable Transport

*"The rail network provides a vital connection not just throughout the Bay but to the sub-region and beyond. The rail network south of Paignton to Kingswear is operated by the Dartmouth Steam Railway. An integrated transport system must include new and additional train services to and from the Bay. Securing additional main line inter-city routes between Torbay, London and Birmingham is vital to provide fast and efficient long distance travel. Demand for local services between Torbay, Newton Abbot and Exeter is strong and future measures, such as the Devon Metro scheme, are proposed to increase the capacity and frequency of services, with new stations serving expanding, mixed use communities such as at Torquay Gateway, and halts outside Torbay, specifically Kingskerswell. The Council will support measures to expand rail services past Paignton, subject to other Policies in the Local Plan and the Local Transport Plan."*

There are no current proposals for the provision of additional main line services between Torbay and London and Birmingham and these would need to be discussed with the Department for Transport and relevant Train Operating Companies. As part of Network Rail's Long Term Planning Process, the Western Route Study will be reviewing the longer term strategy to accommodate forecast growth to 2043 and this may drive the requirement for additional services in the future.

Network Rail has worked and will continue to work closely with Devon County Council in order to develop their Devon Metro proposals, which includes proposals for a new station at Edginswell and the introduction of additional cross-Exeter services. The only new station that has been proposed for the Paignton branch is at Edginswell, therefore Kingskerswell Halt has not been included in the development of the scheme.

With regards to the extension of rail services past Paignton, Network Rail's boundary with the Dartmouth Steam Railway lies to the south of Paignton station. Any proposals to extend rail services past Paignton would need to be discussed with the relevant infrastructure operators and Train Operating Companies.

- Section 6.3.1.32: Countryside, coast and greenspace

*"Part of Riviera Way Corridor ULPA (Urban Landscape Protection Area) is also identified as an area of search for a rail halt. This is considered to be compatible with the ULPA designation in principle. However, it is possible that a new railway halt may have some impact on part of the ULPA. In the event of any conflict, the operational and safety needs of Network Rail will need to be given appropriate weight."*

Any new rail infrastructure would need to be built to defined standards; therefore these standards will need to be applied in the development of the new station proposal.

Regards,



**Barbara Morgan**  
Town Planning Technician (Western)  
3<sup>rd</sup> Floor, Temple Point  
Redcliffe Way, Bristol BS1 6NL

Email: [townplanningwestern@networkrail.co.uk](mailto:townplanningwestern@networkrail.co.uk)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*  
\*\*\*\*\*



## Making Representations - Guidance Notes and Representation Form

**Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal**

### 1. Making representations

Representations (comments) must be made in writing to the Council during the publication period – **9:00am on Monday 24 February to 9:00am on Monday 7 April**. Comments received outside this period will not be accepted and submitted to the Inspector appointed to conduct the Independent Examination of the Proposed Submission Torbay Local Plan (Plan). Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a document and made publicly available on the Council's website.

Torbay Council will be using an **online consultation portal** and we would strongly encourage you to use this system to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

### 2. Introduction

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

### 3. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

#### 4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- **Positively prepared**

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- **Justified**

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- **Effective**

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- **Consistent with national policy**

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF. If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

## 5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

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Torbay Local Plan  
*A Landscape for Success*  
The Plan for 2012 – 2032 and beyond  
Proposed Submission Plan

For official use:

## Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

### Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mr	
First name(s)	Gavin	
Last name	Bloomfield	
Organisation (if you are representing that organisation)	RSPB	
Address – line 1	Keble House	
Address – line 2	Southernhay Gardens	
Address – line 3	Southernhay	
Post Town	Exeter	
Postcode	EX1 1NT	
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk).

Postal comments should be sent to:

Torbay Local Plan  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> Floor)  
Castle Circus  
Torquay  
TQ1 3DR

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## Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

TO1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

**Please note** that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

There should in our view be a recognition in this Tourism policy, given its emphasis on the promotion of coastal and marine-based activity, that disturbance to Berry Head's breeding guillemot population - a qualifying feature of the Berry Head to Sharkham Point Site of Special Scientific Interest (SSSI) which the SSSI citation describes as the 'only stable breeding colony of this species on the south coast' - from water-based activity is being investigated. Vessels passing too close to the cliffs on which the colony is located, and the Area of Special Protection is front of the colony, where birds raft, appear to be disturbing those birds.

It is clearly important for any increased water-based activity to avoid increasing disturbance to the SSSI, and this should be reflected in the Policy and supporting text.



(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Include wording along the following lines at the end of Policy TO1:

Marine activities around Berry Head will be monitored, and managed in order to prevent damage and disturbance to the Berry Head guillemot colony and Berry Head (Coastal Waters) Area of Special Protection.

(Continue on a separate sheet if necessary)

***Please note*** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

*Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.*

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To ensure that nature conservation interests are represented at the Examination.

(Continue on a separate sheet if necessary)

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.*

*Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.*

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

[Empty rectangular box for content]

