

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

<b>Consultee ID</b>	<b>File No.</b>	<b>Person / Organisation</b>
828890	F2	Brixham Peninsula Neighbourhood Forum
816891	F3	Churston Galmpton and Broadsands Community Partnership
844172	F11	Collaton Defence League
468932	F7	Paignton Heritage Society
704914	F1	Paignton Neighbourhood Forum
468649	F5	St Marychurch and District Community Partnership
847437	F10	Stoke Gabriel Low-E Group.
418700	F8	Stoke Gabriel Parish Council
830233	F9	Stoke Gabriel Parish Plan Group
TTCCP: 478209 CCLCP: 817448	F4	Torquay Town Centre Community Partnership and Cockington Chelston and Livermead Community Partnership (joint response)
496966	F6	Torre and Upton Community Partnership (Mrs. Susan Colley for)

## Comments

### Torbay Local Plan Proposed Submission Consultation February 2014 (24/02/14 to 07/04/14)

Comment by	BPNF ( )
Comment ID	6
Response Date	31/03/14 13:12
Consultation Point	Torbay Local Plan A landscape for success Proposed Submission Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1

#### Question 1: Legal compliance, soundness and duty to co-operate

Do you consider that this policy/proposal of the Local Plan is **legally & procedurally compliant, and/or sound and/or complies with the duty to co-operate** ? (Please note that the considerations in relation to the Local Plan being 'legally & procedurally compliant', 'sound' and 'complying with the duty to co-operate', are explained in the representation form guidance notes, as well as paragraph 182 of the National Planning Policy Framework).

Do you consider the Local Plan is:

Legally compliant	Yes
Sound	Yes
Complies with the duty to co-operate	Yes

#### Question 3. Modifications

*Note: Any non-compliance with the duty to co-operate cannot be dealt with by modification at examination.*

Do you consider any modification(s) are necessary to address your representation and make the Local Plan legally compliant or sound? No

#### Question 4: Oral Examination

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

If your answer is 'No' you will move on to Question 6

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

### Question 6: Next Stages Question

Information about the next stages of the Development Plan.

Do you want to be informed of the following:

Submission of the Local Plan to the Secretary of State? Yes

The publication of the Inspector's Report of the Examination? Yes

The Adoption of the Torbay Local Plan by the Council? Yes

### Question 7: Other comments

This question applies to Local Plan **Parts 1, 2, 3, 7 and Appendices ONLY**. If you have representations relating to **Local Plan policies**, please make comments in that part of the document by answering **Questions 1 to 6**.

**If you have 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:**

1. The Brixham Peninsula Neighbourhood Forum does not agree with the AGLV (Area of Great Landscape Value) land having been removed from the plan as this could affect the sustainability of food production in the area and has the potential to erode green spaces between the villages.
2. The Brixham Peninsula Neighbourhood Forum agrees with the number of houses proposed for the Brixham Peninsula Neighbourhood Plan area.
3. The Brixham Peninsula Neighbourhood Forum supports the policies contained within the plan that protect the green spaces and the ecology of the Bay.

The Brixham Forum discussed the housing numbers and it was agreed to make no comment on the overall number across the bay (8,000 to 10,000). Generally it is felt that the plan is a balanced document.

**Churston, Galmpton and Broadsands  
Community Partnership**

**Representations on the proposed Torbay Local Plan  
6 April 2014**

<b>Part 1: Introduction</b> (Pages 1-6)	
<p><b>Paragraph 1.1.3</b> (Sustainable, realistic ambition)</p> <p><u>Insert:</u> the words <i>"the Plan assumes"</i> before the words <i>"the growth trend will be upwards"</i></p> <p><u>Reason:</u> No justification has been provided for the assertion that the growth trend will be upwards. Deaths exceed births every year in Torbay and net inward migration has reached a balanced position. Torbay is not like other areas where births exceed deaths and the trend of net migration is consistently upwards. Hence the Plan can state no more than an assumption as to the trajectory of growth.</p>	<p>Not Sound</p>
<p><b>Paragraph 1.1.5</b> (Sustainable, realistic ambition)</p> <p><u>Insert:</u> the following words at the end of the paragraph</p> <p><i>"The overriding objective is to ensure job led growth and a balanced provision of housing and related development. It may be necessary to vary the figures downwards as well as upwards if monitoring results show this is necessary in order to achieve sustainable development."</i></p> <p><u>Reason:</u> Population growth in Torbay is due entirely to inward migration as shown in the supporting evidence to the Plan. If job growth within Torbay fails to keep pace with housing growth, there will be the need to find work elsewhere in the sub-region, same contrary to the principle of securing sustainable development. Failing to maintain a balance of land use between jobs and homes thus conflicts with NPPF 37.</p>	<p>Not Sound</p>
<p><b>Paragraph 1.1.8</b> (Environmental capacity)</p> <p><u>Delete:</u> the second from last sentence that reads <i>"We know, for example, there is land for around 9,200 homes over the next 20 years without breaching environmental limits."</i></p> <p><u>Reason:</u> The SHLAA maps show that 9,200 would cause the loss of large tracts of land currently designated as countryside. Loss of such areas conflicts with NPPF 109 which states that the planning system should be <i>"protecting and enhancing valued landscapes"</i>. The importance of this being achieved in Local Plans has been stressed by the Minister for Planning in his recent letter of 3 March 2014 to the Chief Executive of the Planning Inspectorate (see <b>Appendix 1</b> attached).</p>	<p>Not Legally Compliant</p>



<p><b>Paragraph 1.1.12</b> (Future Growth Areas)</p> <p><u>Insert:</u> the following words at the end of the paragraph <u>and</u> onto the notation panel of the Key Diagram and Policies Map Booklet (alongside the notation showing - Future Growth Area for housing and related development SS1, SS2, SS5, SS11):</p> <p><i>"The Future Growth Areas indicated define areas of search. They are not allocations of land for development. The sequence, timing, nature and capacity of development within these areas will be determined in the Neighbourhood Plans and may go beyond 2032."</i></p> <p><u>Reason:</u> NPPF 47 (bullet 3) makes clear that there is no requirement for a Local Plan to identify a supply of specific sites or broad locations beyond 15 years. Paragraph 1.1.12, plus the policies that follow, and the policies map, cumulatively have this effect. As a result, it exposes the land shown on the policies map to premature allocation and development by releasing it from protection provided by the designations of Countryside and Areas of Great Landscape Value in the current Local Plan. This conflicts with the Minister's letter (see Paragraph 1.1.8 above), usurps the role of the Neighbourhood Plans, and is not justified by the acknowledgement throughout the Plan that significant uncertainty exists about the need for the land within the plan period (see representations on <u>Paragraph 2.2.13</u> below).</p>	<p>Not Sound</p>
<p><b>Paragraph 1.1.15</b> (Monitoring)</p> <p><u>Insert:</u> the following words at the end of the paragraph: <i>"For clarification, the term 'major change' means that public consultation will be undertaken if an increase in the supply of land is considered to be required for jobs or homes that would mean increasing the supply of land defined in the local plan by more than 25% in any 5 year major review period."</i></p> <p><u>Reason:</u> There is scope for significant ambiguity in the words used regarding the proposed major review monitoring arrangements proposed. The need to ensure a balanced provision of jobs and homes, and finite capacity of land supply are recognised in the proposed Local Plan. It will be important for the community to know when it will be able to contribute on a formal basis on any major variation believed to be necessary. It is 10 years since the last Local Plan was adopted (2004).</p>	<p>Not Sound</p>

<p><b>Part 2: Opportunities and challenges</b> (Pages 7-17)</p>	
<p><b>Paragraph 2.2.5</b> (Economic recovery and success – Plan position)</p> <p><u>Insert:</u> words after the second sentence: <i>"This will require careful monitoring to ensure that job led growth is achieved and does not lag behind housing growth proposed"</i></p> <p><u>Reason:</u> The Torbay Local Plan Evidence Study - Housing Requirement Report (2013) recognises that the unusual economy of Torbay currently faces a number of problems (page 34 section 3.4). Alongside this evidence must be noted that in the 10 year period 2001-2011 Torbay saw the addition of 5,000 homes, population grew by only 1,400 and jobs decreased. This unsustainable imbalance must not be repeated.</p>	<p>Not Sound</p>
<p><b>Paragraph 2.2.13</b> (Supporting facts)</p> <p>(a) <u>Insert:</u> three new bullet points before the 1<sup>st</sup> bullet point to read:-</p> <ul style="list-style-type: none"> <li>• <i>"Inward and outward migration have been coming closer together in the Bay over</i></li> </ul>	<p>Not Sound</p>

<p><i>the last 20 years. They are currently in balance with each other (2011)."</i></p> <ul style="list-style-type: none"> <li>• <i>"Over the 10 year period 2001 to 2011, the Bay's resident population grew by 1% (1,400 from 129,700 to 131,100)."</i></li> <li>• <i>"Births in the Bay continue to be lower than deaths every year. The gap has been narrowing but ONS expect the gap to continue."</i></li> </ul> <p><b>(b.)</b> <u>Insert:</u> the following at the end of the second bullet point at the foot of page 13:</p> <ul style="list-style-type: none"> <li>• <i>"All mid year estimates over the past 20 years and all projections of future growth over the past 8 years made by ONS have been revised downwards on review, and further downward revision of the latest projection is expected. If account is taken of actual migration and the gap between births and deaths, the Bay's population is expected to grow by not more than 6,200 by 2031."</i></li> </ul> <p><b>(c.)</b> <u>Insert:</u> the following at the end of the first bullet point at the top of page 14:</p> <ul style="list-style-type: none"> <li>• <i>"After account is taken of actual population change and structure that has been taking place in the Bay, not more than 3,400 new homes are realistically expected to be required by 2031"</i></li> </ul> <p><b>(d.)</b> <u>Delete:</u> all words of the second bullet point at the top of page 14 that read:</p> <ul style="list-style-type: none"> <li>• <i>"Household size is predicted to fall from 2.17 people (2011) to about 2.07 in 2032 – a smaller fall than previously projected. Nonetheless, around 3000 new homes will be needed just to meet the needs of Torbay's residents (even if there was no migration)"</i></li> </ul> <p><u>Replace with:</u></p> <ul style="list-style-type: none"> <li>• <i>"Household size in Torbay has changed very little over the last 20 years. The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991."</i></li> </ul> <p><b>Reason:</b> All of the above facts have been drawn from the evidence base documents used to produce the Local plan. They give a very different picture of the provision that should be made in order to achieve the sustainable outcome required by the NPPF and needs of Torbay. The difference has major implications on the amount of Greenfield land that would be required. As a clear example, the prediction that 3,000 new homes will be required to meet a reduction in household size is not justified and repeats the overestimate of previous assumptions that have not actually materialised in Torbay. This prediction alone accounts for some 40% of the proposed increase of 8-10,000 homes which is extraordinary.</p> <p>Further information on the above facts in support of this representation is enclosed (see <b>Appendix 2</b> attached). The Appendix shows that not more than 3-4,000 homes will be <u>required</u>, which equates to not more than 150-200 per annum (750-1,000 over 5 years). This is a separate matter to what the actual <u>capacity</u> of the Bay to deliver housing may be.</p>	
<p><b>Paragraph 2.3.1</b> (The 'big ticket' items)</p> <p><b>(a.)</b> <u>Insert:</u> In the first bullet point under the heading "<i>Protect and enhance a superb environment</i>" after the word "<i>ANOB</i>" insert the words "<i>and the Undeveloped Coast</i>"</p> <p><b>Reason:</b> The Community Partnership have applied to have part of the area for which they now seek the Undeveloped Coast policy to apply (see comment (a.) on <u>Policy C2</u> below) to registered as an AONB. Whilst this AONB boundary change is effected or otherwise, it is important to afford satisfactory protection to land which local residents value as highly as the rest of the AONB.</p>	<p>Not Sound</p>



<p><b>(b.)</b> <u>Insert:</u> figure "up to 3,000" in place of "up to 7,500" in the 3<sup>rd</sup> from last bullet point list under sub-heading "Create more sustainable communities and better places"</p> <p><u>Reason:</u> Accords with the changes necessary to <u>Paragraph 2.2.13</u> set out earlier above.</p>	
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<b>Part 3: Vision and ambition (Pages 18-23)</b>	
<p><b>Paragraph 3.2.9</b> (Momentum and targets)</p> <p><u>Insert:</u> a sentence at the end of the paragraph to read "<i>However, regard must also be given to the fact that these projections have proven to be overestimates consistently and in particular risk creating the allocation of Greenfield land before such release is justified.</i>"</p> <p><u>Reason:</u> To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above.</p>	<p>Not Sound</p>

<b>Part 4: Spatial strategy and policies for strategic direction (Pages 24-65)</b>	
<p><b>Paragraph 4.1.3</b> (Introduction)</p> <p><u>Insert:</u> a sentence at the end of the paragraph to read "<i>Above all, the priority of this Local Plan is to achieve job led growth, not housing led growth.</i>"</p> <p><u>Reason:</u> To ensure there is no repeat of the imbalance that occurred in the last 10 years referred to at <u>Paragraph 2.2.5</u> above. The reference to "<i>priority</i>" in paragraph 4.1.4 is inadequate and ambiguous. The priority is not the maintenance of the 5 year supply of housing at a rate that fails to achieve job growth.</p>	<p>Not Sound</p>
<p><b>Paragraph 4.1.6</b> (The demand for jobs and homes)</p> <p><u>Insert:</u> figures "150-200 per annum" in place of "400-500 per annum"</p> <p><u>Reason:</u> To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above.</p>	<p>Not Sound</p>
<p><b>Policy SS1</b> (Growth Strategy for a prosperous Torbay)</p> <p>Under the policy sub-heading 'Growth Strategy for a prosperous Torbay':</p> <p><b>(a.)</b> <u>Insert:</u> the word "<i>must</i>" in place of "<i>should</i>" in the second paragraph</p> <p><b>(b.)</b> <u>Insert:</u> "<i>between 150-200</i>" and "<i>3-4,000</i>" in place of "<i>between 400-500</i>" and "<i>8-10,000</i>" respectively in the fourth paragraph;</p> <p>Under the policy sub-heading 'Existing commitments':</p> <p><b>(c.)</b> <u>Insert:</u> "<i>1,000</i>" in place of "<i>2,000</i>" in the paragraph;</p>	<p>Not Sound</p>

<p>Under the policy sub-heading 'Strategic Delivery Areas':</p> <p><b>(d.)</b> <u>Insert:</u> after the first paragraph <i>"For the avoidance of doubt, Future Growth Areas indicated on the Policies Map are not land allocations for development. They are areas of search for consideration and determination in the relevant Neighbourhood Plan."</i></p> <p><b>(e.)</b> <u>Delete:</u> "Major" from the beginning of the 3<sup>rd</sup> paragraph</p> <p><u>Reasons:</u> (a.) Is necessary because the word "should" is ambiguous, and "must" is not. This matters in such an important policy statement. (b.) and (c.) are needed to accord with the changes necessary to Paragraph 2.2.13 referred to above. (d.) and (e.) are required for the avoidance of doubt as to what is meant by the words for "Information" in the policy and Policies Map and "Major" in the policy.</p>	
<p><b>Paragraph 4.1.19</b></p> <p><u>Insert:</u> at the end of 3<sup>rd</sup> bullet point <i>"including food production."</i></p> <p><u>Reason:</u> To draw attention to a key role played by the Bay's countryside.</p>	Not Sound
<p><b>Paragraph 4.1.20</b></p> <p><u>Insert:</u> the words <i>"and the Undeveloped Coast"</i> after "AONB" in the first sentence.</p> <p><u>Reason:</u> Given the known habitat areas of the Cirl Bunting and the Greater Horseshoe Bat, the Undeveloped Coast is <u>as likely</u> to require a SA or HRA as a development on the AONB.</p>	NPPF Omission
<p><b>Paragraph 4.1.22</b></p> <p><u>Delete:</u> the words <i>"Business growth will give rise to more employment opportunities which, in turn, will give rise to increased demand for new homes - alongside the demand arising from inward migration and reduced household size."</i></p> <p><u>Reason:</u> 5-6,000 jobs are proposed. Those who are currently unemployed in the Bay number around 3,000. Net inward migration is in balance, and reduction in household size continues to be grossly overestimated in the Bay as per the representations at Paragraph 2.2.13 above.</p>	Not Sound
<p><b>Policy SS3</b> (Presumption in favour of sustainable development)</p> <p><u>Insert:</u> As a new sentence at the end <i>"Development which is not sustainable by virtue of being against the various requirements of the NPPF, the Local Plan, or the relevant Neighbourhood Plan will be opposed"</i>.</p> <p><u>Reason:</u> To reflect the NPPF there should be an explicit statement that <u>unsustainable</u> development will be opposed.</p>	NPPF Omission
<p><b>Policy SS6</b> (Strategic transport improvements)</p> <p><u>Check:</u> On the accompanying proposals map, a cycleway along the route of the John Musgrave Heritage Trail along what is variously known as Quay Lane and America Lane is proposed. The text at 3. states this is a public right of way. This is correct. However, the public right of way is understood by the Community Partnership to be over private land currently within the control</p>	Not Sound



<p>of the local farmer Mr Richard Haddock. Without his consent to any cycleway, the basis on which any proposals for same could be implemented appears unclear. Perhaps it might be in order for the LPA to clarify the situation prior to publication of the plan and consult in a more detailed manner with walking groups given use by walkers and cyclists may conflict.</p> <p><u>Reason:</u> Revised public access arrangements to private land cannot be assumed without any appropriate checks being made by the LPA.</p>	
<p><b>Policy SS8</b> (Infrastructure, phasing and delivery of employment)</p> <p>(a.) <u>Insert:</u> As new text in 2, after the words "an adjoining or nearby AONB" the words "and this is particularly the case for land designated C2 Undeveloped Coast".</p> <p><u>Reason:</u> It is important to relate the Undeveloped Coast to the maintenance of the AONB.</p> <p>(b.) <u>Insert:</u> As a new sentence at the end of 3, the text "Positive land management programs shall <u>not</u> be relied on as a positive justification for a development".</p> <p><u>Reason:</u> Allowing future positive land management to become a reason for the grant of planning permission causes a disincentive for land owners for positively manage their land in the run up to seeking planning consent</p>	Not Sound
<p><b>Policy SS9</b> (Natural environment)</p> <p>(a.) <u>Replace:</u> in item e) line one the word "should" with the word "must"</p> <p><u>Reason:</u> This is the minimum requirement of European Law.</p> <p>(b.) <u>Insert:</u> in item e) after the text "South Hams SAC" a sentence "Development which requires compensation to the SAC as opposed to mitigation will not be permitted".</p> <p><u>Reason:</u> Compensation and mitigation have different legal definitions and by preventing reliance on compensation, the most impactful harms will be avoided in the first place, thus creating a positive protection approach to the most sensitive European protected sites in the plan area. See also the suggested change to Policy T01 and the suggested change (c.) to Policy C1.</p>	Not Sound
<p><b>Paragraph 4.5.12</b> (Evidence of requirements)</p> <p><u>Insert:</u> a sentence at the end of the second bullet point paragraph to read "The evidence shows that migration has been falling for the last 20 years to the point where inward and outward migration are now in balance with each other (2011)."</p> <p><u>Reason:</u> As written, the paragraph implies that migration rates are not falling. They have been reducing for a considerable period as shown in <u>Appendix 2</u> attached. The demand for market housing has decreased accordingly.</p>	Not Sound
<p><b>Paragraph 4.5.13</b> (Evidence of requirements)</p> <p><u>Insert:</u> words at the paragraph end to read "All mid year estimates over the past 20 years and all projections of future growth over the past 8 years made by ONS have been revised downwards on review, and further downward revision of the latest projection is expected. If account is taken of actual migration and the gap between births and deaths, the Bay's population is expected to grow by not more than 6,200 by 2031"</p>	Not Sound

<p><u>Reason:</u> To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above</p>	
<p><b><u>Paragraph 4.5.14</u></b> (Evidence of requirements)</p> <p><b>(a.)</b> <u>Delete:</u> all words of the third bullet point that read:</p> <ul style="list-style-type: none"> <li>▪ <i>"Household sizes are falling, but less fast than predicted in the mid Twenty Zeros. A fall to 2.07 persons per household in 2032 (from 2.17 at the 2011 Census) generates a home grown need for about 3,000 additional homes by 2032."</i></li> </ul> <p><u>Replace with:</u></p> <ul style="list-style-type: none"> <li>▪ <i>"Household size in Torbay has changed very little over the last 20 years. The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991."</i></li> </ul> <p><b>(b.)</b> <u>Delete:</u> all words of the fifth bullet point that read:-</p> <ul style="list-style-type: none"> <li>▪ <i>"Migration rates fluctuate significantly, with some evidence of a fall in recent years. The average net in-migration was 1216 per year between 1991-2010 but only 400 per year 2007-2010."</i></li> </ul> <p><u>Replace with:</u></p> <ul style="list-style-type: none"> <li>▪ <i>"Migration rates have been falling over the past 20 years. Between 1991 and 2001 net-migration was 16,200. Between 2001 and 2011, net migration fell to 5,900. ONS figures for 2010-11 show inward and outward migration are now in balance (net-nil) but the latest ONS projection for 2021 still assume net-migration of 8,600 and downward revision is expected."</i></li> </ul> <p><b>(c.)</b> <u>Delete:</u> all words of the sixth bullet point that read:</p> <ul style="list-style-type: none"> <li>▪ <i>"Birth rates have risen significantly in the last decade. Average live births 2008-2011 were 1,441 per year compared to 1205 per year in 2001-2003."</i></li> </ul> <p><u>Replace with:</u></p> <ul style="list-style-type: none"> <li>▪ <i>"Births totaled 12,600 between 1991 and 2001. This increased to 13,400 over the 10 years from 2001 to 2011. The latest ONS projection assumes that the 10 year total will grow to 14,700 but will be at a lower rate in the second half of 2016-2021."</i></li> </ul> <p><u>Reason:</u> To accord with the changes necessary to <u>Paragraph 2.2.13</u> referred to above</p>	<p>Not Sound</p>
<p><b><u>Paragraph 4.5.17</u></b> (Land availability)</p> <p><u>Insert:</u> a sentence at the end of the paragraph to read <i>"However, having regard to population and demographic factors it is unlikely that more than 3-4,000 will require space to be found in the period to 2031."</i></p> <p><u>Reason:</u> To accord with the changes necessary to <u>Paragraph 2.2.13</u> referred to above</p>	<p>Not Sound</p>
<p><b><u>Paragraph 4.5.20</u></b> (Making better use of what we've got)</p> <p><u>Insert:</u> at the end of the paragraph the words <i>"the overwhelming majority of new housing on brownfield sites."</i> in place of <i>"around 50% of new housing on brownfield sites."</i></p>	<p>Not Sound</p>



<p><u>Reason:</u> To make it more clear that the objective is to make use of Greenfield land as a last resort.</p>	
<p><b>Paragraph 4.5.25</b> (Phasing of new development)</p> <p><u>Insert:</u> words at the end of the paragraph to read "<i>either upwards or downwards.</i>"</p> <p><u>Reason:</u> In view of the Bay's unusual population and migration characteristics, it would not be justified to assume only an upward revision may arise, as it is clear downward changes have been taking place that are equally important to take into account in order to achieve a sound plan that makes best use of the limited supply of environmentally non sensitive land that exists.</p>	<p>Not Sound</p>
<p><b>Table 4.3</b> (Source and timing of new homes)</p> <p><u>Insert:</u> a footnote to the table that reads "<i>The totals and timings in the above Table (4.3) are indicative only and are subject to determination in the Neighbourhood Plans and may go beyond 2032.</i>"</p> <p><u>Reason:</u> The need for and timing of individual sites will vary and involve Greenfield land that it would not be appropriate to release in advance of other sites in order to achieve a sustainable outcome.</p>	<p>Not Sound</p>
<p><b>Paragraph 4.5.32</b> (Explanation – Policy SS10)</p> <p><u>Delete:</u> words from the last sentence "<i>over the next 5 years</i>"</p> <p><u>Reason:</u> To make most use of the existing housing stock, and reduce the need for Greenfield land, the objective of bringing empty homes back into use should not be limited only to the next 5 years. Removing the words will signal that it is intended this objective will continue throughout the plan period.</p>	<p>Not Sound</p>
<p><b>Policy SS11</b> (Housing)</p> <p>(a.) <u>Insert:</u> in the first sentence "<i>3-4,000</i>" in place of the figures "<i>8-10,000</i>"</p> <p>(b.) <u>Insert:</u> additional sentence at the end of the fourth paragraph to read "<i>The review will be undertaken as part of the major review every 5 years (see Part 7)</i>"</p> <p><u>Reason:</u> To accord with the changes necessary to <b>Policy SS1</b> set out earlier above.</p>	<p>Not Sound</p>
<p><b>Paragraph 4.5.34</b> (Explanation - Housing)</p> <p>a) <u>Insert:</u> in the third sentence "<i>3-4,000</i>" in place of the figures "<i>8-10,000</i>"</p> <p>b) <u>Delete:</u> last two sentences that read "<i>This would meet the requirement as measured by the 2011 based (released 2013) DCLG Household Projections, which would equate to 8,800 dwellings if extrapolated to 2031. The figure will be reviewed through monitoring and adjusted for changes in migration rates, household size and economic performance.</i>"</p> <p><u>Reason:</u> To accord with the changes necessary to <b>Policy SS1</b> set out earlier above</p>	<p>Not Sound</p>

<p><b>Paragraph 4.5.36</b> (Explanation - Housing)</p> <p>a) <u>Insert</u>: in the first sentence "3-4,000" in place of the figures "8-10,000"</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above</p>	<p>Not Sound</p>
<p><b>Policy SS12</b> (Five year housing land supply)</p> <p>(a.) <u>Delete</u> in the first sentence the words "400 dwellings a year (i.e. 2,000 dwellings over 5 years), made up of from 270 a year on committed or identified sites and 130 on windfall sites." <u>Replace with</u> the words "150 dwellings a year (i.e. 750 dwellings over 5 years), made up of committed or identified sites and windfall sites"</p> <p>(b.) <u>Delete</u>: the word "serious" from criterion ii) of the proposed policy.</p> <p><u>Reason</u>: (a.) To accord with the changes necessary to <u>Policy SS1</u> set out earlier above. (b.) The word "serious" is open to subjective and inconsistent interpretation. It will be possible to determine in each application for planning permission if an infrastructure shortfall exists or not. By including the word "serious" there is a risk of creating a cumulative shortfall over time that should have been resolved at an earlier occasion.</p>	<p>Not Sound</p>
<p><b>Paragraph 4.5.38</b> (Five year housing supply - Explanation)</p> <p><u>Insert</u>: words at the beginning of the paragraph to read "Subject to other NPPF requirements."</p> <p><u>Reason</u>: The 5 year trajectory is not an absolute target that overrides other NPPF requirements. This has been confirmed by the Court of Appeal in the "Hunston" Judgment of December 2013 (EWCA Civ 1610)</p>	<p>Not Sound</p>
<p><b>Paragraph 4.5.41</b> (Five year housing supply - Explanation) Page 61</p> <p><u>Insert</u>: the figure "150" and "750" in place of "400" and "2,000" respectively.</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above</p>	<p>Not Sound</p>



**Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans** (Pages 65-89)

**BRIXHAM** Pages 83-89

**Policy SDB1**

Not Sound

- (a.) **Replace:** the word “town” at the end of the first paragraph with the word “landscape”.

**Reason:** The phrase Brixham Peninsula does not just apply to the town but to the areas around the town. The use of the word “town” is out of place.

- (b.) **Delete:** In the second para delete the words “800” and “40” and replace with “400” and “20”. Also delete the words “The expected delivery, pace and sequence of delivery...” and replace with “The capacity...”

**Reason:** Although Brixham may have a finite capacity of 800 new homes, this is a different consideration to the appropriate rate at which this finite capacity is used up over the plan period. The comments at [Paragraph 2.2.13](#) hence apply here.

- (c.) **Add:** the words “and Cirl Buntings” in the second sentence of the second paragraph after the reference to the Greater Horseshoe Bat.

**Reason:** Historically insufficient weight has been placed on protecting Cirl Bunting Habitat and it is important to highlight the importance of the species.

- (d.) **Replace:** the word “addressed” at the end of the second sentence at the second paragraph of the introduction with the words “safeguarded at current levels”

**Reason:** The word “addressed” is ambiguous.

**Paragraph 5.3.2**

Not Sound

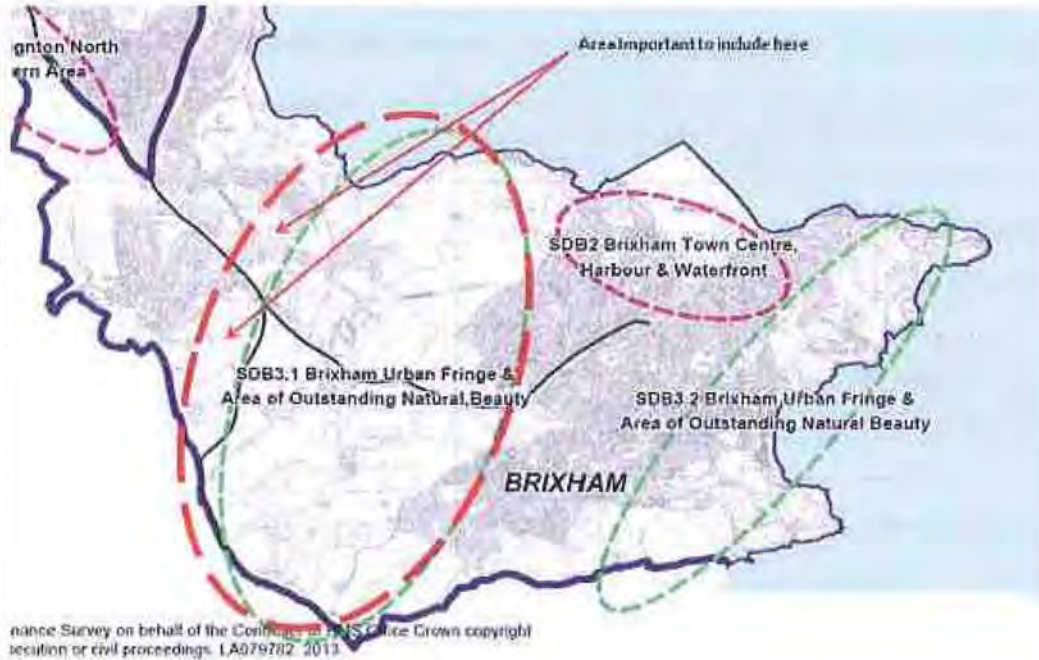
**Add:** after the first sentence starting “Churston ...” a new second sentence “Particularly to the north west of the AONB in this area, the landscape outside of the AONB boundary is of substantially similar character the AONB itself and makes an important contribution to the AONB both in terms of inter-visibility to and from the AONB and in terms of being an important public route into the AONB”.

**Reason:** The protection of the undeveloped landscape to the north west of the AONB is important to make up for the loss of the AONB through historical development to the north east. The Churston Galmpton and Broadsands Community Partnership have applied to Natural England to vary the AONB boundary to exclude the housing development to the north east and replace this with an equal sized parcel of land to the north east. Natural England advised that whilst they were looking into this the protection was better generated at a local plan level.

**Policy SDB3**

**Paragraph 5.3.2.1**

**Modify:** The proposals map in the key diagram as set out below:



**Reason:** The current area SDB3.1 omits two important areas and it is important to include these. In particular (i.) part of the golf course is omitted and this is designated a Rural Wildlife Corridor in the Green Infrastructure Plan; and (ii.) land to the east of Galmpton is omitted and this is designated AONB

Not  
Sound

**Table 5.18**

**Move:** The text starting "Note: Wall Park..." to the row starting SDB3.2.

**Reason:** This text is in the wrong place. The note pertains to SDB3.2 and not SDB3.1.

Not  
Sound



**Part 6: Policies for managing change and development in Torbay** (Pages 90-170)

**Aspiration 1: Secure economic recovery and success** Pages 90-103

<p><b>Policy TC1</b> (Town centres)</p> <p><u>Delete:</u> words in 4<sup>th</sup> line of 1<sup>st</sup> paragraph "should follow" and replace with "will follow"</p> <p><u>Reason:</u> For such an important policy, "should" is ambiguous and discretionary. The amendment removes the risk of the policy being misapplied.</p>	<p>Not sound</p>
<p><b>Policy TC3</b> (Retail development)</p> <p><u>Delete:</u> under sub-heading (D) the figure "1,000 sq m gross" and <u>replace with</u> "500 sq m gross".</p> <p><u>Reason:</u> The Brixham Peninsula, particularly the villages of Churston, Galmpton and Broadsands, contains many small shops that collectively are important to the function and sustainability of the centre. The impact of out-of-centre proposals needs to be assessed meaningfully. The level at which a retail impact assessment is required has been set too high.</p>	<p>Not sound</p>
<p><b>Policy T01</b> (Tourism, Events and Culture)</p> <p><u>Insert:</u> At the end of the first para ending "... will be actively encouraged" the words "and the natural landscape they rely on will be protected and enhanced".</p> <p><u>Reason:</u> Churston, Galmpton and Broadsands has some of the most important green tourism assets in the Bay when the spending power of different visitor types is assessed. The John Musgrave Heritage trail and other routes increase permeability into key green infrastructure assets and it is important to recognise that these assets need to be protected precisely for the purpose of actively encouraging green tourism.</p>	<p>Not sound</p>
<p><b>Policy T03</b> (Marine Economy)</p> <p><u>Replace:</u> The text at the end of the third para "no adverse effect on the integrity of the site can be shown" with the text "no adverse effect on the integrity of the site can be evidenced to the appropriate legal standard of proof".</p> <p><u>Reason:</u> The word "shown" is ambiguous in terms of what is meant to be required. The relevant test under European Law required the absence of an effect to be evidenced on the basis of the best scientific knowledge. This modification makes it clear to the reader of the plan what is required.</p>	<p>Not sound</p>

**Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure** Pages 104-109

<p><b>Policy TA3</b> (Parking requirements) Page 107 <b>and Appendix G</b> (see below)</p> <p><u>Insert:</u> at the end of the first sentence, "including spaces for commercial vehicles (e.g. white vans) being used by home working businesses."</p> <p><u>Reason:</u> Paragraph 4.2.31 encourages new business development, and home working is expected to become increasingly important. Currently between 10% and 12% of households either use commercial vehicles as their transport to work, or they are working from home</p>	<p>Not sound</p>
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using a 'white van.' Either way, their vehicles are parked on the roadway, having the effect of converting a two-way street into a single carriageway. This impedes the access of emergency vehicles, and increases the visual impact of development.

**Aspiration 3: Protect and enhance a superb environment** Pages 110-126

**Policy C1** (Countryside and the rural economy)

(a) **Add:** In the third para in the first line the word "only" before the word "the". Also Add the text "/wedges" after the word corridor in the second line.

**Reason:** To make it clear that development not in the following list will not be permitted. The document is currently not as clear as it should be on this point. Also to reference the more widely used term of green wedges.

(b) **Replace:** In the third para in the final line the word "minimise" with the word "prevent".

**Reason:** This para refers to the protection of sensitive sites. If the relevant test is the minimisation of harms it would be reasonable to conclude substantial harm would in fact be fully supported by the Local Plan so long as the substantial harm caused had been minimised as much as possible. This is clearly not what is meant. In addition, the whole purpose of village boundaries is to guide development towards these areas and the use of the word prevent is more likely to engender this.

(c) **Delete:** in the final para at the end of the first sentence the text which reads "as identified in the Torbay Landscape Character Area Assessment, the suitability of development and capacity of the countryside to accommodate change."

**Reason:** The purpose of this para is to protect. It is not limit the scope of protection. However, the inclusion of this inappropriate text will have exactly the latter result.

(d) **Insert:** in the final para after the sentence which ends "... recreational pressure on the South Hams SAC." A new sentence which reads "Development which requires compensation to the SAC as opposed to mitigation will not be permitted".

**Reason:** Compensation and mitigation have different legal definitions and by preventing reliance on compensation, the most impactful harms will be avoided in the first place, thus creating a positive protection approach to the most sensitive European protected sites in the plan area.

Not  
Sound

Not  
Legally  
Compliant

**Paragraph 6.3.1.9**

(a) **Replace:** on the first line the word "significant" with the word "higher".

**Reason:** The word significant is out of place and used in error. The comparator is trying to refer to the following text describing the small scale types of acceptable development and the text is trying to say that development in excess of this is not envisaged. In this context use of the word significant creates ambiguity as there is a wide band of development between the small scale types of development referred to and significant development.

(e) **Insert:** on the third line after the text "infill housing schemes" the text "of up to 5 units"

Not  
Sound



**Reason:** it is important to define what is meant in the context of small scale. It has variously been submitted to the local authority in recent weeks that small scale means up to 10 units. This is not what the local community understands by small scale and hence the inclusion of this text highlights the need for any justification for a scale in excess of this to be determined on a case by case basis.