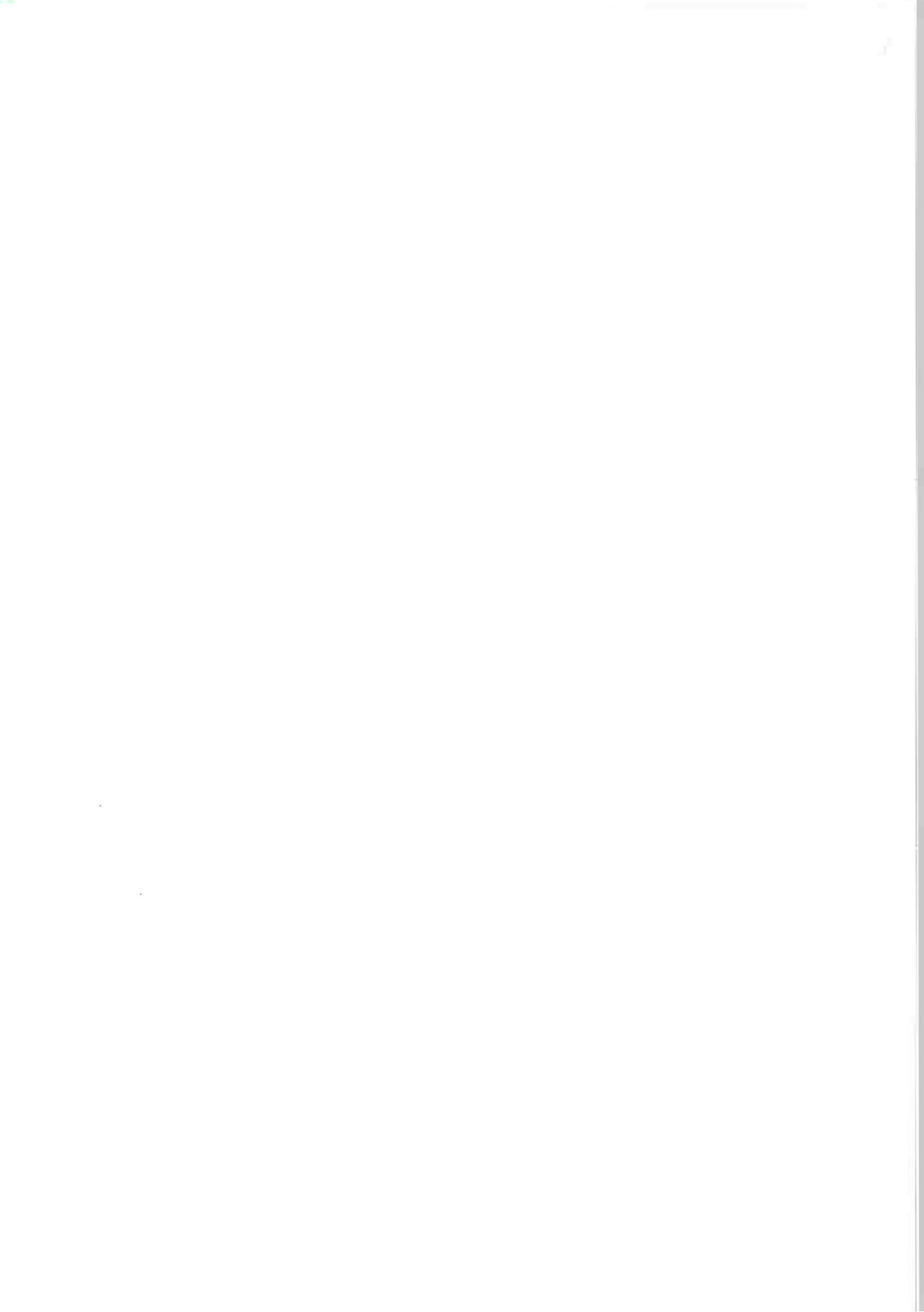
(Continue on a separate sheet if necessary)

Signature:

Gavin Bloomfield

Date:

21/07/2014





# Making Representations - Guidance Notes and Representation Form

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Proposed Submission Plan

For official use:

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This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

### Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mr	
First name(s)	Gavin	
Last name	Bloomfield	
Organisation (if you are representing that organisation)	RSPB	
Address – line 1	Keble House	
Address – line 2	Southernhay Gardens	
Address – line 3	Southernhay	
Post Town	Exeter	
Postcode	EX1 1NT	
Telephone number		
E-mail address		
Consultee ID (if known)		



E-mail comments should be sent to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk).

Postal comments should be sent to:

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Torbay Council  
Electric House (2<sup>nd</sup> Floor)  
Castle Circus  
Torquay  
TQ1 3DR

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## Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SS8

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

**Please note** that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We question whether this Policy complies with the nature conservation requirements of the NPPF, such as the direction, at 117, for planning policies to 'promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations...'

Policy SS8 focuses on the AONB and on landscape impacts, rather than a broader range of environmental receptors. It is unclear what is meant in the second bullet by: 'Development proposals outside of the AONB will be supported ... where the impact of development is commensurate with the landscape and ecological importance.'

We support and welcome the intent expressed in point 3, for the Council to seek 'long term land management practices to maintain or restore landscapes ... integrating biodiversity and green infrastructure objectives' and that 'If development impacts adversely upon biodiversity ... developer contributions may be required to improve management or enhancement of the

natural environment with a goal of achieving a net gain in biodiversity.' However, to give greater confidence that this will be effective it should be backed up by information on target habitats and species within Torbay, in accordance with the second bullet of NPPF 117: 'Planning policies should 'identify and map components of the local ecological networks, including ... wildlife corridors and stepping stones ... and areas identified by local partnerships for habitat restoration or creation.

We welcome supporting text 4.4.7, however we question whether seeking net gains to the natural environment 'as a desirable outcome' is sufficient to ensure their delivery. Paragraph 9 of the NPPF makes clear that the planning system, in achieving sustainable development, achieve net gains for nature.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend wording of the first sentence of point 2 to:

'Development proposals outside of the AONB will be supported where they conserve or enhance the distinctive landscape character and biodiversity priorities of Torbay.'

Add information to the Plan on the biodiversity priorities across Torbay, including cirl bunting habitats and territories (which can be simplified into red and amber zones), in particular in relation to proposed areas of Green Infrastructure delivery.

In 4.4.7, replace 'desirable' with 'essential'.

(Continue on a separate sheet if necessary)

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Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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To ensure that nature conservation interests are adequately represented at the Examination.

(Continue on a separate sheet if necessary)