**Policy C2** (The coastal landscape)

(a.) **Modify:** the undeveloped coast boundary as shown on the Policies Map in Sheet 31 and Sheet 32 by the inclusion of additional area as shown edged in red:



**Reason:** There is very good reason include this land within the area covered by policy C2 and no good reason to exclude it:

(1.) The Community Partnership have requested Natural England designate this area as AONB as it (i.) materially contributes to and (ii.) flows seamlessly into the AONB land and also in this case the adjacent C2 land (see [Appendix 3](#) attached). In the absence of the AONB designation coming into force it is important that local policies properly protect the this countryside (see [Appendix 1](#) attached especially the text underlined in red).

(2.) Public permeability in this area is high (as seen below in the number of formal walking routes - see below) and the sensitivity to change of the area requested to be included is high. Indeed, from the view receptor of Bridge Road / Bascombe Road junction, the undeveloped character of this land provides an iconic marine view to which specific reference is made in the John Musgrave Heritage Booklet which says: *"As the northern most vista of the Bay is unveiled Torquay's unmistakable promontory is apparent, tipped by the islets of Thatcher Rock and the Orestone"*

(3.) The proposed C2 land is materially more important when compared to other land within the countryside zone (e.g, land known as Brokenbury to the south variously designated SC2.6) in terms of its relationship to the sea. Without this proposed land being designated as C2 it is not possible to establish a hierarchy of protection to

Not  
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properly inform the readers of the plan that this proposed C2 site is more sensitive and more important than the other part of the countryside zone at Brokenbury.

(4.) The proposed C2 land is also materially more important when compared to other land within the currently proposed C2 boundary in the draft plan. For example it is simply not possible to see the sea from many part of the Churston conservation area to the south east and there is no inter-visibility to consider in these land assets either. The explanation for this is historical, the C2 boundary broadly tracks the previous CPA boundary and has not been informed by more recent developments.

**Plan showing formal walking routes in the vicinity of the proposed additional C2 land:**



(b.) **Insert:** in the last para in place of the words "will be permitted" the phrase "will only be permitted".

**Reason:** The word "only" is important to convey that this is a restrictive policy. In the absence of this word it is unclear how this policy applies.

(c.) **Delete:** from the last para the word "unacceptably"

**Reason:** The word implies that "acceptable" harm would be supported. This is not consistent with the support given in the Local Plan to the importance of the environment in Torbay.

(d.) **Insert:** In the last para in place of the words "landscape character" the words "landscape and/or seascape character".

**Reason:** The text is referring to the coast and seascape character is different to and at least as important as landscape character.

<p><b>Policy C4</b></p> <p><b>Paragraph 6.3.1.22</b> (Explanation – Policy C4)</p> <p><u>Delete:</u> in the middle of the sentence the word 'can' <u>and replace</u> with 'do'</p> <p><u>Reason:</u> to strengthen the wording of the explanation.</p>	<p>Not sound</p>
<p><b>Paragraph 6.3.1.24</b></p> <p><u>Add:</u> As a new sentence at the end <i>"Established hedges make a substantially more important contribution to the landscape and the wildlife than new hedges and it takes many years (decades) for new hedges to mature. The pre-emptive removal of hedges shall not be allowed to provide any basis for the promotion of a site for development and shall be relied on as evidence that planning conditions relating to landscape might have enforcement issues"</i>.</p> <p><u>Reason:</u> In the Churston area the pre-emptive removal of hedges has been seen in relation to recent planning developments. The replacement of these pre-emptively removed hedges is then relied on by the applicant as a positive benefit of their development scheme. This is inappropriate. Recognition needs to be made of the fact that new hedges take many years to become "stout" enough to become flight routes for the Greater Horseshoe Bat and "woody" enough to become nesting sites for Cirl Buntings.</p>	<p>Not sound</p>
<p><b>Policy HE1</b> (Conservation and the historic environment)</p> <p><u>Insert:</u> after the first paragraph words to read <i>"New Listings and Conservation Areas will be created where they are able to meet the requirement for designation, and areas of townscape value will be added to designated Conservation Areas where such consolidation enhances the overall character or setting."</i></p> <p><u>Reason:</u> The Community Partnership has tried to List important structures which they believe make their area special but have been prevented from doing so by current Council Policies. This desire to List structures and designate as Conservation Areas land in their area continues. This needs to be recognised in the proposed Policy wording to help Neighbourhood Plans progress the opportunities further.</p>	<p>Not sound</p>
<p><b>Aspiration 4: Create more sustainable communities and better places</b> (Pages 127-153)</p>	
<p><b>Policy H2</b> (Affordable housing)</p> <p><u>Insert:</u> new sentence at the end of the paragraph to read <i>"However, account will be taken of the need to make conversions viable."</i></p> <p><u>Reason:</u> It is important not to automatically prevent conversion opportunities which deliver minimum internal</p>	<p>Not sound</p>
<p><b>Policy DE3</b></p> <p><b>Paragraph 6.4.2.15</b></p> <p><u>Insert:</u> new sentence at the end of the paragraph to read <i>"However, account will be taken of the need to make conversions viable."</i></p> <p><u>Reason:</u> It is important not to automatically prevent conversion opportunities which deliver</p>	<p>Not sound</p>



<p>minimum internal floor spaces below the minimum standard where compliance with the standard would make the development unviable. This is a judgement which would be need to be made on the individual merits of the scheme by Officers and Members of the Development Management Committee.</p>	
<p><b>Paragraph 6.4.2.19</b></p> <p><u>Insert:</u> new sentence at the end of the paragraph to read <i>"Where the Greenfield site lies outside of the urban area, or has a specific landscape designation pertaining to it, a lower density will be expected to ensure that full account is taken of landscape considerations and other Local Plan policies likely to apply."</i></p> <p><u>Reason:</u> It is not justified to have a density of 30 dwellings per hectare outside of the urban area as a minimum standard. <u>Paragraph 6.4.3.3</u> of the proposed Local Plan draws attention to the health considerations necessary at this density. Additionally, it would lead to significant change in character of the existing urban fringe that would not be consistent with the Local Plan's underlying objective of protecting and enhancing the countryside and valued landscapes as required by NPPF109 and the Minister for Planning's letter of 3 March referred to in <u>Paragraph 2.2.11</u> above.</p>	<p>Not sound</p>
<p><b>Policy SC2</b> (Sport, leisure and recreation)</p> <p><u>Delete:</u> all words after <i>"* Area of Search"</i> and <u>replace with</u> the following words:</p> <p><i>"There will be a presumption against loss of existing open space, sports and recreational buildings and land, including playing fields, unless:</i></p> <ul style="list-style-type: none"> <li><i>i) an assessment has been undertaken which has clearly evidences that the open space, buildings or land is surplus to requirements, or</i></li> <li><i>ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a more accessible location."</i></li> </ul> <p><u>Reason:</u> The criteria proposed in the Local Plan do not accord with the requirements of NPPF74. There is no justification for departing from the NPPF wording which sets out less ambiguously the tests to be applied.</p>	<p>Not sound</p>
<p><b>Paragraph 6.4.3.11</b></p> <p><u>Replace:</u> The text which reads <i>"If, for example, suitable alternative provision is made in place of sports facilities at Churston, the Council will not pursue delivery of new facilities at Churston."</i> with the alternative text <i>"If, for example, the Neighbourhood Plan provides alternative provision for sports facilities in lieu of those suggested at Churston, the Council would not support the continued delivery of new facilities at Churston were this to be in conflict with the proposed site allocations Neighbourhood Plan."</i></p> <p><u>Reason:</u> It is important the Local Plan is not overly prescriptive and allows the Neighbourhood Plan to allocate specific sites in their neighbourhood. Should the Neighbourhood Plan re-allocate a proposed sports site elsewhere, it is important the original site proposed in the Local plan does not come forward as well if this is what the Neighbourhood Plan requires, as this could otherwise lead to over-provision and over-development.</p>	<p>Not sound</p>
<p><b>Paragraph 6.4.3.12</b></p> <p><u>Add:</u> The text <i>"only. In addition at this location it is important to assess any access carefully as</i></p>	<p>Not sound</p>



<p><i>Bridge Road is not a suitable access for a sports facility and other access options including traffic lights junction exist to the south east of the site.</i>" to the end of the paragraph.</p> <p><b>Reason:</b> In relation to the word "only" it is important to re-enforce the fact that proposed sport facilities are to be small scale, by virtue of the site's allocation as Countryside Zone C1. In relation to the other additional text, the Council has maintained that the Bridge Road junction is over capacity already. The community agree. As this is indeed the case, it is important to recognise how sports facilities at this site (variously known as Brokenbury) would need to be implemented.</p>	
<p><b><u>Policy SC4</u></b></p> <p><b>Insert:</b> In the 3<sup>rd</sup> paragraph in place of the text "<i>(Grades 1, 2, or 3a)</i>" the text "<i>(Grades 1, 2, or 3a and longstanding permanent pasture)</i>".</p> <p><b>Reason:</b> It is important to recognise that within an agricultural context permanent pasture may be important for reasons other than the merit of the soil itself. For example, the sheltered status of a valley or the small size of fields due to established hedgerows may be necessary for lambing. This is not captured in the soil grading scheme and is important to the Community Partnership as it goes to the heart of maintaining the viability of Churston Farm.</p> <p><b>Insert:</b> At the end of the first sentence in the 3<sup>rd</sup> para the text "<i>and will not impact on retained agricultural land</i>".</p> <p><b>Reason:</b> It is important to recognise the knock on impacts on development in an agricultural context e.g., disturbance to badger setts causing perturbation or the lack of critical mass to agricultural fields making them unviable.</p>	<p>Not sound</p>
<p><b><u>Policy W5</u></b> (Waste water disposal)</p> <p><b>Insert:</b> the following words as a new paragraph at the end of the second from last paragraph of the policy to read "<i>Where connection is proposed to the existing combined sewer network, full details of surface water and foul water disposal will be required for all developments at the time the application for planning consent is first submitted. This must include assessment of the capacity of the network to accept the additional flow that would arise. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable.</i>"</p> <p><b>Reason:</b> The single pipe foul and surface water network serving Torbay has been identified in the Infrastructure Delivery Study as a potential constraint. Ways need to be found to prevent the situation from becoming worse. Paragraph 6.5.3.25 understates the problem of trying to minimise run-off into the shared sewer network and reliance on alternative solutions.</p>	<p>Not sound</p>
<p><b><u>Policy M3</u></b></p> <p><b><u>Paragraph 6.5.4.9</u></b></p> <p>Sixth line down at the start of the line the text reads "<i>sacle</i>" which is a spelling mistake for the word "<i>scale</i>".</p>	<p>Spelling Mistake</p>

**Part 7: Delivery and monitoring** (Pages 171-178)

<p><b>Paragraph 7.4.16</b> (New Homes Bonus)</p> <p><u>Insert:</u> in the second sentence the figures "150-200" and "£4 million" to replace "400-500" and "£8 million" respectively.</p> <p><u>Reason:</u> To accord with the changes necessary to <b>Policy SS1</b> set out earlier above.</p>	<p>Not Sound</p>
<p><b>Paragraph 7.5.14</b> (Five year local plan review)</p> <p><u>Insert:</u> at the end of the second bullet within the bracket "<i>.. hence a jobs led approach to growth.</i>)</p> <p><u>Reason:</u> To strengthen the support for jobs led growth referred to at <b>Paragraph 1.1.15</b> above.</p>	<p>Not Sound</p>
<p><b>Paragraph 7.5.15</b> (Five year Local Plan Review)</p> <p><u>Insert:</u> the following words before the last sentence to read "<i>Under these circumstances the annual rate of homes to be provided for will be revised downward. This will prevent the unjustifiable release of Greenfield land and reflect in full the sound principles of 'plan, monitor and manage' set out in 7.5.10.</i></p> <p><u>Reason:</u> It is sometimes claimed (e.g. in Appeals) that any annual housing numbers not implemented by market delivery must be added to the 5 year supply requirement or spread over the remaining Local Plan period. Where demand has gone down, this creates a false 'backlog' and a consequential claim that further Greenfield land should be released to satisfy the larger requirement. This would not be sustainable in the Bay. Major review every 5 years will enable a much more balanced and sustainable outcome to be achieved and accord fully with maintaining a justified 5 year land supply in accordance with the NPPF.</p>	<p>Not Sound</p>
<p><b>Table 7.1</b> (Local Plan Phasing and Review)</p> <p><u>Insert:</u> the following words as a footnote to the Table "<i>All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032</i>"</p>	<p>Not Sound</p>

**Appendices to this submission:**

**Appendix 1** – Letter from Minister for Planning, Nick Boles MP, dated 3 March 2014

**Appendix 2** – Submission on housing provision

**Appendix 3** – Request to designate land known as the 'crocodile jaws' as AONB



## Appendix 1



Department for  
Communities and  
Local Government

Sir Michael Pitt  
Chief Executive  
Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Nick Boles MP  
Parliamentary Under Secretary of State (Planning)

Department for Communities and Local  
Government  
Elm House  
Bressenden Place  
London SW1E 5DU

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

3 March 2014

Dear Sir Michael Pitt,

### **Inspectors' Reports on Local Plans**

I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy and misunderstanding about the local authority's role in drawing up all of the policies in the draft plans. I am writing to restate very clearly the Government's view of Green Belt policy and Local Plan examinations.

Fundamental to the National Planning Policy Framework and to this Government's planning reforms is the idea that local authorities, and the communities who elect them, are in charge of planning for their own areas. That is why we abolished the top down regional strategies, why we have emphasised the primacy of the Local Plan and why we gave communities the powers to create neighbourhood plans.

Alongside these reforms we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full. The Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt. The special role of Green Belt is also recognised in the framing of the presumption in favour of sustainable development, which sets out that authorities should meet objectively assessed needs unless specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy.

It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority.

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose their words carefully and reflect government policy very clearly in all future reports. I am also placing a copy of this letter in the public domain.

  
NICK BOLES MP

## Appendix 2

### **1.0 Introduction**

1.1 The Census shows that Torbay had a resident population of 131,100 in 2011. Population growth was 1% over the 10 year period from 2001 to 2011 (a growth of 1,400 from 129,700 to 131,100)

1.2 This was the outcome of:-

- Natural Change (the difference between Births and Deaths each year), and
- Net Migration (the difference between permanent residents moving into the Bay and out of the Bay each year). Hence:-

$$\boxed{\begin{array}{c} \text{Natural Change} \\ \text{(Births \& Deaths)} \end{array}} + \boxed{\begin{array}{c} \text{Net Migration} \\ \text{(Movement In \& Out)} \end{array}} = \boxed{\begin{array}{c} \text{Resident Population} \\ \text{(Change in Total)} \end{array}}$$

1.3 For a Local Plan to be "sound", population change must be "objectively assessed". It must show that the amount of land proposed for future release is soundly based, and also meets other policy requirements of the NPPF(47 and 159).

1.4 Torbay is known by tourists as the 'English Riviera'. The Bay's environment is key to the attraction of tourism which accounts for a large part of the local economy. Unjustified release of Greenfield land for housing development would therefore have far reaching consequences. It would also conflict with NPPF 109 which requires valued landscapes to be protected and enhanced, as highlighted in the Minister for Planning letter of 3 March 2014 to the Planning Inspectorate (attached at Appendix 1).

1.5 The Local Plan proposes a minimum of 400 dwellings every year for 20 years to meet an overall provision of 8-10,000 by 2032. (LP pages 14 and 60).

1.6 There is no provision to vary this rate downwards if the 5 year reviews find this would be justified. Only upward revisions are proposed (Page 61 para 4.5.11).

1.7 The amount of housing proposed greatly exceeds objectively assessed need. Only 3-4,000 dwellings are required at a minimum of 150 dwelling per annum as shown by the following evidence.

### **2.0 The Evidence**

2.1 Taking each of Torbay's elements in turn:

#### Natural Change

2.2 Births and deaths in Torbay do not balance each other. Like other coastal towns, the overall number of deaths each year exceeds the overall number of births. The resulting gap has been narrowing, but is expected to continue by the Office of National Statistics (ONS). Basically, both totals have been changing and coming



closer together. There can be confidence in this because the information is based on trends from actual Registrations.

- 2.3 Table 1 shows how the gap has narrowed. Over the 10 year period 1991-2001 there were 6,200 more deaths than births. Over the following 10 year period 2001-2011, there were 4,500 more deaths than births. Thus the gap reduced by 1,700 over the 10 year period.

**Table 1: Torbay - Natural Change**

Component	1991-01	2001-11
Births	12,600	13,400
Deaths	-18,800	-17,900
Natural Change	-6,200	-4,500

Source: ONS

### Net Migration

- 2.4 Inward and outward migration have also been coming closer together, but official estimates by ONS have differed very significantly from the actual change taking place in the Bay. This can be seen as follows.
- 2.5 By deducting the Natural Change total of Births and Deaths from the 2011 Census change in population, the difference in Torbay is the change due to net-migration. The same can be done with the previous 10 year census period and compared also with the Mid Year Estimates ONS produce.
- 2.6 The results in Table 2 show that net migration was 5,900 between 2001-11, not 8,700 as ONS had assumed in their Mid Year Estimates. Also, the reduction in net migration from the previous 10 year census period (1991-2001) was much greater than ONS had assumed (i.e. 16,200 down to 5,900 not 14,400 down to 8,700). It is relevant to note these changes took place well before the recession of 2008.

**Table 2: Torbay - Net Migration**

Component	1991-2001		2001-2011	
	MYE	Census	MYE	Census
Births	12,600	12,600	13,400	13,400
Deaths	-18,800	-18,800	-17,900	-17,900
Natural Change	-6,200	-6,200	-4,500	-4,500
Net Migration	14,400	16,200	8,700	5,900
Total Change	8,200	10,000	4,200	1,400

Source: ONS

### Future Growth

- 2.7 Official estimates of Net-Migration have not proven to be sound for Torbay. The reason can be seen in the latest ONS interim Projection to 2021 which show there is still an assumption that net migration is running at 8,600. This is not a projection of what has actually been taking place (Table 2 above). Additionally, the gap between deaths and births is shown to be closing at a rate that is not a projection of actual change over the previous census periods as shown by Table 2. The latest numbers also suffer from problems of 'rounding'

**Table 3: ONS Interim 2011 based Projection**

Component	2011-2021 Estimate
Births	14,700
Deaths	-16,000
Natural Change	-1,000
Net Migration	8,600
Total Change	7,700

Source: ONS (Sep 2012)

- 2.8 The discrepancy is important because this interim Projection drives the estimate of 4,400 households the government believe would be needed by 2021 (Issued by DCLG Apr 2013). Hence further downward revisions are expected, as has occurred with all previous official projections for the Bay area for many years.
- 2.9 Hence a more accurate Projection would be a Natural Change total of minus 2,800 (i.e. continuing the downward closing of the gap at a reduction of -1.700 per 10 year period) and Net Migration at most being 5,900 as in the previous 10 years (2001-11). This produces an objectively assessed 2021 projection of 3,100 population increase, not 7,700 (i.e. only 40% of the current interim projection).

**Table 4: Revised population Projection**

Component	2011-2021 Estimate
Natural Change	-2,800
Net Migration	5,900
Total Change	3,100

Source: Tables 1 and 2

- 2.10 The Household projection by DCLG must also be adjusted by the same rate, as it is driven by the population projection. A pro-rata application of this to the Household projection (4,400) reduces the Household projection to 1,800 (rounded)
- 2.11 There are currently no ONS estimates for the period after 2021. Applying the same rate of growth for the following 10 year period (2021-31) produces an overall total population growth of 6,200 and household growth of 3,600. To allow for some discrepancy until the first 5 year review has been undertaken, it would be more realistic to adopt a range of 3-4,000 growth in households to 2031, not 8-10,000 as currently proposed in the Local Plan.
- 2.12 Growth of 3-4,000 households over 20 years would require a delivery rate of 150-200 additional homes each year, not 400-500 as proposed.

#### Other Factors

- 2.13 In addition to population and demographic change, the NPPF requires objective assessment to take account of market circumstances and signals. In the case of Torbay, the following are relevant:
- House building completions have gone down from the annual rate of previous years. This reflects the reduced demand for additional homes;



- There are about 3,000 residents unemployed in the Bay. The proposed Local Plan provision of 5-6,000 additional jobs to 2032 will not result in a significant increase in net-inward migration. The revised projection already assumes net in-migration will continue at the rate of 5,900 for each coming 10 year period as it did for the last 10 years.
- Household size in Torbay has not been reducing. It has changed very little over the last 20 years as confirmed in the Local Plan evidence base (PBA Report 2013). The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991. The Local Plan assumes that 3,000 new homes will be required to meet a predicted fall. This represents 40% of the 8-10,000 proposed in the Local Plan. If household size reduction takes place, it will be the result of deaths in existing households that would not need additional dwellings.
- Comparison of the Bay's change in population age structure over the inter-census period 2001-11 shows that the number of children aged below 15 reduced. Therefore this age group will be looking for homes over the next 20 years in lower numbers, adding further confidence to the revised projection in this submission.

#### Land Supply

- 2.14 The proposed Local Plan correctly states that there is a 5 year supply of deliverable housing land in accordance with the requirement of NPPF47. This is at the rate set out in the Local Plan.
- 2.15 Neighbourhood Plan preparation so far completed by the respective Forums (Torquay, Paignton and Brixham), has already identified sufficient land to meet the requirement of 3-4,000 additional homes by 2032.

### **3.0 Conclusion**

- 3.1 Adding 8-10,000 dwellings by 2032 at a minimum of 400 dwellings per annum is not justified, and therefore not 'sound' as required by the NPPF.
- a) It exceeds objective assessment unjustifiably;
  - b) It will cause unnecessary loss of countryside in the 'English Riviera'.
- 3.2 A provision of 3-4,000 additional homes will meet the requirements of the NPPF in full.

## Appendix 3



Mr J Butterfield  
Designations Team, Natural England  
Mail Hub, Block B, Government Buildings  
Whittington Road  
Worcester WR5 2LQ

12 March 2014

Dear Mr Butterfield,

Further to consultation with Robin Toogood AONB Manager South Hams, the Churston, Galmpton and Broadsands Community Partnership would like to make an application for alteration of the AONB in Torbay on the Brixham Peninsula. We set out below our reasons and attach initial photographs.

In brief, the area we propose to designate AONB warrants protection because of its natural beauty, historical context, and important function for protected species of wildlife. The omission of this area is an anomaly going back to the 1960s.

In contrast, the area we propose to remove is a housing estate which undermines the local integrity of the designation.

### **Area 1 – Addition to the AONB (approx 21 Hectares)**

To add to the existing AONB, the 1923 Harry Colt designed Churston Golf Course bordering Bascombe Road as far west as the railway bridge, the west part of Marringe Woods, including the fields below and Elberry Farm down to Broadsands Car Park.

#### **Reasons:**

- To conserve and enhance an area of land that provides special public benefits for healthy natural outdoor exercise.
- The land is designated as the Green Wedge in the draft Local Plan and emerging Brixham Peninsula Neighbourhood Plan
- The character of the additional - Landscape Character Assessment type 1 rolling farmland (Devon type 3a and B) - the same as that in the adjoining area of the existing AONB



- The land is designated as a Rural Wildlife Corridor in the Torbay Green Infrastructure Plan.
- Harry Colt designed Churston Golf Course in 1923, his concept was to be a spectacular walk in the park taking in long reaching views and vistas. He became at that time undisputedly the world's greatest Golf Course designer. His work included Wentworth and Sunningdale.
  - Much of the Golf Course is in the AONB but a particularly beautiful part is not. This land forms a lush green swathe linking the AONB and non AONB land.
- The land is an important and much loved amenity forming part of the special rural and coastal character of the area.
- Churston Golf Course is an important flight route for greater and lesser horseshoe bats (scientific data available) This provides important ecological connectivity with the existing AONB
- There are five rights of way which pass through area 1 linking Churston with Broadsands and Elberry, three which link directly into the AONB.
- Marridge Woods is an ancient woodland part in and part out of the AONB. This borders old stone wall pathways and routes
- Marridge Woods is a County Wildlife Site and is rich in varied species of broad leaf trees and plants.
- Marridge Woods is part of the South West Coast Path linking to the Greenway Walk and John Musgrave Heritage Trail. Marridge Woods also links directly with the recently restored heritage Elberry Bathing House which belonged to Lord Churston (already within the existing AONB).
- The South West Coast Path connects to the area. The South West Coast Path is estimated to bring in over £ 400 million revenue to the South West. 21% of people in Torbay are reliant on tourism for employment.
- Due to climate change and constant erosion of the South Devon Coastal Path, we believe it would be prudent to preserve and enhance land nearby for future use in case paths need to be diverted for safety in the future.
- The area plays an important part in tourism and attracts numerous visiting walkers, birdwatchers, dolphin watchers, artists and photographers, who come to see the natural beauty.
- The area is highlighted in the Agatha Christie Literary Trail. *Murder on the Links* (1923) was written using Agatha Christie's knowledge of Churston Golf Course where she played regularly. In *ABC Murders* (1936), Poirot and Hastings alight at Churston Station to investigate the murder at Elberry Cove. To get there would have taken them across the Golf Course and along the stone pathway next to the fields.
- Visitors and residents enjoy the tranquility, fresh smell of the sea air, the vibrant colours of the sea and ever changing seasons including Marridge Wood blue bells in Spring.
- The area of land connects walkers to The English Riviera Global Geo Park.

- Elberry Farm is a model working Victorian farmyard of historical importance. The farmhouse, cart shed and other buildings are Grade 2 listed.
- Elberry Farm is mainly arable, and beef cattle are reared on the land, with free range eggs, geese, local honey and home produced vegetables, and an apple orchard. Horses are kept at livery.
- The land surrounding Elberry Farm is highlighted in the draft Torbay Local Plan as 'Best and Most Versatile Agricultural Land'
- Field surrounding Elberry Farm and the Golf Course regularly attract rare migrating birds. It is often their first landfall when driven by strong winter winds.
- The fields are surrounded by ancient hedgerows many shown on old tithe maps and other early maps of the area.
- Land in the area is identified as Rich Calcareous Limestone.
- Marridge Woods and the surrounding fields are habitat for numerous wildlife including Peregrine Falcons, Buzzards, Woodpeckers, Owls and Cirl Bunting. Cirl Bunting flocks in this area are of considerable interest to RSPB because of the increase in numbers of an endangered species.
- Bronze Age finds including an axe have been recently found (exact location not disclosed but understood to be in the vicinity). Items have been donated to Torquay Museum.
- There is little or no light pollution. It is a popular area for stargazing.
- Warwick University holds translations and maps of William Prince Of Orange's arrival in 1688 to UK. The land near Elberry Farm is marked as one of the routes taken by troops marching to London.

#### Area 2 – Subtraction from the AONB (approx 32 Hectares)

To remove from the AONB the large residential and commercial area known as Boundary Road.

#### Reasons:

- The Boundary Road high density development including a shopping parade and public house was built during the 1960s, after the AONB designation was made in 1960. We believe it fundamentally undermines the quality of the AONB designation.
- Having lost precious land to development we wish to protect and enhance the remaining AONB for future tourism and resident's wellbeing. By extending the AONB in Area 1 this would replace the land that has very regrettably been lost.

#### Support from Torbay Council, the local community and organizations.

- Local people are passionate about the AONB and preserving the local greenspace for future generations. Churston, Galmpton and Broadsands Community Partnership has undertaken several Council approved consultations over the past 5 years.



- Brixham Peninsula Neighbourhood Plan has undertaken consultations with the Prince's Trust. Again the highest priority is to conserve local greenspace.
- CPRE Torbay supports the enhancement and protection of land. Food security and encouragement for education and understanding of natural areas.
- Support from executive lead Councillors in Torbay K. Fritchard and D.Mills (Ward Churston Galmpton and Broadsands )
- Torbay Council Head of Planning P Steward has no objection to this proposal.
- Support from CPRE Torbay District (part of CPRE Devon).

I would be grateful for your advice on how we can work together to achieve this important local amendment to the designated AONB.

With kind regards,  
Adam.

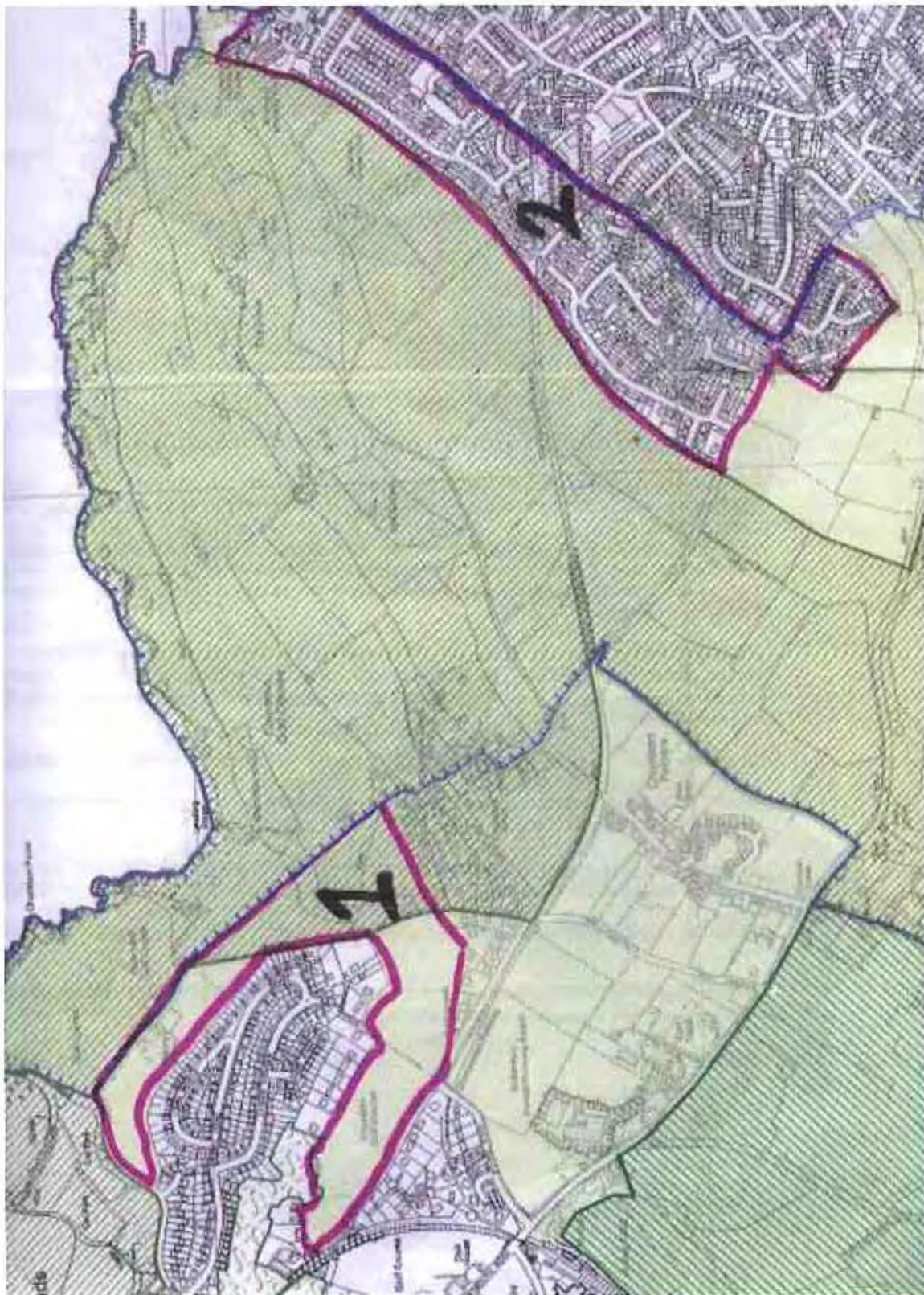
Adam Billings  
Chairman,  
Community Partnership

Map Image Attachment

Area 1 to be extended.  
Area 2 to be removed.

Photo Image Attachments

Boundary Road area 2  
Churston Golf Course area 1  
Marridge Woods area 1





Date: 14 March 2014  
Our ref:  
Your ref:



Block 6  
Government Buildings  
Whittington Road  
Worcester  
WR5 1LQ

Tel 0300 060 0057

Mr Adam Billings  
Chairman  
Churston, Gaimpton and Broadsands Community Partnership

Dear Mr Billings

#### South Devon AONB – Suggested Boundary Variation

Thank you for your suggestion for a variation to the boundary of the South Devon AONB.

AONB designation (or boundary variation) is a discretionary power (See Part IV of [the Countryside and Rights of Way Act 2000](#)) which Natural England may exercise if we believe that it is necessary, desirable and the best way to secure conservation of an area of landscape that warrants it. Land being considered as an AONB must meet the statutory criterion of being *land outside a National Park that appears to Natural England to be of such outstanding natural beauty that it is desirable that the protective provisions of Part IV of the above legislation should apply to it.* This criterion is applied in an England wide context.

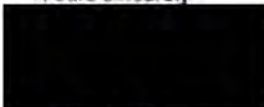
AONB designation is not a quick and simple undertaking. The necessary landscape assessments, consultations, public notice period and determination process (which may require a public inquiry) take several years. For this reason we can only take forward cases that represent what is best for England as a whole.

We are considering a number of suggestions at the moment and a fair proportion of them came from local community organisations like yours. We will treat them all the same way using a combination of fit with our Designations Strategy principles and our own spatial preferences to decide which cases should receive a high priority.

At the moment we are undertaking a quality assessment and refinement process on the tests we will use to determine how well (or not) suggested cases support Designations Strategy principles. We hope to complete this, apply the tests, and benchmark the result against existing National Parks and AONBs by the end of April. We will advise interested parties on progress as soon as we can.

Natural England is striving to become more responsive to local needs and is just about to roll-out a new organisational structure to help us achieve this.

Yours sincerely

  
John Butterfield  
Senior Specialist  
Landscape & Geology

Pickhaver, David

---

**From:** CBG Community Partnership Chair [REDACTED]  
**Sent:** 07 April 2014 01:37  
**To:** Steward, Pat; Mayor; Turner, Steve; Pickhaver, David; Brooks, Tracy; Planning, Strategic  
**Subject:** Torbay Local Plan Consultation Submission  
**Attachments:** CGB CP Local Plan 6April2014.pdf

Dear Pat,

Please find attached a 32 page document which comprises the Churston Galmpton and Broadsands Community Partnership's consultation submission on the Torbay Local Plan.

Please note there are several colour plans in this submission document. If it is to be printed these will need to be in colour as i have tried to print them in black and white but found this to be unsuccessful.

with kind regards, Adam.

Adam Billings  
[REDACTED]



816891

# communitypartnership

we don't just talk - we do!

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

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

6 April 2014

Dear Pat,

**Re: Torbay Local Plan**

Please find enclosed the formal representations of the Churston, Galmpton and Broadsands Community Partnership on the proposed Local Plan submission. These representations are presented as a single document to reflect the integrated approach of chapters and policy structure presented in the Local Plan.

We note that significant work has gone into the Local Plan by officers. Please consider the length of this submission as our appreciation of this work and our helpful best endeavors as volunteers to contribute to this work. This said, we do have substantial concerns in respect of the plan and our comments fall on same into two main areas:

- (1.) increased detail and scope on the environmental protection in the Churston Galmpton, Broadsands area balanced with greater clarity over where development should be located; and
- (2.) recognition of the housing capacity for the Bay as a whole but a different view as to the rate at which this capacity should be used up, including over the course of the plan period.

Unfortunately, we do note that it is harder to navigate this plan than the previous local plan. Policies aiming for example to protect the landscape are spread out across various sections. In part it is accepted that this is inevitable in relation to this topic as many Policy areas have increased environmental protection however it does make the

document less legible at first instance for the lay reader. Perhaps this could be bridged by the Neighbourhood Plans?

We do also note problems with the Key Diagram and Map Policies Book. Initially we were unable to locate the key card tucked in the back of the document. Having subsequently found the loose sheet, we subsequently lost it by mistake as the document was passed around different members of the Community Partnership (which is very much akin to what would happen with a public library copy). Our recommendation would be that a key is not provided as a loose card but in fact forms an integral part of the document as a proper page in its own right and is included prior to "Sheet 1". Were this to be physically attached to the Key Diagram map and fold out to the left it could be read properly against all of the proposals maps which fold out to the right without the need to flick back and forth between pages

Please note below the formalised language that we have used is related to the formal stage of the plan. The length and depth of this representation is intended to be helpful and constructive but for brevity we have not indicated our support where we do in fact support policies. Where comment has not been made it is the intention of this representation that there is general support for the relevant policy and/or text.

Please treat this letter as also forming part of the attached representations.