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

**Please note** that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

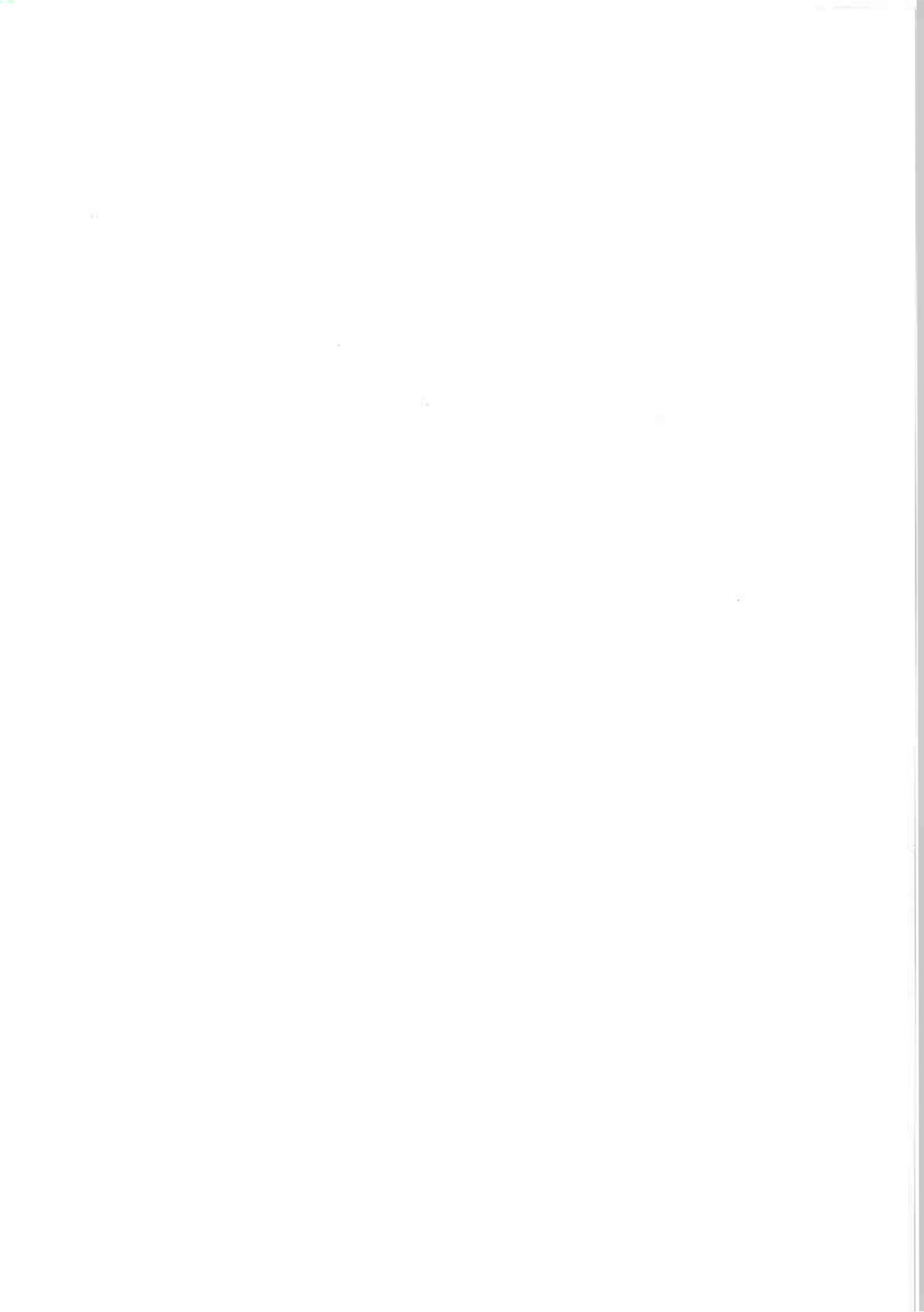
(Continue on a separate sheet if necessary)

Signature:

Gavin Bloomfield

Date:

21/07/2014



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Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

## **2. Introduction**

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

## **3. Legal Compliance and Duty to Co-operate**

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

#### 4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- **Positively prepared**

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- **Justified**

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- **Effective**

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- **Consistent with national policy**

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?



- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

## 5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

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Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan)) then this is not relevant.

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**Torbay Local Plan**  
*A Landscape for Success*  
The Plan for 2012 – 2032 and beyond  
Proposed Submission Plan

For official use:

## Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

### Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mr	
First name(s)	Gavin	
Last name	Bloomfield	
Organisation (if you are representing that organisation)	RSPB	
Address – line 1	Keble House	
Address – line 2	Southernhay Gardens	
Address – line 3	Southernhay	
Post Town	Exeter	
Postcode	EX1 1NT	
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk).

Postal comments should be sent to:

- Torbay Local Plan
- Spatial Planning
- Torbay Council
- Electric House (2<sup>nd</sup> Floor)
- Castle Circus
- Torquay
- TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

## Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SDT3

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

**Please note** that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We welcome the references within this Torquay Gateway policy to enhancing the natural environment and Green Infrastructure.

We also welcome the reference to biodiversity offsetting where on-site avoidance, mitigation and compensation does not provide a new gain in biodiversity. In particular, such an approach may be needed for impacts on curlew territories.

However, no detail appears to be provided in the plan to clarify how such off-site compensation would be planned, secured and delivered. As such we question how much confidence can be placed in it.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

A clear Policy articulation of how Torbay plans to secure off-site compensation for any justified residual ecological harm arising from development proposals. See also RSPB comments on Policy NC1 and its supporting text.

(Continue on a separate sheet if necessary)

***Please note*** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

***After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.***

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

**Please note** the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

To ensure that biodiversity is adequately represented at Examination.

(Continue on a separate sheet if necessary)

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

**Please note** that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

[Empty rectangular box for content]

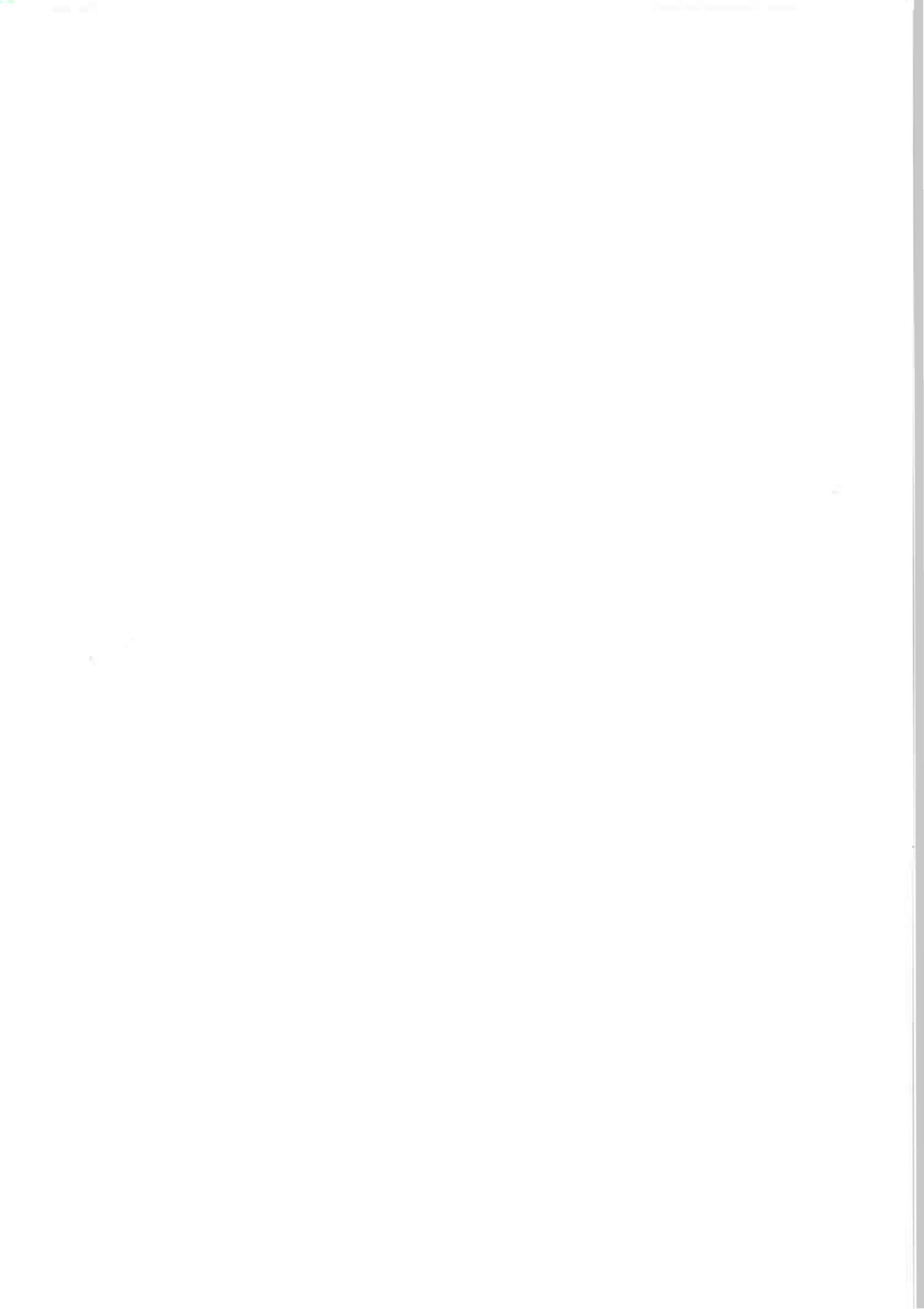
(Continue on a separate sheet if necessary)

Signature:

Gavin Bloomfield

Date:

21/07/2014







# Making Representations - Guidance Notes and Representation Form

**Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal**

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Proposed Submission Plan

For official use:

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Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

### Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mr	
First name(s)	Gavin	
Last name	Bloomfield	
Organisation (if you are representing that organisation)	RSPB	
Address – line 1	Keble House	
Address – line 2	Southernhay Gardens	
Address – line 3	Southernhay	
Post Town	Exeter	
Postcode	EX1 1NT	
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk).

Postal comments should be sent to:

Torbay Local Plan  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> Floor)  
Castle Circus  
Torquay  
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

## Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

6.1.2.27

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

**Please note** that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We welcome the reiteration that proposals - here relating to the marine environment - must avoid harm to ecology and biodiversity. However, as drafted, this supporting text suggests that where ecological interests below European significance are harmed, the proposal can proceed so long as compensatory measures are sought. This fails to reflect the fundamental tenet of nature conservation to conserve habitats/features/species in situ. Accepting ecological damage and seeking to offset it elsewhere can be subject to great uncertainty around the effectiveness of the compensation. Consequently, the 'overriding public interest' test should apply to all proposals, not just those relating to sites of European significance. This does not pose a disproportionately onerous test on proposals affecting sites/features/species of sub-European significance since the level of public interest that a proposal needs to generate in order to override the ecological significance of these is less.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend the second sentence to:

'Where harm cannot be avoided by a proposal and the public interest it generates overrides the significance of the ecological receptor harmed, appropriate compensatory measures should be sought.'

(Continue on a separate sheet if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

**Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.**

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

<p>To ensure that nature conservation interests are represented at the Inquiry.</p> <p style="text-align: right;">(Continue on a separate sheet if necessary)</p>
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**Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.**

**Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.**

6. Do you want to be informed of the following:

	YES	NO
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The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:



[Empty rectangular box for content]

(Continue on a separate sheet if necessary)

Signature:

Gavin Bloomfield

Date:

21/07/2014





# Making Representations - Guidance Notes and Representation Form

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You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

#### 4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- ***Positively prepared***

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- ***Justified***

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- ***Effective***

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- ***Consistent with national policy***

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF. If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

## 5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

## 6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan)) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for each policy you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

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**For further information or assistance please check the website at [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan) or contact the Strategic Planning team on 01803 208804.**



Torbay Local Plan  
*A Landscape for Success*  
The Plan for 2012 – 2032 and beyond  
Proposed Submission Plan

## Representation Form

For official use:

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

### Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mr	
First name(s)	Gavin	
Last name	Bloomfield	
Organisation (if you are representing that organisation)	RSPB	
Address – line 1	Keble House	
Address – line 2	Southernhay Gardens	
Address – line 3	Southernhay	
Post Town	Exeter	
Postcode	EX1 1NT	
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk).

Postal comments should be sent to:

Torbay Local Plan  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> Floor)  
Castle Circus  
Torquay  
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

## Part B – Your representation. Please use a separate Form for each policy you wish to comment on

---

Please state which policy this representation relates to?

Policy number

NC1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

---

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

**Please note** that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

- We welcome the tests for development in locally important sites, however the reasons for development outweighing damage to nature conservation interests should in our view be public benefits. Since wildlife is a public good, it would be inappropriate to approve ecologically damaging proposals that have solely private gain.

- Supporting text 6.3.2.5 refers to Torbay's important cirl bunting population, which we welcome. However, the plan's impact on this species is not mentioned here, and does not appear to be mentioned elsewhere in the plan. At 2.3.1 'Protection of Cirl Buntings' is bulleted under the 'big ticket item' of 'Protect and enhance a superb environment', however again no detail is given as to how cirl buntings will be protected. Some of the Plan allocations will harm some cirl bunting habitats and territories, and cumulatively the Plan's delivery could significantly affect Torbay's nationally important cirl bunting population. Given this anticipated strategic impact, it is in our view appropriate, indeed necessary, for the Plan to articulate a plan to ensure this doesn't happen, by clearly setting out a process through which harm to cirl



buntings arising from the Plan's delivery will be fully offset through the provision of off-site compensation, administered by Torbay Council.

-Supporting text 6.3.2.8 refers to biodiversity offsetting - which is also mentioned in various development policies - however there does not appear to be any description as to how this will be achieved. In national policy, biodiversity offsetting remains voluntary, so there is no strategic requirement for it to be delivered, and we are not aware of a local biodiversity offsetting strategy that has been adopted and is operational in Torbay. This leaves a major gap in the Local Plan's nature conservation armoury.

- Supporting text 6.3.2.9 suggests that new development should maximise opportunities to create features for wildlife through landscaping and design, and that these may include bird nesting and bat roosting sites/boxes where appropriate.