Yours sincerely

Adam Billings

*Chairman,*

Churston, Galmpton and Broadsands  
Community Partnership

c.c (by email).  
Mayor Gordon Oliver



82472

By hand

COLLATON DEFENCE LEAGUE

Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> floor)  
Castle Circus  
Torquay  
TQ1 3DR



3rd April 2014

TORBAY COUNCIL PLANNING	
REC'D	04 APR 2014
TO	

Dear Mr Steward

**Torbay Local Plan**

Please find enclosed the formal Representations of the League on the proposed Local Plan submission.

A Local Plan should plan positively for the development and infrastructure communities need.... Local Plans should be aspirational but realistic..... Plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the National Planning Policy Framework.... Identify land which it is genuinely important to protect from development, for instance because of its landscape and/ or environmental and/ or tourism value....contain a clear strategy for the environmental enhancement of the area (Source: The Campaign to Protect Rural England). Spatial planning must have a delivery plan and be based on evidence. Your Authority have chosen to entitle your Local Plan "A Landscape for Success" and in our reading of it the content and context of your Plan to have a greater emphasis on Growth rather than Landscape. In our view you seem to see our beautiful and precious finite landscape in Collaton and the Western Zone of our Bay solely as an avenue (Corridor) and vehicle for your unilaterally chosen particular definition of Growth in the Bay, namely overwhelming and unjustified housing growth.

Our stand is that this is intrinsically wrong as a Local Plan has to be realistic, deliverable and sustainable in its overall aims and objectives. Our precious Nationally recognised landscape must not be sacrificed upon the altar of unrealistic growth aims that are not robust or sound and cannot be realistically costed, deliverable or sustainable for the overall Community good in terms of infrastructure restrictions and deficits, environmental impacts from projected climate change, increased traffic congestion and air pollution, flood risk and

flooding (particularly relevant to the Collaton area) loss of ecology and damage to tourism ( the life blood of our Bay) and not least excluding our unique topography in the Collaton St Mary Western Corridor Yalberton and Blagdon areas which seriously and severely impacts upon all of these other vital issues. For all of these unavoidable reasons we the League cannot support (and do fundamentally object to) your Local Plan in its present form, direction and content and fully endorse and would reiterate in its entirety Paignton Neighbourhood Plan Forum's Representations on your proposed Torbay Local Plan dated 27<sup>th</sup> March 2014 as submitted to you .In addition to this, we go further in order to shed light upon what we consider to be fundamental and unacceptable deficits and THE FLAW in your Local Plan and these we set out in our enclosed Representations intended for serious consideration and action upon by your Authority and the PINS Inspector.  
Please treat this letter as also forming part of the attached Representations.

Yours S

Collaton Neighbourhood League.



## **Collaton Defence League**

### **Representations on the proposed Torbay Local Plan**

**3<sup>rd</sup> April 2014**

1. We contend that the Local Plan is currently intrinsically unsound as it is deficient in not having as part of it the requisite Infrastructure Delivery Plan. It contains reference to an Infrastructure Delivery Study 2012 ( but now out of date in certain salient respects) as part of its evidence base (for example Winchester District Council in their Local Plan make many references to their Infrastructure Study 2011 but they still have in place with their Local Plan the requisite Infrastructure Delivery Plan) –the Study should lead to the Plan. There isn't one. So-called Master-planning after the Local Plan has been placed on Deposit is no substitute for one.

Furthermore, the NPPF states that, where practical, Community Infrastructure Levy (appropriate after March 2014 in place of Section 106 tariffs) should be worked up and tested alongside the Local Plan (NPPF 175) with a CIL Policy document and a Charging Schedule attached to it.

- a) Infrastructure and Development Policy should be planned at the same time to ensure deliverability of both infrastructure and development (NPPF 177) where appropriate and affordable. A wide ranging definition of infrastructure to support the development of an area. Logically, CIL levels, infrastructure planning and the Local Plan should be one process. One examination rather than two. Local Plans may not be sound unless the financing of infrastructure is robust. Local Plans should set out a positive deliverable vision; plan infrastructure and development together; commit to an Infrastructure Delivery Plan; take proactive responsibility for delivery.

(Source: Quod - Planning and Delivering Local Infrastructure- UCL Infrastructure Seminar John Rhodes- 21 June 2013)

- b) The NPPF stresses the need to ensure that sites identified for development must be acceptable sites and the scale of development identified in a Local Plan should not be subject to such a scale of obligations, standards and policy burdens that cumulatively threatens the Plan's ability to be developed

viably. The NPPF also requires that Local Plans meet the objectively assessed needs for their area, and are deliverable and realistic. Plans that do not take full account of these requirements are therefore at risk of failing to be found sound when examined. "This viability advice recognises that there are significant challenges for planning authorities seeking to make plan policies that both provide for acceptable development and avoid placing unrealistic pressures on the cost and deliverability of development...Plans may be aspirational but must be realistic, and should ensure that the impact of policies when read as a whole should be such that the plan is deliverable....strike a balance between the policy requirements necessary to provide for sustainable development and the realities of economic viability...The NPPF indicates that wherever practical CIL charges should be worked up and tested alongside the Local Plan. At Local Plan level viability is very closely linked to the concept of deliverability. In the case of Housing, a Local Plan can be said to be deliverable if sufficient sites are viable to deliver the Plan's housing requirements over the Plan period...The primary role of a Local Plan viability assessment is to provide evidence to show that the requirements set out in the NPPF are met. That is that the policy requirements for development set out within the Plan do not threaten the ability of the sites and scale of that development to be developed viably. Demonstrably failing to consider this issue will place the Local Plan at risk of not being found sound on examination. (Source: Viability for Testing Local Plans-Advice for planning practitioners-Local Housing Delivery Group, Chaired by Sir John Harman June 2012).

Reference the above we would contend that the lack of an Infrastructure Delivery Plan is fundamental to the Local Plan being found to be unsound upon examination.

c) "Local Plans must be supported by an Infrastructure Delivery Plan...Our Core Strategy was prepared and adopted before this was a requirement....We are also required to produce a Draft Regulation 123 List which sets out the types of or specific infrastructure projects we will spend CIL revenues on."(Source: Epsom & Ewell Planning Policy Sub-Committee Report Summary 8 May 2013)



d) "It is essential that there is sufficient infrastructure to support new development...infrastructure in this context means the facilities ,services and installations required to support development .This includes infrastructure related to transport, drainage ,waste, education, health, social care, leisure and community uses, emergency services and utilities. "An Infrastructure Delivery Plan is essential to draw out the main infrastructure requirements that will be required to ensure the Local Plan policies are delivered in a timely and sustainable and affordable practical and realistic fashion. It should specify the projects, funding, phasing.....to support this. It is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up."(Source: Vale of White Horse Infrastructure Delivery Plan Consultation Draft March 2013)

2. Without a robust and viable Infrastructure Delivery Plan, as the evidence of deliverability of such, the Local Plan's projected 8000-10000 additional homes by 2031 or earlier is not shown to be sustainable .A lower figure of 3000-4000 homes during the same period has of itself a better prospect of being shown to be sustainable if it can be shown to be appropriate affordable and deliverable.
3. The Local Plan states (1.1.6) that West Paignton is identified as a sustainable location for growth .So called West Paignton –in reality the Collaton St .Mary, Blagdon ,Yalberton and Western Corridor area –is currently part of the Countryside area and designated in the Adopted Local Plan as incorporating Areas of Great Landscape Value. We contend that the unilateral redesignation of these areas in the proposed Local Plan as a Growth Area is undemocratic (contrary to the Localism Act) unjustified, unsustainable and wrong in Law (seeking without lawful authority so to do to change a designated rural/agricultural area to an urban one). Furthermore, it is in any event putting the proverbial cart before the horse when without an Infrastructure Delivery Plan with the Local Plan to establish the viability of delivery of growth in such areas the whole exercise is peremptory, presumptuous and inappropriate.
4. The topography of so-called West Paignton ,in reality the areas defined above, with its numerous steep rolling hills leading to a valley bottom ,numerous fields, water meadows aquifers ,soak ways and watercourses and recent and past history of flooding precludes any major house building projects without serious infrastructure works to seek to overcome these serious strictures upon future development in the area.

Any exacerbation of the already pre-existing flooding problem and flood risk in the area is wholly unacceptable and contrary to the NPPF principle of sustainable development. Without an Infrastructure Delivery Plan that can refute this basic obstruction and objection to future development in the area (along with others such as water run-off, sewerage and waste disposal ,traffic and pollution problems) the references in the Local Plan to the area as being appropriate and suitable for future growth is unsound.

Conclusion:

The proposed Local Plan is not suitable for Adoption without a viable and robust Infrastructure Delivery Plan.

CDL.2014



80472

By hand

COLLATON DEFENCE LEAGUE

Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> floor)  
Castle Circus  
Torquay  
TQ1 3DR



7th April 2014



Dear Mr Steward

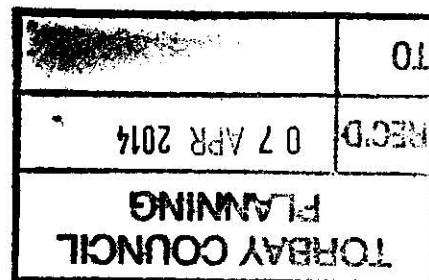
**Torbay Local Plan**

Following our covering letter to you of 3<sup>rd</sup> April 2014, enclosing Representations, please find enclosed further and additional Representations and submissions to be attached thereto and included therewith and to be forwarded to the PINS Inspector together with the same.

Yours Sinc



Collaton Defence League.



## **Collaton Defence League**

### **Further Representations on the proposed Torbay Local Plan**

**6<sup>th</sup> April 2014**

Further to, and as an adjunct to, but also to be considered, where relevant, independently from our initial Representations of 3<sup>rd</sup> April 2014 we make the following additional representations:-

1. We contend that the Local Plan in not having as part of it the requisite Infrastructure Delivery Plan per se and of itself automatically fails to comply with the Duty to Cooperate and as such should be rejected upon Examination on this ground alone.

2. Notwithstanding and in addition to this contention we say that such cooperation and consultation that Torbay Council may seek to demonstrate has taken place prior to submission of the Plan will be shown and found to be insufficient and insupportable to satisfy and fully meet and comply with the said Duty.

3. As indicated, a number of Local Plans so far submitted by other Local Planning Authorities have failed upon Examination because of a manifest failure to show a sufficient or in fact any compliance with the said Duty, and which also leads into the need for an LPA to evidence their cooperation and consultation with cross border Authorities (in the present instance applying this analysis in respect of the Torbay Local Plan, to South Hams District Council, Teignbridge District Council and Devon County Council upon important infrastructure and environmental impact issues having a clear cross border impact and effect, both physical and financial) leading to such vital outcomes as Joint Policy Statements to accompany the submitted Local Plan on such important and acknowledged matters as transport, highways, environment, ecology and tourism ;and with other bodies such as the Campaign for the Protection of Rural England and the Environment Agency upon such vital matters for our Locality, in and around Collaton St .Mary, Yalberton and Blagdon, as transport, the protection and enhancement of our valuable finite Landscape and ecology and village/rural identity and structure ;and with public and private infrastructure providers such as South West Water, upon such vitally important issues for our Community in the Western Zone as traffic congestion and pollution, existing serious flooding problems and increased flooding risks from any further development and forecast Climate Change effects; and universally



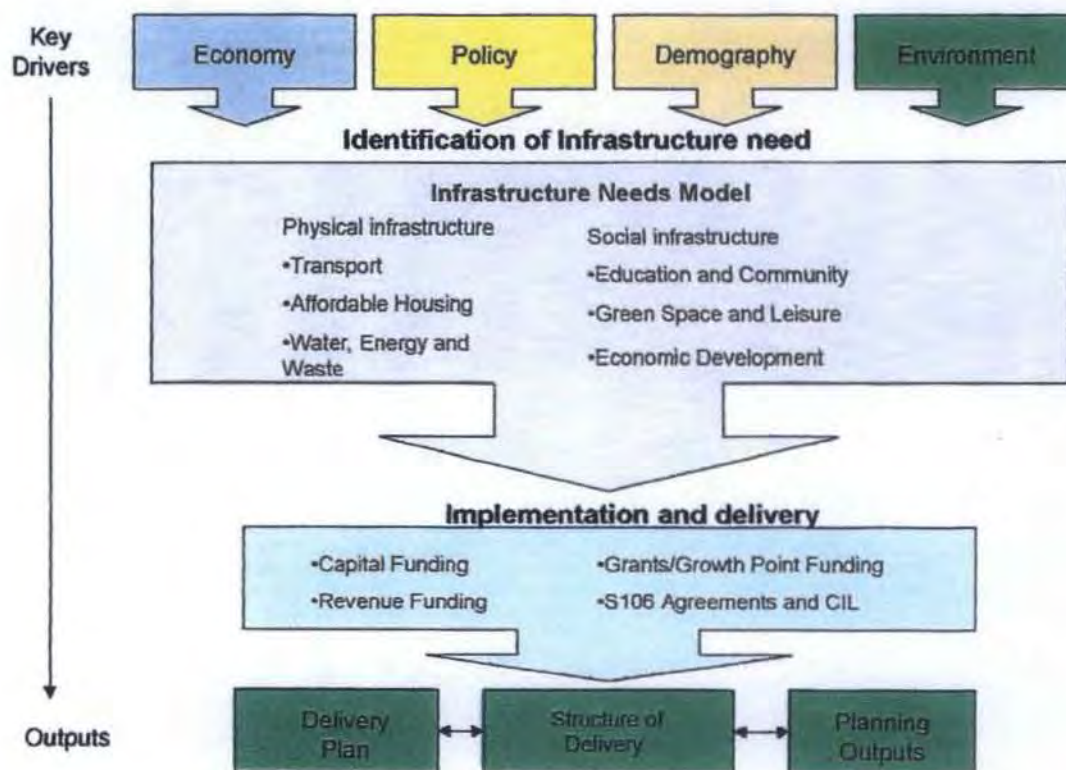
acknowledged profound mains/trunk sewerage difficulties deficit and provision- so as to work up and to cost out with these other parties, providers and bodies and to publish with the Local Plan the policies and decisions actually arising out of these so –called co-operations and discussions alluded to in their Statement of Compliance and Engagement submitted by Torbay Council with their Local Plan to carry forward their Core Strategy for growth expressed in their submitted Local Plan. In support of this contention as source material please see

[www.meetingplacecommunications.com/news-events/three-local-plans;Vale](http://www.meetingplacecommunications.com/news-events/three-local-plans;Vale) of White Horse Consultation Draft March 2013-Local Plan 2029 Part 1Topic Paper1 Duty to Cooperate &Cross border issues; also PAS - Making Strategic Planning Happen.

There has to be an actual IDP in place in order to make it happen! Mere talking with and writing to other parties is not making policy happen as is an intrinsic requirement of a Local Plan submission!!

See also for this –

[www.swindon.gov.uk/ep.planning/forwardplanning/ep.planning.local-Swindon Local Plan Pre-submission Document](http://www.swindon.gov.uk/ep.planning/forwardplanning/ep.planning.local-Swindon%20Local%20Plan%20Pre-submission%20Document) in which is contained- "Infrastructure Delivery Plan



1.37The Infrastructure Delivery Plan was published alongside the Proposed Submission draft of the Local Plan in 2009.In effect, together with master

planning work ,it forms an implementation plan for the Local Plan, quantifying ,where possible, the types and cost of service infrastructure and facilities required to support new development and new communities .The Plan required a significant level of dialogue with infrastructure providers ,in both the public and private sectors ,to determine requirements and needs. This dialogue was held through workshops and infrastructure focus groups as well as correspondence. The IDP could not have been developed without close co-operation with infrastructure providers .That collaboration has provided a greater understanding of the cost of delivering development to the specifications required by the evidence base and Strategy.

1.30 The Green Infrastructure Strategy was published in 2009.....It sets out to: prioritise the planning ,development of and investment in green infrastructure in Swindon to 2026; present a shared vision for the strategic green infrastructure network across Swindon and reach into neighbouring areas...In doing so ,it has been essential to collaborate with key stakeholders within and outside of the Borough Council area and to link in with other strategies and plans.....to cover the full range of green infrastructure related issues including biodiversity ,health ,and so on.”

We contend that for their own reasons Torbay Council have chosen not to do this to the requisite level or competence to comply with their Duty.

We contend that Torbay Council seeking to have an engagement with the Community and infrastructure providers after, but not before, the submission of the Local Plan and the provision of an IDP, by way of Masterplanning on its own, just does not work and exposes the deficiency and shortfall in their Plan.

4.Finally, and significantly and out of concern for local democracy and transparency, and against secrecy of real motives, we would point out emphatically that while Collaton St.Mary and the Western area is in the Local Plan and its Core Strategy for Growth as the most significant area for this projected Growth during the life of the Plan, subject to the resolution of identified and acknowledged serious and significant, expensive to resolve, infrastructure and services and utilities difficulties and obstructions to development ,unlike with other Community Partnerships in the Paignton Neighbourhood of Torbay ,there has been a paucity of consultation, dissemination of facts and information to and discussion with the populace of Collaton St. Mary and the Western Area at large-no caravan events and travelling roadshows or shop centred presentations and exhibitions for US just a telling silence. We ask has this been a deliberate ploy on the part of the LPA to keep our Neighbourhood Community ignorant of the facts and the real agenda towards our valuable landscape?In this, it is significant to note that in



the Torbay Council's aforesaid Statement of Compliance in its section headed- "Informing and engaging residents and other persons carrying on business in the area"- no mention whatsoever appears in respect of our particular significant and important (to us and the Core Strategy of the Plan which we fundamentally disagree with as it seeks to apply itself to our Community) part of the Area .In point of fact so concerned had we become about this tragic and worrying state of affairs as we witnessed it developing over time that we took it upon ourselves to write to the Deputy Lord Mayor on behalf of our Community requesting that our Community be offered the same courtesy and necessity of communication as the other communities in the Torbay area had received from the Council(as evidenced in the above Statement of Compliance)but received no response and therefore our Community received no such requisite Communication and Consultation prior to the submission of the Plan .Subsequently we are now being offered, after the fact, a "Master planning" drop-in event .This is too little and too late and is an unacceptable state of affairs and again we would contend supports our contention of an apparent breach of their Duty to US under the Localism Act by Torbay Council. We attach with this Representation a copy of our said letter to the Deputy Lord Mayor which was hand delivered by one of our activists to the Connections offices of the Council at Castle Circus Torquay on the 4<sup>th</sup> March 2014.

CDL2014.

COPY

Councillor David Thomas  
Chairman, Steering Group,  
Blatchcombe Community Partnership,  
c/o Connections,  
Torbay Council,  
Castle Circus,  
Torquay,  
TQ1 3DR.

2.3.14.