We welcome and support this, however as drafted we consider it to be too weak to be likely to have any effect on development design. At the least, it should in our view be promoted to policy NC1, or if it remains supporting text it should in our view be phrased more strongly, and it should articulate the level of provision that the Council expects. Good practice in this area is an average provision rate of one box per unit. This is the rate recommended, and being implemented, by Exeter City Council in their Exeter Residential Design Guide Supplementary Planning Document (Exeter City Council, 2010) (see para. 9.28 and Appendix 2).

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Replace 'reasons for development' with 'public benefit' in the start of the fourth (local site) paragraph, so that it reads:

'Development in locally important sites will only be permitted where there are no reasonable alternative sites, where the public benefit clearly outweighs damage to nature conservation interests .... '

Add text along the following lines to NC1 to articulate how the Council expects development to address harm to cirl bunting territories:

- 'development applications that risk harm to cirl bunting habitat and territories will be expected to provide on-site mitigation. Where, in spite of mitigation, the proposal risks compromising a cirl bunting territory, a commensurate contribution towards off-site compensation for cirl buntings will be required. Torbay Council will facilitate the strategic delivery of off-site compensation.'

Add a new policy or new text to NC1 to explain how Torbay Council requires biodiversity offsetting to operate.

Promote to policy NC1 and/or Policy D1 Design, the expectation that developments will incorporate integral bird and bat box provision. Add a sentence along the following lines:

'On average, integral bird and bat box provision should be one per residential unit.'

(Continue on a separate sheet if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.**

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

**Please note** the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

To ensure that nature conservation interests are represented at the Inquiry.

(Continue on a separate sheet if necessary)

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

**Please note** that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Gavin Bloomfield

Date:

21/07/2014

417366

**Pickhaver, David**

---

**From:** Dunn, Martyn J [redacted]  
**Sent:** 26 March 2014 10:39  
**To:** Planning, Strategic  
**Subject:** RE: Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Thank you for providing details of the above the content of which is noted and upon which South West Water has no specific comment at this time.

Martyn Dunn  
Development Coordinator

[redacted]  
South West Water, Peninsula House, Rydon Lane, Exeter, EX2 7HR

**From:** Planning, Strategic [mailto:Strategic.Planning@torbay.gov.uk]  
**Sent:** 21 February 2014 10:46  
**To:** Dunn, Martyn J  
**Subject:** Torbay Local Plan - Publication of the Proposed Submission Plan (Mon 24 Feb - Mon 7 April)

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear Mr Martyn Dunn,

**Torbay Local Plan - A Landscape for Success: The Plan for Torbay - 2012 to 2032 and beyond  
Publication of the Proposed Submission Plan**

Your consultee identification number is - **417366**

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council wishes to notify you that it is publishing the above Development Plan Document prior to submission to the Secretary of State for Independent Examination.

Views are invited specifically on matters concerning legal compliance, soundness and the duty to co-operate relating to the Proposed Submission Plan (the Plan), which will be published for a six week period from **9.00am Monday 24 February to 9:00am Monday 7 April 2014**. A Sustainability Appraisal (incorporating Strategic Environmental Assessment requirements) and a Habitats Regulations Assessment (HRA) have also been published and are available for comments.

The Plan is a revised version of the Local Plan Consultation Draft consulted on in September 2012. The Plan and accompanying documents, including a **Statement of Representations Procedure**, can be viewed from Monday 24 February online at [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan), at the Council's planning offices and in all Torbay libraries and Connections Offices during normal opening hours.

Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it the most efficient way in which to comment on the Local Plan. Alternatively, you should submit comments in writing via letter or e-mail preferably using a representation form (available to download via the website) which will ensure you provide all the information necessary for your response to be valid. Copies of the response form can be posted to you on request. It would be helpful if you could include your Consultee ID in your response

Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a public document and made publicly available on the Council's website.

Limited complementary hard copies of these documents are available on request. There may be a charge for additional copies of documents – please see details on the website. Please contact the Strategic Planning Team if you have any queries.

Yours sincerely

**Steve Turner**  
**Team Leader - Strategic Planning**

Strategic Planning Team  
Spatial Planning  
Place and Resources  
Torbay Council  
Electric House (2nd Floor)  
Castle Circus  
Torquay TQ1 3DR

Tel: 01803 208812

Email: [steve.turner@torbay.gov.uk](mailto:steve.turner@torbay.gov.uk)

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

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South West Water Limited - Registered in England No: 2366665

Pickhaver, David

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**From:** Gary Parsons [REDACTED]  
**Sent:** 04 April 2014 17:58  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan - Proposed Submission Plan (Feb 2014)

**Importance:** High

Torbay Local Plan  
Spatial Planning  
Torbay Council  
Electric House  
Castle Circus  
TORQUAY  
TQ1 3DR

4 April 2014

Our Ref:

Dear Sir / Madam

**Torbay Local Plan – Proposed Submission Plan (Feb 2014)**

Thank you for consulting Sport England on the above Local Plan document.

Sport England is the Government agency responsible for delivering the Government's sporting objectives. Maximising the investment into sport and recreation through the land use planning system is one of our priorities. You will also be aware that **Sport England is a statutory consultee on planning applications affecting playing fields.**

- The new Sport England Strategy 2012-17 sets a challenge to:
- See more people taking on and keeping a sporting habit for life
  - Create more opportunities for young people
  - Nurture and develop talent
  - Provide the right facilities in the right places
  - Support local authorities and unlock local funding
  - Ensure real opportunities for communities

Sport England has assessed the Local Plan in the light of Sport England's **Planning for Sport: Forward Planning** guidance. A copy can be found on our Planning for Sport section of the website <http://www.sportengland.org/facilities-planning/planning-for-sport/>

The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary, new sports facilities should be fit for purpose, and they should be available for community sport. To achieve this, our objectives are to:

- PROTECT** sports facilities from loss as a result of redevelopment
- ENHANCE** existing facilities through improving their quality, accessibility and management
- PROVIDE** new facilities that are fit for purpose to meet demands for participation now and in the future.

Sport England believes that sport has an important role in modern society and in creating sustainable and healthy communities. Sport and physical activity is high on the Government's national agenda as it cuts across a number of current topics that include health, social inclusion, regeneration and anti social

behaviour. The importance of sport should be recognised as a key component of development plans, and not considered in isolation.

The following comments are provided within the context of:

- The National Planning Policy Framework (DCLG, 2012).
- Sport England's Planning for Sport webpages (2014).

### **1. Local Plan & Evidence Base**

The National Planning Policy Framework (NPPF) published in March 2012 (replacing PPS12 & PPG17) states:

***Paragraph 73 – Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well-being of communities. Planning policies should be based on up-to-date assessment of the needs for open space, sport and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.***

Sport England has been working with the Council since last summer, on establishing an evidence base for sport and recreation including playing fields. Our guidance is set out here:

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/>

Draft strategies for both playing pitches and sports facilities have been completed and have been sent out today for public consultation which ends on May 2<sup>nd</sup> 2014.

**Summary/Action – Sport England supports the Council in establishing the evidence base for sport and recreation.**

### **2. POLICY SS10 Sustainable Communities (page 57) SUPPORT – Planning Obligations/Community Infrastructure Levy (CIL) to Sport**

Sport England supports use of planning obligations/community infrastructure levy (CIL) as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance, to meet the needs arising from new development. This does need to be based on a robust NPPF evidence base. This includes indoor sports facilities (swimming pools, sports halls, etc) as well as playing fields and multi use games courts. This evidence base is being developed as outlined in point 1 above.

All new dwellings in Torbay in the plan period (up to 2032 and beyond) should provide for new or enhance existing sport and recreation facilities to help create opportunities for physical activity whilst having a major positive impact on health and mental wellbeing.

**Summary/Action – Sport England supports the Council in seeking contributions from new housing to sport and recreation in order to create sustainable and healthy communities.**

### **3. POLICY SS3 (page 33) and SC2 (page 148) Protection of Sport & Recreation including playing fields**

Sport England acknowledges that the NPPF is promoting "sustainable development" to avoid delays in the planning process (linked to economic growth). That said, the NPPF also says that for open space, sport & recreation land & buildings (including playing fields) paragraph 74:



**Paragraph 74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:**

- **an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**
- **the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- **the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.**

**Summary/Action – Sport England supports this policy approach but based on an evidence base for playing fields and other outdoor sports played in open spaces e.g. tennis, golf and bowls etc and built sports facilities e.g sports halls. However, Sport England is not fully satisfied that policy SC2 is in line with the NPPF and is unclear of the definition of “compelling case”. Sport England recommends that Policy SC2 is reviewed and brought into line fully with the NPPF.**

*SC2 obj.  
Amend to bring into  
line with NPPF  
(define compelling case)  
need to  
update  
evidence  
base*

**4. POLICY SC2 (page 148) - Provision of recreational open space/sport**

Policy SC2 sets out a number of new sports facilities including the redevelopment of Clennon Valley. Details of Clennon Valley have until been recently have been withheld from the steering groups for the Playing Pitch and Sports Facilities Strategies. These new facilities should be aligned to the current work on developing Playing Pitch and Sports Facilities Strategies and reviewed periodically to ensure that they are still current and will be implemented. We note the provision of a Velodrome at Clennon Valley but it is unclear that this will be delivered at this time.

*SC2-*

**Summary/Action – Sport England supports this policy approach but based on an evidence base for playing fields (Playing Pitch Strategy) and sports facilities (Sports Facility Strategy).**

**5. POLICY DE1 – Design (page 138)**

*DE1 design should  
incorporate  
Active  
Design  
principles*

Active Design - Sport England believes that being active should be an intrinsic part of everyone's life pattern. The master planning of new housing proposal has a vital role in providing easy access to a choice of opportunities for sport and physical activity to suit all age groups for making new communities more active and healthy.

Sport England commissioned David Lock & Associates to investigate the contribution that masterplanning can make to create new environments that maximise opportunities for participation in sport and physical activity. **This work including a developer's checklist** has been completed and can be accessed via <http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>

Through an analysis of the current health agenda and urban design principles and good practice, the term ACTIVE DESIGN has been adopted to describe ways in which master planning can promote healthy environments through creating healthy environments through creating conditions for participation in sport and physical activity and the use of active travel modes (walking and cycling). Three overlapping Active Design objectives have been identified that should be promoted by master plans: improving accessibility; enhancing amenity and increasing awareness.

**Summary/Action - Sport England would encourage new developments from major urban extensions to small scale developments be designed in line with the Active Design principles and evidenced by use of the checklist.**

If you would like any further information or advice please contact the undersigned at the address below.

Yours sincerely

Gary Parsons  
Planning Manager



Creating a sporting habit for life



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Ashlands House, Ashlands, Crewkerne, Somerset, TA18 7LQ

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Torbay Local Plan  
*A Landscape for Success*  
The Plan for 2012 – 2032 and beyond  
Proposed Submission Plan

For official use:

400123

## Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

### Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Ms	
First name(s)	Rose	
Last name	Freeman	
Organisation (if you are representing that organisation)	Planning Policy Officer for The Theatres Trust	
Address – line 1	22 Charing Cross Road	
Address – line 2		
Address – line 3		
Post Town	London	
Postcode	WC2H 0QL	
Telephone number		
E-mail address	planning@theatretrust.org.uk	
Consultee ID (if known)	400123	

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

## 5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

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**For further information or assistance please check the website at [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan) or contact the Strategic Planning team on 01803 208804.**

E-mail comments should be sent to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk).

Postal comments should be sent to:

Torbay Local Plan  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> Floor)  
Castle Circus  
Torquay  
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

## Part B – Your representation. Please use a separate Form for each policy you wish to comment on

---

Please state which policy this representation relates to?

Policy number

TC01

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

---

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

*Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).*

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We do not find the plan to be sound as it does not conform to national policy – the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Policy TO1: Your two theatres are not mentioned in the text of this policy. Neither are they mentioned in Policy TC5 where they should be a major component of your evening entertainment facilities. It is unclear whether your theatres are included in any policies as there is no description or examples for visitor attractions and cultural facilities.

There is no policy to protect and retain community facilities. Community facilities are mentioned throughout the document in parts of the accompanying text, but there is no explanation as to what is meant by this term, nor a description in the Glossary, nor a policy for their general protection and enhancement to reflect item 70 in the NPPF on page 17 which states that to deliver the social, recreational and cultural facilities and services that the community needs, planning policies and decisions should plan for the use of shared space and

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Add extra words to Policy TC01, item 2, The retention and improvement of existing attractions, and the creation of new .....

The inclusion in the Glossary for a description of the term Tourist and Cultural Facilities (or similar) – Tourist and Cultural Facilities include theatres, cinema, concert halls, music venues (usually in pubs), museums, libraries, art galleries, country parks, waterfront attractions, landscapes and the coastline.