Dear Chairman,

**Travelling Consultation Exhibition**

Following on from the recent placing on deposit of the Council's emerging new Local Plan, at the latest meeting of the Paignton Neighbourhood Forum on Thursday 27<sup>th</sup> February last all there present were very much impressed with the conduct, content and results gleaned from the Goodrington, Roseland & Hookhills CP Travelling Exhibition as most eloquently reported to the Meeting by Ms Tracey Cabache.

Unfortunately, and sadly for us and our Community, this only served to expose and to underline the gross and unacceptable inadequacy of the Consultation and explanation and dissemination of information on the subjects of the emerging Local and Neighbourhood Plans ( in so far as they will relate to and affect our Communities in Collaton, Blagdon and Yalberton) to date. This oversight on the part of the Council, unintended we presume, or otherwise, was commented upon to the Forum and how we would appreciate and expect (yea demand) the same consideration to be given / shown to our above Communities by the Council. This was acknowledged by the Meeting.

As a result, in consequence of the above, Ms Cabache was approached at the end of the Meeting and asked if it would be possible for her to mount an extension to the Travelling Exhibitions for our above Communities to be held at a venue in Collaton. She stated in response that she would be only too happy to comply with our request and that it would not present her with any difficulties, but that we would have to make a formal request for such via your good self. We trust that this will not present you with any difficulty in authorising this, our request for the above, on behalf of our Communities who, we think you should agree, are entitled to the same degree of consideration as the other Communities in Paignton which have received or are yet to receive (Ms Cabache informed us that she has remaining so far 2 other venues for the Exhibition) such Consultation and to expedite this. However, if this does

COPY

present you/ the Council with any difficulty in any regard we shall expect from you a full explanation as to why this should be the case and in the event of our Communities not receiving the benefit of a full and proper Consultation as others have this could prove to be embarrassing to the Council and our local Councillors and come to the attention of the Inspector as part of the Examination Process. You can let us have your response on this present occasion via Ms Cabache or Mr David Watts of the Forum as convenient to you.

As an aside, it was also reported to the Forum meeting that Taylor Wimpey has lodged its Appeal in respect of the former Sunday Car Boot field in Collaton and that the Council will be defending against this Appeal at a forthcoming Public Inquiry. We the League have formulated our views as to how best the defence against this Appeal should be constituted and would seek to lend our support to the Council and its Officers in any way appropriate to this endeavour. We would be willing to consult on this with the Council and its Officers and to assist as you may wish us so to do.

We very much look forward to hearing from you, accordingly.

Yours Faithfully

Collaton Defence League.

cc Ms Tracey Cabache





# Paignton Heritage Society

previously Paignton Preservation & Local History Society

468932

Chairman  
Tony Moss

Treasurer  
Eileen Donovan

Membership Secretary  
Anne Pentney

Hon. Vice-President  
Peggy Head (Parnell)

By hand  
Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council  
Electric House (2nd Floor)  
Castle Circus  
Torquay  
TQ1 3DR

*Please reply to:*

Tony Moss  
14 Seaborne Court  
Alta Vista Road  
Paignton  
TQ4 6DP



04 April 2014

Dear Sir,

Please receive this formal representation of our Society on the proposed Local Plan submission.

## Policy SDP1 PAIGNTON

### Para 1.

After "Garden Suburb to the East" add " **A new Paignton Town Centre & Seafront Conservation Area will be created which links up with the Old Paignton, Polsham, and Roundham & Paignton Harbour Conservation Areas, and is bounded to the west by the Torquay Road.** "

Reason: Paignton Town Centre is the local main shopping area and adjoins the seafront. The town centre and the seafront combined are major tourist attractions and are also important in the heritage context. The town centre/seafront complex is considered to be the best surviving example of a Victorian seaside resort in the Southwest. It consists mainly of late Victorian/early Edwardian low-rise housing which provides a refreshing change from modern high-rise environments. Although some of the housing is currently used as shops and offices, the original buildings are intact. The town centre includes substantial set pieces such as Victoria Street and Torbay Road. The seafront buildings are large houses and villas of the same era which have been adapted to tourist use but still retain their heritage characteristics.

2/

Affiliated members of the CPRE and Open Spaces .

The town centre is largely bounded by three Conservation Areas - Old Paignton, Polsham, and Roundham. The boundaries of these Areas as currently defined wander in and out between buildings in an illogical fashion which does not provide protection from the neighbouring contextual environment. The need is to rationalise the boundaries of the three existing Conservation Areas and create a new Conservation Area which covers Paignton Town Centre and Seafront. The best solution is to create a Town Centre & Seafront Conservation Area which adjoins the Old Paignton, Roundham & Paignton Harbour, and Polsham Areas and thus provides contextual protection to all the Areas by creating a combined Conservation Area.

Yours faithfully

Tony Moss (Chairman)

**Pickhaver, David**

---

**From:** Eileen Donovan [REDACTED]  
**Sent:** 05 April 2014 11:08  
**To:** Planning, Strategic  
**Subject:** Re proposed Local Plan  
**Attachments:** tmtorbay04 Apr 14.doc

Please receive the attached submission from the Paignton Heritage Society. Regards. Tony Moss.



704914



## Comments

### Torbay Local Plan Proposed Submission Consultation February 2014 (24/02/14 to 07/04/14)

<b>Comment by</b>	Paignton Neighbourhood Plan Forum (Mr David Watts)
<b>Comment ID</b>	12
<b>Response Date</b>	04/04/14 19:35
<b>Consultation Point</b>	Foreword ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Web
<b>Version</b>	0.1

#### Files

#### Question 1: Legal compliance, soundness and duty to co-operate

Do you consider that this policy/proposal of the Local Plan is **legally & procedurally compliant, and/or sound and/or complies with the duty to co-operate** ? (Please note that the considerations in relation to the Local Plan being **'legally & procedurally compliant', 'sound' and 'complying with the duty to co-operate'** , are explained in the representation form guidance notes, as well as paragraph 182 of the National Planning Policy Framework).

**Do you consider the Local Plan is:**

<b>Legally compliant</b>	No
<b>Sound</b>	No
<b>Complies with the duty to co-operate</b>	Yes

#### Question 2a: Supporting the legal compliance, soundness, or duty to co-operate compliance (Yes)

**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.**

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.

#### Question 2b: Not Legally compliant, unsound or fails the duty to co-operate (No)



**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.**

**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.**

(1) Legally not compliant- see Paragraph 1.1.8 heading in the attached Schedule (2) Not Sound- see covering Letter and attached Schedule

### **Question 3. Modifications**

*Note: Any non-compliance with the duty to co-operate cannot be dealt with by modification at examination.*

**Do you consider any modification(s) are necessary to address your representation and make the Local Plan legally compliant or sound?** Yes

#### **Question 3a: Modifications**

**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.**

**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.**

As shown in the attached Schedule

### **Question 4: Oral Examination**

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

If your answer is 'No' you will move on to Question 6

**If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?** Yes, I wish to participate at the oral examination

### **Question 5: Why it is necessary to attend the oral Examination**

Participation at the oral Examination

**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.

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

Because the Forum is the 'Approved Body' producing the Neighbourhood Plan for Paignton under the Localism Act 2011. We have worked alongside preparation of the Local Plan and have detailed



knowledge about the submissions made in the attached letter and schedule. Namely, that as submitted the Local Plan is not sound but can be rectified. The outcome of the Examination will be of critical importance to the Forum's next stage.

The Forum has a direct membership of 400 from all parts of the Paignton Neighbourhood Plan Area. This includes individuals who represent various groups that collectively number several thousand community members. Achieving a 'sound' plan is our objective.

**Question 6: Next Stages Question**

Information about the next stages of the Development Plan.

**Do you want to be informed of the following:**

**Submission of the Local Plan to the Secretary of State?** Yes

**The publication of the Inspector's Report of the Examination?** Yes

**The Adoption of the Torbay Local Plan by the Council?** Yes

*Uploading documents*

**Please upload any additional supporting documents here.**

2014-03-31 Forum  
Submission-Final\$1265589429350976044}.pdf  
Representations of Paignton Neighbourhood Plan  
Forum





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

## Representation Form

704914

For official use:	
TORBAY COUNCIL PLANNING	
REC'D	31 MAR 2014
TO	

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)	David	
Last name	Watts	
Organisation (if you are representing that organisation)	Paignton Neighbourhood Plan Forum	
Address – line 1	34	
Address – line 2	Totnes Road	
Address – line 3		
Post Town	Paignton	
Postcode	TQ4 5JZ	
Telephone number		
E-mail address		
Consultee ID (if known)	704138	

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

All

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 checked="" 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.

(1) Legally not compliant – see Paragraph 1.1.8 heading in the attached Schedule.

(2) Not Sound – see covering Letter and attached Schedule.

(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.

As shown in the attached Schedule

(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:

Because the Forum is the 'Approved Body' producing the Neighbourhood Plan for Paignton under the Localism Act 2011. We have worked alongside preparation of the Local Plan and have detailed knowledge about the submissions made in the attached letter and schedule. Namely, that as submitted the Local Plan is not sound but can be rectified. The outcome of the Examination will be of critical importance to the Forum's next stage.

The Forum has a direct membership of 400 from all parts of the Neighbourhood Plan Area. This includes individuals who represent various groups that collectively number several thousand community members. Achieving a 'sound' plan is our objective.

(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:

Many - as shown in the attached letter and attached Schedule

(Continue on a separate sheet if necessary)

Signature:

D. Watts

Date:

31<sup>st</sup> March 2014



# PAIGNTON NEIGHBOURHOOD FORUM

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



c/o 34 Totnes Road  
Paignton  
TQ4 5JZ

31<sup>st</sup> March 2014

By hand & by email [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk)  
Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council  
Electric House (2nd Floor)  
Castle Circus  
Torquay  
TQ1 3DR

Dear Pat

## **Torbay Local Plan**

Please find enclosed the formal representations of our Forum on the proposed Local Plan submission. The representations are presented as a single document to reflect the integrated approach of chapters and policy structure presented in the Local Plan. The representations show in detail where support exists for the Plan, and where detailed changes are required to achieve a "sound" Plan that accords with the NPPF and the needs of Torbay.

The 'twin track' approach of producing the Local Plan and Neighbourhood Plan for all three towns of Torquay, Paignton and Brixham continues to have the Forum's total support and has without doubt enabled a good understanding of the needs and opportunities that require to be addressed. The overall objective of creating a 'Landscape for Success' has the positive approach required.

However, at our Forum meeting on 27 March 2014 we came to the final view that the content of the Local Plan will not deliver the sustainable outcome to 2031 that is required.

## Economic

Full support exists for jobs led growth to meet the needs of the Bay and that will contribute to national economic recovery. Regrettably, we find the plan is housing led - not jobs led. It is appreciated that achieving the proposed 5-6,000 additional jobs will be a challenge, but this must be achieved in parallel with additional housing growth in a linked way. The plan does not secure that link and will lead to imbalanced provision of homes in the Bay but jobs elsewhere. This would not meet the link required by NPPF37 in particular.

## Social

The Forum fully supports making provision for further housing that will meet objectively assessed need to 2031 as far as it is possible to do so whilst also meeting the other policy requirements as made clear in NPPF47. It is the pace at which the provision is proposed that has caused our Forum concern. It had been thought that we had reached agreement on a monitoring link that would help achieve a sustainable balance by enabling downward as well as upward reviews, but this has not been included in the plan. We do not agree the provision should be 8-10,000 by 2031. Having regard to the unusual population and migration characteristics of Torbay, we conclude that 3-4,000 additional homes is the realistic provision as explained in Appendix 2 and with the monitoring approach that has been discussed between the Council and Forum but not fully included in the plan.



## Environmental

Following extensive work by all three Forums the conclusion confirmed by each over the last few days has been that the capacity for additional growth to 2031 is (rounded)

Torquay	3,860
Paignton	3,450
Brixham	790
Total	<u>8,100</u>

It is not agreed that the capacity of the Bay is 9,200 as stated in the Plan. We believe it to be the above total. The main difference being the substantial area for growth proposed at Collaton St Mary where the scale of development proposed would breach the environmental capacity unsustainably. Withdrawal of the great landscape value designation (AGLV) would not accord with key protection of the countryside required by NPPF 109 and the views of the Minister for Planning in his letter of 3 March 2014 attached at Appendix 1.

The plan content is also over prescriptive to the extent that it would usurp the role of the Neighbourhood Plan in taking forward the strategic direction the Local Plan is supposed to stop at. This over prescription equally conflicts with the Minister's letter.

It is hoped that the above summary helps to explain the context of the attached representations and where it is hoped the Council will see the opportunity for suggesting amendment to the Secretary of State when the plan is submitted. Meanwhile, we will of course be continuing with preparation of the Neighbourhood Plan as previously agreed.

Please treat this letter as also forming part of the attached representations.

Yours sincerely



David Watts  
Chairman, Paignton Neighbourhood Forum

Enclosures:  
Part A & B Proformas and Representation details (with Appendix 1 & 2)

c.c (by email).  
Mayor Gordon Oliver  
All Torbay Councillors  
Alan Hill, Forum Vice Chairman  
Mike Parkes, Forum Secretary

## Paignton Neighbourhood Plan Forum

### Representations on the proposed Torbay Local Plan

Forum 27 March 2014

Part 1: Introduction (Pages 1-6)	
<p>Fully supported by the Forum except for:-</p> <p><b>Paragraph 1.1.3</b> (Sustainable, realistic ambition) Page 1</p> <p><u>Insert</u> words "the Plan assumes" before the words "the growth trend will be upwards"</p> <p><u>Reason:</u> Deaths exceed births every year in Torbay and net inward migration has reached a balanced position. There is no justification in the supporting documents for being certain the trend will only be upwards. The Plan can state no more than an assumption. Torbay is not like other areas where births exceed deaths and the trend of net migration is consistently upwards. To imply this is the position in Torbay would be misleading to developers and others who will use the Plan. See also <u>Paragraph 2.2.13</u> below.</p>	<p>Not Sound</p>
<p><b>Paragraph 1.1.5</b> (Sustainable, realistic ambition) Page 1</p> <p><u>Insert</u> the following words at the end of the paragraph</p> <p><i>"The overriding objective is to ensure job led growth and a balanced provision of housing and related development. It may be necessary to vary the figures downwards as well as upwards if monitoring results show this is necessary in order to achieve sustainable development."</i></p> <p><u>Reason:</u> Population growth in Torbay is due entirely to inward migration as shown in the supporting evidence to the Plan. If job growth within Torbay fails to keep pace with housing growth, there will be the need to find work elsewhere in the sub-region. This will increase journey length contrary to the principle of securing sustainable development. Failing to maintain a balance of land use between jobs and homes conflicts with NPPF 37.</p>	<p>Not Sound</p>
<p><b>Paragraph 1.1.8</b> (Environmental capacity) Page 2</p> <p><u>Delete:</u> second from last sentence that reads "We know, for example, there is land for around 9,200 homes over the next 20 years without breaching environmental limits."</p> <p><u>Reason:</u> The SHLAA maps show that 9,200 would cause the loss of large tracts of land currently designated as Countryside and Areas of Great Landscape Value in the Adopted Local Plan. Examples include such land at the village of Collaton St Mary, Paignton. Loss of such areas conflicts with NPPF 109 which states that the planning system should be "protecting and enhancing valued landscapes". The importance of this being achieved in Local Plans has been stressed by the Minister for Planning in his recent letter of 3 March 2014 to the Chief Executive of the Planning Inspectorate. A copy of the letter is enclosed (see <u>Appendix 1</u> attached). Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. (Regulation 8(5) Town and Country Planning (Local Planning) (England) Regulations 2012). This has not been complied with meaningfully. As a result, the full impact of the Plan on the environment has been underplayed significantly.</p>	<p>Not Legally Compliant</p>



<p><b>Paragraph 1.1.12 (Future Growth Areas) and Policies Map Booklet</b></p> <p>(a) <u>Insert</u>: the following words at the end of the paragraph <u>and</u> onto the notation panel of the Key Diagram and Policies Map Booklet (alongside the notation showing - Future Growth Area for housing and related development SS1, SS2, SS5, SS11):</p> <p><i>"The Future Growth Areas indicated define areas of search. They are not allocations of land for development. The sequence, timing, nature and capacity of development within these areas will be determined in the Neighbourhood Plans and may go beyond 2032."</i></p> <p>(b) <u>Delete</u>: the notation of "Future Growth Areas for housing and related development" from all sites showing this notation on Sheets 1 to 39 of the Policies Map Booklet <u>and replace with</u> the "Countryside Area" notation.</p> <p>(c) <u>Insert</u>: onto all relevant Sheets of the Policies Map Booklet, from the Adopted Local Plan, all designated Areas of Great Landscape Value and incorporate existing Policy L2 wording and Notation of the Adopted Local Plan into the proposed Local Plan and notation panel of the Policies Map Booklet.</p> <p><u>Reason</u>: NPPF 47 (bullet 3) makes clear that there is no requirement for a Local Plan to identify a supply of specific sites or broad locations beyond 15 years. Paragraph 1.1.12, plus the policies that follow, and the policies map, cumulatively have this effect. As a result, it exposes the land shown on the policies map to premature allocation and development by releasing it from protection provided by the designations of Countryside and Areas of Great Landscape Value in the current Local Plan. This conflicts with the Minister's letter (see Paragraph 1.1.8 above), usurps the role of the Neighbourhood Plans, and is not justified by the acknowledgement throughout the Plan that significant uncertainty exists about the need for the land within the plan period (see representations on <u>Paragraph 2.2.13</u> below).</p>	<p>Not Sound</p>
<p><b>Paragraph 1.1.15 (Monitoring)</b></p> <p><u>Insert</u>: the following words at the end of the paragraph: <i>"For clarification, the term 'major change' means that public consultation will be undertaken if an increase in the supply of land is considered to be required for jobs or homes that would mean increasing the supply of land defined in the local plan by more than 25% in any 5 year major review period."</i></p> <p><u>Reason</u>: There is scope for significant ambiguity in the words used regarding the proposed major review monitoring arrangements proposed. The need to ensure a balanced provision of jobs and homes, and finite capacity of land supply are recognised in the proposed Local Plan. It will be important for the community to know when it will be able to contribute on a formal basis on any major variation believed to be necessary. It is 10 years since the last Local Plan was adopted (2004).</p>	<p>Not Sound</p>
<p><b>Part 2: Opportunities and challenges (Pages 7-17)</b></p>	
<p>Fully supported by the Forum except for:-</p> <p><b>Paragraph 2.2.5 (Economic recovery and success – Plan position)</b></p> <p><u>Insert</u>: words after the second sentence: <i>"This will require careful monitoring to ensure that job led growth is achieved and does not lag behind housing growth proposed"</i></p> <p><u>Reason</u>: The Torbay Local Plan Evidence Study - Housing Requirement Report (2013) recognises that the unusual economy of Torbay currently faces a number of problems (page 34 section 3.4). Alongside this evidence must be noted that in the 10 year period 2001-2011 Torbay saw the addition of 5,000 homes, population grew by only 1,400 and jobs decreased. This unsustainable imbalance must not be repeated.</p>	<p>Not Sound</p>