(Continue on a separate sheet if necessary)

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.*

*After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.*

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

guard against unnecessary loss of valued facilities. Also to ensure that established facilities and services are retained and able to develop for the benefit of the community.

Policy TC3 is the nearest to mentioning the loss of cultural facilities, but only in relation to new retail development, which isn't helpful, nor compliant.

In a new section on Health and Well-being within the recently published NPPG it is recommended that a range of issues should be considered through the plan-making and decision-making processes including social and cultural well-being. This takes the issue of 'health' much further than just access to doctors, and we suggest to reflect the NPPG that the document also includes cultural well-being and the provision of cultural facilities.

Although it doesn't specify what is meant by the term 'well-being', we suggest that well-being is having a sense of satisfaction with life. Social and cultural well-being includes the unmeasurable personal experiences that make us happy and content. Such experiences are intangible, not financially rewarding, and can either be active (sports) or passive (theatre). The provision of a variety of community infrastructure for tourism (cultural heritage) and town centre vitality (cultural facilities) etc are vital for their contribution to residents' and visitors' life satisfaction.

For the purposes of clarity, and perhaps an entry in the Glossary, Cultural facilities include theatres, cinema, concert halls, music venues (usually in pubs), museums, libraries and art galleries.

It has been unfortunate that theatres do not easily fit under any exact planning guidance heading – they can be a main town centre use, an element in a town's evening economy, a heritage asset, a tourist attraction, a business unit, a leisure facility, a cultural component or a community facility. They have been included within all these headings in various local authority planning policy documents over the last nine years. But there is now clear guidance in the new NPPF which states that one of the three dimensions to support economic development is for the support of communities' health, social and cultural well-being. It also recommends that established cultural facilities and services are retained and able to develop for the benefit of the community, and there should be policies to guard against the unnecessary loss of valued cultural and community facilities.

(Continue on a separate sheet if necessary)



*Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.*

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

(Continue on a separate sheet if necessary)

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.*

*Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.*

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Rose Freeman

Date:

3 April 2014

Pickhaver, David

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**From:** Rose Freeman [REDACTED]  
**Sent:** 03 April 2014 12:15  
**To:** Planning, Strategic  
**Subject:** Local Plan Submission  
**Attachments:** Local Plan Sub Rep Form.doc

Our Ref.: O/5712  
Your Ref.: 400123

**Local Plan Submission**

Thank you for your email of 21 February consulting The Theatres Trust on the published submission stage of the new Local Plan 'A Landscape for Success – The Plan for Torbay 2012 to 2032 and beyond'. Please find the Representation Form attached.

The Theatres Trust is The National Advisory Public Body for Theatres, and was established by The Theatres Trust Act 1976 to 'promote the better protection of theatres'. The Trust delivers statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) requires the Trust to be consulted on planning applications which include 'development involving any land on which there is a theatre.'

We are also a consultee for Neighbourhood Development Orders and Community Right to Build Orders, and encourage local authorities, parish councils and local groups to consult the Trust on Local and Neighbourhood Development Plans that concern local theatres.



[planning@theatrestrust.org.uk](mailto:planning@theatrestrust.org.uk)



**[Book now for Conference 14: Community Theatres](#)**

28 April 2014  
City Varieties Music Hall, Leeds  
[www.theatrestrust.org.uk/events/conference-14](http://www.theatrestrust.org.uk/events/conference-14)

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Learn more about theatres with our online resource '[Exploring Theatres](#)'  
Check out your local theatre on The Theatres Trust '[Theatres database](#)'

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## Torbay Local Plan, Spatial Strategy Proposed Submission Plan Woodland Trust response to the consultation.

Thank you for the opportunity to provide views on the consultation on the proposed submission of your Local Plan.

### **4.4 Aspiration 3: Protect and enhance a superb environment**

Whilst this aspiration is very positive the Woodland Trust would like to see a deeper recognition of the important role of woods and trees. It is important that there is no further loss of ancient trees through development pressure, mismanagement or poor practice. The Ancient Tree Forum (ATF) and the Woodland Trust would like to see all such trees recognised as historical, cultural and wildlife monuments scheduled under TPOs and highlighted in plans so they are properly valued in planning decision-making. There is also a need for policies ensuring good management of ancient trees, the development of a succession of future ancient trees through new street tree planting and new wood pasture creation, and to raise awareness and understanding of the value and importance of ancient trees. The Ancient Tree Hunt (<http://www.ancient-tree-hunt.org.uk/>) is designed specifically for this purpose.

Government policy is increasingly supportive of absolute protection of ancient woodland and ancient trees. The new National Policy Planning Framework clearly states: "...planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland..." (DCLG, March 2012, para 118).

However this NPPF wording should be considered in conjunction with other stronger national policies on ancient woodland –

- The Government's policy document 'Keepers of Time – A statement of Policy for England's Ancient & Native Woodland' (Defra/Forestry Commission, 2005, p.10) states: 'The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland'.
- The Government's Independent Panel on Forestry states: 'Government should reconfirm the policy approach set out in the Open Habitats Policy and Ancient Woodland Policy (Keepers of Time – A statement of policy for England's ancient and native woodland).....Reflect the value of ancient woodlands, trees of special interest, for example veteran trees, and other priority habitats in Local Plans, and refuse planning permission for developments that would have an adverse impact on them.' (Defra, Final Report, July 2012). This has been endorsed by the response in the recent Government Forestry Policy Statement (Defra Jan 2013): 'We recognise the value of our native and ancient woodland and the importance of restoring open habitats as well as the need to restore plantations on ancient woodland sites. We, therefore, confirm our commitment to the policies set out in both the Open Habitats Policy and Keepers of Time, our statement of policy for England's ancient and native woodland'.
- The Government's Natural Environment White Paper – The Natural Choice: securing the value of nature (HM Government, July 2011, para 2.56) states that: 'The Government is committed to providing appropriate protection to ancient woodlands....'.
- The new Biodiversity Strategy for England (Biodiversity 2020: A Strategy for England's Wildlife & Ecosystem Services, Defra 2011, see 'Forestry' para 2.16) states that – 'We are committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites'.

- The SW Forestry Framework (Forestry Commission, 2005) contains a key objective to 'Protect, improve and manage Ancient Semi-Natural Woodland...".

### **Policy SS9: (Green Infrastructure)**

We would like to see new woodland creation promoted as a positive green infrastructure requirement for development schemes. This very much fits with current Government policy: the National Planning Policy Framework (NPPF) supports the need for more habitat creation by stating that: 'Local planning authorities should: set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure', (DCLG, March 2012, para 114). Also para 117 states that: 'To minimise impacts on biodiversity and geodiversity, planning policies should:....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan'.

The new England Biodiversity Strategy which makes it clear that expansion of priority habitats like native woodland remains a key aim – 'Priority action: Bring a greater proportion of our existing woodlands into sustainable management and expand the area of woodland in England', (Biodiversity 2020: A strategy for England's wildlife and ecosystems services, DEFRA 2011, p.26).

A reading of these new policies in the National Planning Policy Framework together with the England Biodiversity Strategy indicates that habitat expansion, like native woodland creation, should form a high priority for this Strategic Policies document.

Woodland creation also forms a significant element in the conclusions of the Government's Independent Panel on Forestry, which states: 'Ensure woodland creation, tree planting and maintenance is part of the green space plan for new commercial and housing development' (Defra, Final Report, July 2012). This has now been endorsed by the response in the recent Government Forestry Policy Statement (Defra Jan 2013): 'We believe that there is scope for increasing England's woodland cover significantly to deliver economic, social and environmental benefits. We want to see significantly more woodland in England. We believe that in many, although not all, landscapes more trees will deliver increased environmental, social and economic benefits. We particularly want to see more trees and woodlands in and around our towns and cities and where they can safeguard clean water, help manage flood risk or improve biodiversity'.

The South West Forestry Framework Implementation Plan 2009-2012 (Forestry Commission, 2009, Action 2.3) highlights the need to "Encourage tree planting and woodland establishment", and this is repeated in Action 3.6 -"Develop spatial framework for targeting tree planting and woodland creation".

The Woodland Trust believes that woodland creation is especially important because of the unique ability of woodland to deliver across a wide range of benefits – see our publication Woodland Creation – why it matters <http://centrallobby.politicshome.com/fileadmin/epolitix/stakeholders/4117WoodandCreationbro.pdf>.

These include for both landscape and biodiversity (helping habitats become more robust to adapt to climate change, buffering and extending fragmented ancient woodland), for quality of life and climate change (amenity & recreation, public health, flood amelioration, urban cooling) and for the local economy (timber and woodfuel markets).

### **3. Trees for health & wellbeing**

We would like to see development schemes deliver green infrastructure – particularly woods and trees – as a cost effective means of improving people's health & wellbeing.

Although the relationship between the natural environment and health is a complex one, it is increasingly accepted that green infrastructure – such as trees, woods and forests – can contribute to both preventative and restorative wellbeing solutions.

Increasing evidence has demonstrated the critical impact that trees can make in encouraging more active lifestyles and alleviating the symptoms of some of our most debilitating conditions such as dementia, obesity, heart disease and mental health problems.

For instance, in relation to air quality, there is evidence that trees improve air quality through the absorption of particulates from vehicle emissions and other sources – such that it has been estimated that doubling the tree cover in the West Midlands alone would reduce mortality as a result of poor air quality from particulates by 140 people per year. (Stewart, H., Owen S., Donovan R., MacKenzie R., and Hewitt N. (2002). Trees and Sustainable Urban Air Quality. Centre for Ecology and Hydrology, Lancaster University). The Woodland Trust has published a new report on how trees can specifically help improve air quality – see Urban Air Quality <http://www.woodlandtrust.presscentre.com/Media-Library/Air-Quality-report-77a.aspx>.

This linkage between woodland and health is now firmly embedded in national Government policy for health, planning and forestry –

- Health: "Access to green spaces is associated with better mental and physical health across socioeconomic groups....Defra will lead a national campaign to increase tree planting throughout England, particularly in areas where tree cover would help to improve residents' quality of life and reduce the negative effects of deprivation, including health inequalities." Healthy Lives, Healthy People (Government White Paper, November 2010, paras 3.36-37).
- Planning: "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision." National Planning Policy Framework (DCLG, March 2012, para 73).
- Forestry: "Our trees, hedgerows, woods and forests contribute significantly to the quality of life in both rural and urban areas. Amongst other things, they enhance the local environment and biodiversity, support economic growth through regeneration, help mitigate the impact of climate change, assist in reducing air pollution and provide important health and educational benefits....The Natural Environment White Paper recognised the value and potential for green spaces to support and contribute to everyone's health and well-being. This is being reflected in the Public Health Outcomes Framework, which underpins the new public health duty of local authorities'. Government Forestry Policy Statement (Defra, January 2013, p.16).

Recognising this linkage, the Woodland Trust has researched and developed the Woodland Access Standard (WAS<sub>t</sub>) for local authorities to aim for, encapsulated in our Space for People publication. We believe that the WAS<sub>t</sub> can be an important policy tool complimenting other access standards used in delivering green infrastructure for health benefits.

The WAS<sub>t</sub> is complimentary to Natural England's ANGST+ and is endorsed by Natural England. The Woodland Trust Woodland Access Standard recommends:

- that no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size
- that there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round-trip) of people's homes.

Providing more accessible trees, woods and green space could provide a critical link to healthier lives.

## **Policy DE 1: Design and Development**

Whilst the quality of public space is taken into account with Policy DE1 with existing trees we would also like to see references to street trees and urban planting providing extensive benefits for healthy urban living in terms of improving air quality, cooling the urban heat island and water quality and flow amelioration.

## **Policy DE 3: Development Amenity**

Whilst Policy SS9 does not indicate some loss of open space and redevelopment, Policy DE3 (Development amenity) does indicate the fact that open space could be lost with new homes. It is important that the network of Green Infrastructure is maintained, ideally it should be improved, as this would comply with the NPPF which requires an effective strategic approach.

## **Delivery and Monitoring**

There is no indicator of biodiversity proposed, or any other environmental targets. Local Planning Authorities should identify suitable indicators for monitoring the plan, but 'net gain' is not identified as something that should be measured. Therefore, measuring the area of local BAP habitat proposed, created, restored or managed as a result of local planning decision, against the area of habitat lost, damaged or declining as result of a planning decision, should also be taken into account with your Local Plan Annual Monitoring Reports.

**Pickhaver, David**

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**From:** Victoria Bankes Price [REDACTED]  
**Sent:** 04 April 2014 23:22  
**To:** Planning, Strategic  
**Subject:** Woodland Trust comments on Torbay Local Plan Proposed Submission  
**Attachments:** Torbay Local Plan Woodland Trust Comments.doc

Sir/Madam

Please find the Woodland Trust's comments attached. Please do not hesitate to get in touch with me if you would like to discuss our submission.

Kind regards

Victoria Bankes Price

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