<p><b>Paragraph 2.2.11</b> (Protect and enhance a superb environment – Supporting facts)</p> <p><u>Insert:</u> after the first sentence of the first bullet point <i>"This includes Areas of Great Landscape Value shown on the Policies Map that will continue to be protected and enhanced in accordance with NPPF 109."</i></p> <p><u>Reason:</u> There is nothing in the NPPF that supports removal of the designation in the proposed Local Plan. The areas have not diminished in the contribution they make to the character of Torbay and the USP the rest of the plan seeks to promote. Nor is the removal consistent with the views of the Planning Minister, which do not relate to Green Belt areas alone (see <u>Paragraph 1.1.12</u> above).</p>	<p>Not Sound</p>
<p><b>Paragraph 2.2.13</b> (Supporting facts)</p> <p>a) <u>Insert:</u> three new bullet points before the 1<sup>st</sup> bullet point to read:-</p> <ul style="list-style-type: none"> <li>• <i>"Inward and outward migration have been coming closer together in the Bay over the last 20 years. They are currently in balance with each other (2011)."</i></li> <li>• <i>"Over the 10 year period 2001 to 2011, the Bay's resident population grew by 1% (1,400 from 129,700 to 131,100)."</i></li> <li>• <i>"Births in the Bay continue to be lower than deaths every year. The gap has been narrowing but ONS expect the gap to continue."</i></li> </ul> <p>b) <u>Insert:</u> the following words at the end of the second bullet point at the foot of page 13:-</p> <ul style="list-style-type: none"> <li>• <i>"All mid year estimates over the past 20 years and all projections of future growth over the past 8 years made by ONS have been revised downwards on review, and further downward revision of the latest projection is expected. If account is taken of actual migration and the gap between births and deaths, the Bay's population is expected to grow by not more than 6,200 by 2031."</i></li> </ul> <p>c) <u>Insert:</u> the following words at the end of the first bullet point at the top of page 14:-</p> <ul style="list-style-type: none"> <li>• <i>"After account is taken of actual population change and structure that has been taking place in the Bay, not more than 3,400 new homes are realistically expected to be required by 2031"</i></li> </ul> <p>d) <u>Delete:</u> all words of the second bullet point at the top of page 14 that read:-</p> <ul style="list-style-type: none"> <li>• <i>"Household size is predicted to fall from 2.17 people (2011) to about 2.07 in 2032 – a smaller fall than previously projected. Nonetheless, around 3000 new homes will be needed just to meet the needs of Torbay's residents (even if there was no migration)"</i></li> </ul> <p><u>Replace with:</u></p> <p><i>"Household size in Torbay has changed very little over the last 20 years. The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991."</i></p> <p><u>Reason:</u> All of the above facts have been drawn from the evidence base documents used to produce the Local plan. They give a very different picture of the provision that should be made in order to achieve the sustainable outcome required by the NPPF and needs of Torbay. The difference has major implications on the amount of Greenfield land that would be required that forms the countryside and areas of great landscape value in the Bay that make up the character of the 'English Riviera'. As a clear example, the prediction that 3,000 new homes will be required to meet a reduction in household size is not justified and repeats the overestimate of previous assumptions that have not actually materialized in Torbay. This prediction alone accounts for some 40% of the proposed increase of 8-10,000 homes. Further information on the above facts in support of the Forum's representations is enclosed (see <u>Appendix 2</u> attached). The Appendix shows that not more than 3-4,000 homes will be</p>	<p>Not Sound</p>



required, which equates to not more than 150-200 per annum (750-1,000 over 5 years).	
<p><b>Paragraph 2.3.1</b> (The 'big ticket' items) Page 15)</p> <p>a) <u>Insert</u>: into the bullet point list under sub-heading "Protect and enhance a superb environment" (mid page 16) the following words</p> <ul style="list-style-type: none"> <li>• after the reference to AONB in the first bullet point "<i>and existing Areas of Great Landscape Value</i>"</li> <li>• into the list of villages of the second bullet point "<i>Collaton Saint Mary</i>" alongside Churston, Galmpton and Maidencombe;</li> <li>• into the sixth bullet point list "<i>Westerland Valley</i>" alongside Yalberton Valley</li> </ul> <p>b) <u>Insert</u>: figure "<i>up to 3,000</i>" in place of "<i>up to 7,500</i>" in the 3<sup>rd</sup> from last bullet point list under sub-heading "Create more sustainable communities and better places"</p> <p><u>Reason</u>: (a) Inclusion of the existing AGLV's accords entirely with NPPF 109 already referred to in <u>Paragraph 2.2.11</u> above. Both Collaton St Mary and Westerland Valley have at least the same qualities as those already listed for protection. In neither location is land required to meet the stated job or housing increase proposed. Both areas fall within the Countryside policy area and are already designated as Areas of Great Landscape Value in the current Adopted Local Plan. (b) Accords with the changes necessary to <u>Paragraph 2.2.13</u> set out earlier above and <u>Policy SS1</u> set out later below.</p>	Not Sound
<b>Part 3: Vision and ambition</b> (Pages 18-23)	
<p>Fully supported by the Forum except for:-</p> <p><b>Paragraph 3.2.9</b> (Momentum and targets) Page 22</p> <p><u>Insert</u>: a sentence at the end of the paragraph to read "<i>However, regard must also be given to the fact that these projections have proven to be overestimates consistently and in particular risk creating the allocation of Greenfield land before such release is justified.</i>"</p> <p><u>Reason</u>: To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above.</p>	Not Sound
<b>Part 4: Spatial strategy and policies for strategic direction</b> (Pages 24-65)	
<p>Fully supported by the Forum except for:-</p> <p><b>Paragraph 4.1.3</b> (Introduction) Page 24</p> <p><u>Insert</u>: a sentence at the end of the paragraph to read "<i>Above all, the priority of this Local Plan is to achieve job led growth, not housing led growth.</i>"</p> <p><u>Reason</u>: To ensure there is no repeat of the imbalance that occurred in the last 10 years referred to at <u>Paragraph 2.2.5</u> in the Forum's representations above. The reference to "priority" in paragraph 4.1.4 is inadequate and ambiguous. The priority is not the maintenance of the 5 year supply of housing at a rate that fails to achieve job growth.</p>	Not Sound
<p><b>Paragraph 4.1.6</b> (The demand for jobs and homes) Page 24</p> <p><u>Insert</u>: figures "<i>150-200 per annum</i>" in place of "<i>400-500 per annum</i>"</p> <p><u>Reason</u>: To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above.</p>	



<p><b>Policy SS1</b> (Growth Strategy for a prosperous Torbay) Page 28</p> <p>Fully supported by the Forum except for:-</p> <p>Under the policy sub-heading 'Growth Strategy for a prosperous Torbay':-</p> <p>a) <u>Insert</u>: the word "must" in place of "should" in the second paragraph</p> <p>b) <u>Insert</u>: "between 150-200" and "3-4,000" in place of "between 400-500" and "8-10,000" respectively in the fourth paragraph;</p> <p>Under the policy sub-heading 'Existing commitments':-</p> <p>c) <u>Insert</u>: "1,000" in place of "2,000" in the paragraph;</p> <p>Under the policy sub-heading 'Strategic Delivery Areas':-</p> <p>d) <u>Insert</u>: after the first paragraph "For the avoidance of doubt, Future Growth Areas indicated on the Policies Map are not land allocations for development. They are areas of search for consideration and determination in the relevant Neighbourhood Plan."</p> <p>e) <u>delete</u>: "Major" from the beginning of the 3<sup>rd</sup> paragraph</p> <p><u>Reason</u>: a) Is necessary because the word "should" is ambiguous, and "must" is not. This matters in such an important policy statement. b) and c) are needed to accord with the changes necessary to <u>Paragraph 2.2.13</u> referred to above. d) and e) Are required for the avoidance of doubt as to what is meant by the words for "Information" in the policy and Policies Map and "Major" in the policy.</p>	Not sound
<p><b>Paragraph 4.1.19</b> (Explanation – Policy SS1) Page 29</p> <p><u>Insert</u>: at the end of 3<sup>rd</sup> bullet point ", including food production."</p> <p><u>Reason</u>: To draw attention to a key role played by the Bay's countryside that is often forgotten.</p>	Not Sound
<p><b>Paragraph 4.1.20</b> (Explanation – Policy SS1) Page 29</p> <p><u>Insert</u>: the words "and Areas of Great Landscape Value" after "AONB" in the first sentence.</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Paragraphs 1.1.2 and 2.2.13</u> referred to above.</p>	NPPF Omission
<p><b>Paragraph 4.1.22</b> (Economic success) Page 29</p> <p><u>Delete</u>: the words "Business growth will give rise to more employment opportunities which, in turn, will give rise to increased demand for new homes – alongside the demand arising from inward migration and reduced household size."</p> <p><u>Reason</u>: Only 5-6,000 jobs are proposed. Those who are currently unemployed in the Bay number around 3,000. Net inward migration is in balance, and reduction in household size continues to be grossly overestimated in the Bay as referred to in the representations at <u>Paragraph 2.2.13</u> above.</p>	Not Sound
<p><b>Policy SS2</b> (Future Growth Areas) Page 31-32</p> <p>Fully supported by the Forum except for:-</p> <p>a) <u>Insert</u>: at the end of the first sentence the words "as areas of search for information - see Policy SS1".</p> <p>b) <u>Insert</u>: the paragraph 2, line 3, words "where appropriate" after the words "Torbay's</p>	Not sound



<i>Landscape Character Assessment</i>	
<p>c) <u>Insert</u>: in paragraph 4 the word "expected to" after "Development will be" in the sentence above criteria i) to vi).</p> <p><u>Reason</u>: a) is necessary to accord with the change referred to in the Forum's representation referred to at <u>Policy SS1 (d)</u> above. b) Is necessary because the Landscape Character Assessment for the area north of the A385 at Collaton Saint Mary has been replaced by a subsequent assessment when the planning application in that location was considered in 2013. The policy fails to state which Assessment will be used. c) Is necessary to overcome an apparent typographical error.</p>	
<p><b><u>Policy SS3</u></b> (Presumption in favour of sustainable development) Page 33</p> <p>Fully supported by the Forum</p>	Sound
<b>Aspiration 1: Secure economic recovery and success</b> Pages 34-41	
<p>Fully supported by the Forum</p>	Sound
<p><b><u>Policy SS4</u></b> (The economy and employment) Page 36</p> <p>Fully supported by the Forum</p>	Sound
<p><b><u>Policy SS5</u></b> (Employment space) Page 37</p> <p>Fully supported by the Forum</p>	Sound
<p><b><u>Table 4.2</u></b> (Sources of employment land) Pages 39-40</p> <p>Under sub-heading 'Future Growth Areas'</p> <p>a) <u>Insert</u>: additional sentence at the end of the Notes for 'SPD3 Yalberton (Paignton)' to read "Development in the period beyond 10 years would also be considered appropriate in the Neighbourhood Plan"</p> <p>b) <u>Delete</u>: the words in the Notes column for 'SPD3 Collaton St Mary (Paignton)' the words "Future Growth Area of around 95ha."</p> <p><u>Reason</u>: For a) This site would be more appropriate for development beyond the first 10 year period. This should not be discounted. For b) the extent of the growth area will be identified by the Forum in the Neighbourhood Plan in accordance with the intentions of the Localism Act.</p>	Not sound
<b>Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure</b> Pages 42-48	
<p>Fully supported by the Forum.</p>	Sound
<p><b><u>Policy SS6</u></b> (Strategic transport improvements) Pages 43-44</p> <p>Fully supported by the Forum</p>	Sound
<p><b><u>Policy SS7</u></b> (Infrastructure, phasing and delivery of employment) Page 46</p> <p>Fully supported by the Forum</p>	Sound
<b>Aspiration 3: Protect and enhance a superb environment</b> Pages 49-52	
<p>Fully supported by the Forum, except for:-</p>	



<p><b>Policy SS8</b> (Natural environment) Pages 49-50</p> <p>a) <u>Delete</u>: in item e) line one the word "should" and replace with "must"</p> <p>b) <u>Insert</u>: in 1. in first line at top of page 50 after (AONB) the words "and Areas of Great Landscape Value (AGLV)"</p> <p><u>Reason</u>: For a) Maintaining habitat in the Bay is critically important. The word 'should' is ambiguous and discretionary, the word 'will' is not and is more appropriate to the objective of the policy proposed. For b) To accord with the changes necessary in <u>Paragraph 1.1.8</u> and <u>Paragraph 1.1.12</u> above.</p>	Not sound
<p><b>Policy SS9</b> (Green infrastructure) Page 51</p> <p><u>Insert</u>: a further location in the list to read "4. Yalberton Valley"</p> <p><u>Reason</u>: Paragraph 4.4.15 states that "Further similar opportunities may be available elsewhere". Reports justifying the inclusion of Yalberton Valley have been submitted by the community and received warmly by the Council. Now is the time to include the Valley in the Policy proposals. The details will be developed through the Neighbourhood Plan. To exclude Yalberton Valley from the Local Plan policy headings would not be justified..</p>	Not sound
<p><b>Aspiration 4: Create more sustainable communities and better places</b> Page 53</p>	
<p>Fully supported by the Forum except for:-</p> <p><b>Paragraph 4.5.12</b> (Evidence of requirements) Page 54</p> <p><u>Insert</u>: a sentence at the end of the second bullet point paragraph to read "<i>The evidence shows that migration has been falling for the last 20 years to the point where inward and outward migration are now in balance with each other (2011).</i>"</p> <p><u>Reason</u>: As written, the paragraph implies that migration rates are not falling. They have been reducing for a considerable period as shown in <u>Appendix 2</u> attached. The demand for market housing has decreased accordingly.</p>	Not Sound
<p><b>Paragraph 4.5.13</b> (Evidence of requirements) Page 54</p> <p><u>Insert</u>: words at the paragraph end to read "<i>All mid year estimates over the past 20 years and all projections of future growth over the past 8 years made by ONS have been revised downwards on review, and further downward revision of the latest projection is expected. If account is taken of actual migration and the gap between births and deaths, the Bay's population is expected to grow by not more than 6,200 by 2031</i>"</p> <p><u>Reason</u>: To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above</p>	Not Sound
<p><b>Paragraph 4.5.14</b> (Evidence of requirements) Page 54</p> <p>a) <u>Delete</u>: all words of the third bullet point that read:-</p> <ul style="list-style-type: none"> <li>• "<i>Household sizes are falling, but less fast than predicted in the mid Twenty Zeros. A fall to 2.07 persons per household in 2032 (from 2.17 at the 2011 Census) generates a home grown need for about 3,000 additional homes by 2032.</i>"</li> </ul> <p style="padding-left: 40px;"><u>Replace with</u>:</p> <ul style="list-style-type: none"> <li>• "<i>Household size in Torbay has changed very little over the last 20 years. The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991.</i>"</li> </ul> <p>b) <u>Delete</u>: all words of the fifth bullet point that read:-</p>	Not Sound



<ul style="list-style-type: none"> <li>• <i>"Migration rates fluctuate significantly, with some evidence of a fall in recent years. The average net in-migration was 1216 per year between 1991-2010 but only 400 per year 2007-2010."</i></li> </ul> <p><u>Replace with:</u></p> <ul style="list-style-type: none"> <li>• <i>"Migration rates have been falling over the past 20 years. Between 1991 and 2001 net-migration was 16,200. Between 2001 and 2011, net migration fell to 5,900. ONS figures for 2010-11 show inward and outward migration are now in balance (net-nil) but the latest ONS projection for 2021 still assume net-migration of 8,600 and downward revision is expected."</i></li> </ul> <p>(c) Delete: all words of the sixth bullet point that read:</p> <ul style="list-style-type: none"> <li>• <i>"Birth rates have risen significantly in the last decade. Average live births 2008-2011 were 1,441 per year compared to 1205 per year in 2001-2003."</i></li> </ul> <p><u>Replace with:</u></p> <ul style="list-style-type: none"> <li>• <i>"Births totaled 12,600 between 1991 and 2001. This increased to 13,400 over the 10 years from 2001 to 2011. The latest ONS projection assumes that the 10 year total will grow to 14,700 but will be at a lower rate in the second half of 2016-2021."</i></li> </ul> <p><u>Reason:</u> To accord with the changes necessary to <u>Paragraph 2.2.13</u> referred to above</p>	
<p><b>Paragraph 4.5.17</b> (Land availability) Page 55</p> <p><u>Insert:</u> a sentence at the end of the paragraph to read <i>"However, having regard to population and demographic factors it is unlikely that more than 3-4,000 will require space to be found in the period to 2031."</i></p> <p><u>Reason:</u> To accord with the changes necessary to <u>Paragraph 2.2.13</u> referred to above</p>	Not Sound
<p><b>Paragraph 4.5.20</b> (Making better use of what we've got) Page 55</p> <p><u>Delete:</u> at the end of the paragraph the words <i>"around 50% of new housing on brownfield sites."</i> and <u>replace</u> with <i>"the significant majority of new housing on brownfield sites."</i></p> <p><u>Reason:</u> To make it more clear that the objective is to make use of Greenfield land as a last resort.</p>	Not Sound
<p><b>Paragraph 4.5.25</b> (Phasing of new development) Page 56</p> <p><u>Insert:</u> words at the end of the paragraph to read <i>"either upwards or downwards."</i></p> <p><u>Reason:</u> In view of the Bay's unusual population and migration characteristics, it would not be justified to assume only an upward revision may arise, as it is clear downward changes have been taking place that are equally important to take into account in order to achieve a sound plan that makes best use of the limited supply of environmentally non sensitive land that exists.</p>	Not Sound
<p><b>Table 4.3</b> (Source and timing of new homes) Page 56</p> <p><u>Insert:</u> a footnote to the table that reads <i>"The totals and timings in the above Table (4.3) are indicative only and are subject to determination in the Neighbourhood Plans and may go beyond 2032."</i></p> <p><u>Reason:</u> The need for and timing of individual sites will vary and involve Greenfield land that it would not be appropriate to release in advance of other sites in order to achieve a sustainable outcome.</p>	Not Sound



<p><b>Policy SS10</b> (Sustainable communities strategy) Pages 57-59</p> <p>Fully supported by the Forum</p>	<p>Sound</p>
<p><b>Paragraph 4.5.32</b> (Explanation – Policy SS10)</p> <p><u>Delete</u>: words from the last sentence “over the next 5 years”</p> <p><u>Reason</u>: To make most use of the existing housing stock, and reduce the need for Greenfield land, the objective of bringing empty homes back into use should not be limited only to the next 5 years. Removing the words will signal that it is intended this objective will continue throughout the plan period.</p>	<p>Not Sound</p>
<p><b>Policy SS11</b> (Housing) Page 59-60</p> <p>a) <u>Insert</u>: in the first sentence “3-4,000” in place of the figures “8-10,000”</p> <p>b) <u>Insert</u>: additional sentence at the end of the fourth paragraph to read “The review will be undertaken as part of the major review every 5 years (see Part 7)”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above.</p>	<p>Not Sound</p>
<p><b>Paragraph 4.5.34</b> (Explanation - Housing) Page 60</p> <p>a) <u>Insert</u>: in the third sentence “3-4,000” in place of the figures “8-10,000”</p> <p>b) <u>Delete</u>: last two sentences that read “This would meet the requirement as measured by the 2011 based (released 2013) DCLG Household Projections, which would equate to 8,800 dwellings if extrapolated to 2031. The figure will be reviewed through monitoring and adjusted for changes in migration rates, household size and economic performance.”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above</p>	<p>Not Sound</p>
<p><b>Paragraph 4.5.36</b> (Explanation - Housing) Page 60</p> <p>a) <u>Insert</u>: in the first sentence “3-4,000” in place of the figures “8-10,000”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above</p>	<p>Not Sound</p>
<p><b>Policy SS12</b> (Five year housing land supply) Pages 60-61</p> <p>Fully supported by the Forum except for:-</p> <p>a) <u>Delete</u> in the first sentence the words “400 dwellings a year (i.e. 2,000 dwellings over 5 years), made up of from 270 a year on committed or identified sites and 130 on windfall sites.” <u>Replace with</u> the words “150 dwellings a year (i.e. 750 dwellings over 5 years), made up of committed or identified sites and windfall sites”</p> <p>b) <u>Delete</u>: the word “serious” from criterion ii) of the proposed policy.</p> <p><u>Reason</u>: a) To accord with the changes necessary to <u>Policy SS1</u> set out earlier above. b) The word “serious” is open to subjective and inconsistent interpretation. It will be possible to determine in each application for planning permission if an infrastructure shortfall exists or not. By including the word “serious” there is a real risk of creating a cumulative shortfall over time that should have been resolved at an earlier occasion.</p>	<p>Not Sound</p>
<p><b>Paragraph 4.5.38</b> (Five year housing supply – Explanation) Page 61</p> <p><u>Insert</u>: words at the beginning of the paragraph to read “Subject to other NPPF requirements.”</p>	<p>Not Sound</p>



<p><u>Reason:</u> The 5 year trajectory is not an absolute target that overrides other NPPF requirements. This has been confirmed by the Court of Appeal in the "Hunston" Judgment of December 2013 (EWCA Civ 1610)</p>	
<p><b>Paragraph 4.5.41</b> (Five year housing supply – Explanation) Page 61</p> <p><u>Insert:</u> the figure "150" and "750" in place of "400" and "2,000" respectively.</p> <p><u>Reason:</u> To accord with the changes necessary to <u>Policy SS1</u> set out earlier above</p>	Not Sound
<p><b>Aspiration 5: Respond to climate change</b> Pages 62-65</p>	
<p>Fully supported by the Forum.</p>	Sound
<p><b>Policy SS13</b> (Low carbon development and adaptation to climate change) Page 63</p> <p>Fully supported by the Forum.</p>	Sound
<p><b>Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans</b> (Pages 65-89)</p>	
<p><b>TORQUAY</b> Pages 66-72</p>	
<p>Refer to the views of the Torquay Neighbourhood Plan Forum, including for:-</p>	
<p><b>Policy SDT1</b> (Torquay) Page 66.</p>	
<p><b>Policy SDT2</b> (Torquay Town Centre and Harbour) Page 69</p>	
<p><b>Policy SDT3</b> (Torquay Gateway) Page 70</p>	
<p><b>Policy SDT4</b> (Babbacombe and St Marychurch) Page 72</p>	
<p><b>PAIGNTON</b> Pages 73-82</p>	
<p>Fully supported by the Forum except for:-</p> <p><b>Policy SDP1</b> (Paignton) Page 73</p> <p>a) <u>Delete:</u> the following words from the second paragraph "<i>particularly in the vicinity of Preston Down Road</i>"</p> <p>b) <u>Delete:</u> the words in brackets in the first sentence of the last paragraph "<i>around 4,585 new homes (averaging 230 per annum)</i>" and <u>replace with</u> "<i>1,800 new homes (averaging 90 per annum)</i>"</p> <p>c) <u>Insert:</u> the following words after the second sentence of the last paragraph "<i>All figures in Policy SDP1, Tables 5.7 and 5.8 together with Policies SDP2-SDP4 are for indicative purposes only of potential locations drawn from Appendix D and are subject to confirmation and determination in the Neighbourhood Plan which may go beyond 2032.</i>"</p> <p><u>Reason:</u> All three changes are essential to ensure Policy SDP1 provides a strategic context for the Neighbourhood Plan without being over prescriptive. NPPF 47 requires identified sites, or broad locations for years 6-10, and where possible for years 11-15, but not beyond this to be compliant. Neighbourhood Plan progress has already identified sufficient land to meet the employment requirement. Also additional homes that will meet the NPPF requirement. To go beyond this will result in the release of further Greenfield land that will damage the Bay's landscape character and not be justified as evidenced by the facts presented at <u>Paragraph 2.2.13</u> above.</p>	Not Sound
<p><b>Table 5.7</b> (Source of employment floorspace – Paignton) Page 74</p> <p>Fully supported by the Forum</p>	Sound



<p><b>Table 5.8</b> (Source of housing within Paignton) Page 75</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>"All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032"</i></p> <p><u>Reason:</u> NPPF 47 requires identified sites, or broad locations for years 6-10, and where possible for years 11-15, but not beyond this to be compliant. Neighbourhood Plan progress has already identified sufficient land that will meet the NPPF requirement. To go beyond this will result in the release of further Greenfield land that will damage the Bay's landscape character and not be justified as evidenced by the facts presented at <u>Paragraph 2.2.13</u> above.</p>	Not Sound
<p><b>Policy SDP2</b> (Paignton Town Centre and Seafront) Page 75</p> <p><u>Insert:</u> the following words at the end of the last paragraph <i>"The timing, type and scale of development will be determined in the Neighbourhood Plan which may go beyond 2032"</i></p> <p><u>Reason:</u> The same as for <u>Table 5.8</u> above.</p>	Not Sound
<p><b>Table 5.9</b> (Paignton Town Centre and Waterside – Key sites for employment) Page 77</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>"Alternative use of Victoria Park for retail development would fail to comply with NPPF 74 and retention of the Park has the support of more than 6,000 petitioners."</i></p> <p><u>Reason:</u> Victoria Park has been the subject of extensive consultation in the Neighbourhood Plan making process which it would be justified to evidence by the above reference in the Local Plan.</p>	Not Sound
<p><b>Table 5.10</b> (Paignton Town Centre and Seafront – Key sites for housing) Pages 77-78</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>"All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032"</i></p> <p><u>Reason:</u> The same as for <u>Table 5.8</u> above.</p>	Not Sound
<p><b>Policy SDP3</b> (Paignton North and Western Area) Page 78</p> <p><u>Insert:</u> sentence at the end of the second paragraph to read <i>"Where development has not yet been approved, the timing and extent of development will be determined in the Neighbourhood Plan and may extend beyond 2032"</i></p> <p><u>Reason:</u> The same as for <u>Table 5.8</u> above.</p>	Not Sound
<p><b>Table 5.11</b> (Paignton North and Western Area – Key sites for employment) Page 80</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>"All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032"</i></p> <p><u>Reason:</u> The same as for <u>Policy SDP3</u> above.</p>	Not Sound
<p><b>Table 5.12</b> (Paignton North and Western Area – Key sites for housing) Page 81</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>"All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032"</i></p> <p><u>Reason:</u> The same as for <u>Table 5.8</u> above</p>	Not Sound
<p><b>Policy SDP4</b> (Clennon Valley Leisure Hub) Pages 81-82</p>	Sound



Fully supported by the Forum	
<b>BRIXHAM</b> Pages 83-89	
Refer to the views of the Brixham Neighbourhood Plan Forum, including for:-	
<b>Policy SDB1</b> (Brixham Peninsula) Page 83	
<b>Policy SDB2</b> (Brixham Town Centre, Harbour and Waterfront) Page 86	
<b>Policy SDB3</b> (Brixham Urban Fringe and Area of Outstanding Natural Beauty) Page 87	
<b>Part 6: Policies for managing change and development in Torbay</b> (Pages 90-170)	
<b>Aspiration 1: Secure economic recovery and success</b> Pages 90-103	
Fully supported by the Forum except for:-	
<b>Policy TC1</b> (Town centres) Page 90	Not sound
<u>Delete:</u> words in 4 <sup>th</sup> line of 1 <sup>st</sup> paragraph " <i>should follow</i> " and <u>replace with</u> " <i>will follow</i> "	
<u>Reason:</u> For such an important policy, "should" is ambiguous and discretionary. The amendment removes the risk of the policy being misapplied.	
<b>Policy TC2</b> (Torbay retail hierarchy) Page 91	Not sound
<u>Insert:</u> the following words in brackets after " <i>The Willows</i> " in the second column " <i>see Policy TC3-'C'</i> "	
<u>Reason:</u> The Willows does not function as a District Centre. It does not fit the description in the Glossary of Terms in Appendix A. Policy TC2 has recognized this by including specific reference to the additional Policy that will apply. It will therefore be helpful to cross reference the two by the above amendment.	
<b>Policy TC3</b> (Retail development) Page 92	Not sound
<u>Delete:</u> under sub-heading (D) the figure " <i>1,000 sq m gross</i> " and <u>replace with</u> " <i>500 sq m gross</i> ".	
<u>Reason:</u> Paignton Town Centre contains many small comparison goods shops that collectively are important to the vitality and vibrancy of the centre. The impact of out-of-centre proposals needs to be assessed meaningfully. The level at which a retail impact assessment is required has been set too high.	
<b>Policy TC4</b> (Change of retail use) Page 94	Sound
Fully supported by the Forum	
<b>Policy TC5</b> (Evening and night time economy) Page 95	Sound
Fully supported by the Forum	
<b>Policy TO1</b> (Tourism, events and culture) Page 96	Sound
Fully supported by the Forum.	
<b>Policy TO2</b> (Change of use of tourism accommodation and facilities) Page 99	Sound
Fully supported by the Forum.	



<p><b>Policy TO3</b> (Marine economy) Page 102</p> <p>Fully supported by the Forum.</p>	Sound
<p><b>Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure</b> Pages 104-109</p>	
<p>Fully supported by the Forum.</p>	
<p><b>Policy TA1</b> (Transport and accessibility) Page 104</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy TA2</b> (Development access) Pages105-106</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy TA3</b> (Parking requirements) Page 107 <b>and Appendix G</b> (see below)</p> <p><u>Insert:</u> at the end of the first sentence, <i>"including spaces for commercial vehicles (e.g. white vans) being used by home working businesses."</i></p> <p><u>Reason:</u> Paragraph 4.2.31 encourages new business development, and home working is expected to become increasingly important. Currently between 10% and 12% of households either use commercial vehicles as their transport to work, or they are working from home using a 'white van.' Either way, their vehicles are parked on the roadway, having the effect of converting a two-way street into a single carriageway. This impedes the access of emergency vehicles, and detracts from the visual impact of development. For example, the St Mary estate where some 12% of dwellings appear to have a commercial vehicle/white van parked on the highway because there is no other space for parking. Great Parks has made provision for 'white van' parking.</p>	Not sound
<p><b>Policy IF1</b> - Information and communications technology 108</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Aspiration 3: Protect and enhance a superb environment</b> Pages110-126</p>	
<p>Fully supported by the Forum, except for:-</p>	
<p><b>Policy C1</b> (Countryside and the rural economy) Page 110</p> <p>a) <u>Delete:</u> the first sentence from the 2<sup>nd</sup> paragraph that reads <i>"Major new development should focus on Future Growth Areas in the Strategic Delivery Areas set out in the Key Diagram, consistent with the ambition and policies of the Local Plan."</i></p> <p>b) <u>Delete:</u> the end of the first paragraph after listed items 1-8 that reads <i>"as identified in the Torbay Landscape Character Area Assessment, the suitability of development and capacity of the countryside to accommodate change."</i></p> <p><u>Reason:</u> The same as for <u>Paragraph 1.1.8</u>, <u>Paragraph 1.1.12</u>, <u>Paragraph 2.2.11</u>, <u>Paragraph 2.3.1</u>, <u>Paragraph 4.1.20</u>, and <u>Policy SS2</u> above.</p>	Not sound
<p><b>Policy C2</b> (The coastal landscape) Page 113</p> <p><u>Delete:</u> from the last paragraph the word "unacceptably"</p> <p><u>Reason:</u> The word implies that "acceptable" harm would be supported. This is not consisted with the support given in the Local Plan to the importance of the environment in Torbay.</p>	Not sound



<p><b>Policy C3</b> (Coastal change management) Page 114</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy C4</b> (Trees, hedgerows and natural landscape features) Page 116</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Paragraph 6.3.1.22</b> (Explanation – Policy C4) Page 116</p> <p><u>Delete</u>: in the middle of the sentence the word 'can' <u>and replace</u> with 'do'</p> <p><u>Reason</u>: to strengthen the wording of the explanation.</p>	Not sound
<p><b>Policy C5</b> (Urban Landscape Protection Areas) Page 117</p> <p><u>Delete</u>: from the Queens Park site (Town Centre Inset Map) the notation of "<i>Potential Development site for consideration in Neighbourhood Development Plan – primarily housing</i>" and <u>retain</u> the Urban Landscape Protection Area notation.</p> <p><u>Reason</u>: The site is not needed to meet housing requirements for the reason given in <u>Paragraph 2.2.13</u> above. The existing site provides leisure facilities and landscape character to the town centre that it would not be justified to see lost. To define the whole site as a potential location for housing also conflicts with <u>Paragraph 6.3.1.32</u> which states "it would be necessary to demonstrate that the quality of these areas is retained. It would conflict also with the criteria of NPPF 74.</p> <p><u>Footnote</u>: More than 6,000 members of the local community have signed a petition that seeks to keep Victoria Park (ULPA site 38)</p>	Not sound
<p><b>Policy NC1</b> (Biodiversity and geodiversity) Page 120</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy HE1</b> (Conservation and the historic environment) Page 123</p> <p><u>Insert</u>: after the first paragraph words to read "<i>New Conservation Areas will be created where they are able to meet the requirement for designation, and areas of townscape value will be added to designated Conservation Areas where such consolidation enhances the overall character or setting.</i>"</p> <p><u>Reason</u>: At least one area in Yalberton Valley has the potential to be designated as a new Conservation Area, and existing Areas that have been designated have the potential to be enhanced. This needs to be recognised in the proposed Policy wording to help Neighbourhood Plans progress the opportunities further.</p>	Not sound
<p><b>Policy HE2</b> (Listed buildings) Page 126</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Aspiration 4: Create more sustainable communities and better places</b> (Pages 127-153)</p>	
<p><b>Policy H1</b> (Applications for new homes) Pages 127-128</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy H2</b> (Affordable housing) Pages 129-132</p> <p>Fully supported by the Forum</p>	Sound



<p><b>Policy H3</b> (Self build affordable housing and exception sites) Pages 132-133</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy H4</b> (Houses in Multiple Occupation - HMOs) Pages 133-135</p> <p>(a) <u>Insert</u>: the following words between the first sentence and criteria list of 1-7:-  <i>"Applications for new buildings, or sub-division of existing building, into non-self contained residential accommodation (HMOs) will only be permitted where the following will be met: "</i></p> <p>(b) <u>Insert</u>: an additional criterion to read <i>"8. The proposal would not conflict with any other policy of the Local Plan or adopted Neighbourhood Plan."</i></p> <p><u>Reason</u>: To make it clear that the criterion apply to applications for new HMOs, not conversion from HMOs. The addition of criteria 8 is necessary to ensure that applicants are aware other policies may also apply depending on the location involved.</p>	Not Sound
<p><b>Paragraph 6.4.1.26</b> (Explanation – Policy H4)</p> <p><u>Insert</u>: the following words after the last sentence <i>"The Direction has been advertised and will be brought into effect immediately"</i></p> <p><u>Reason</u>: The Forum has supported the implementation of the Article 4 Direction. The necessary advertisement period has been completed. The last step of adopting the Direction remains justified to secure the improvement it will bring. Failing to implement this last step will send out the wrong message and perpetuate the inability to secure improvement in those situations where HMOs arise that do not currently require planning approval.</p>	Not Sound
<p><b>Paragraph 6.4.1.34</b> (Explanation – Policy C4)</p> <p><u>Delete</u>: last sentence that reads <i>"The Policy will be reviewed within two years, from adoption of the Local Plan, to assess its effectiveness against these aims."</i></p> <p><u>Reason</u>: Setting a timescale to a review of Policy H4 would not be justified without first bringing the Article 4 Direction into full operation (see <u>Paragraph 6.4.1.26</u> above)</p>	Not Sound
<p><b>Policy H5</b> ( Sites for travelers) Pages 135-136</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy H6</b> (Housing for people in need of care) Page 136-138</p> <p>Fully supported by the Forum.</p>	Sound
<p><b>Policy DE1</b> (Design) Page 138</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy DE2</b> (Building for Life) Page 140</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Paragraph 6.4.2.19</b> (Explanation – Policy DE3)</p> <p><u>Insert</u>: new sentence at the end of the paragraph to read <i>"Where the Greenfield site lies outside of the urban area, a lower density will be expected to ensure that full account is taken of landscape considerations and other Local Plan policies likely to apply."</i></p> <p><u>Reason</u>: It is not justified to have a density of 30 dwellings per hectare outside of the urban area as a minimum standard. Paragraph 6.4.3.3 of the proposed Local Plan draws attention to the health considerations necessary at this density. Additionally, it would lead to significant</p>	Not sound



change in character of the existing urban fringe that would not be consistent with the Local Plan's underlying objective of protecting and enhancing the countryside and valued landscapes as required by NPPF109 and the Minister for Planning's letter of 3 March referred to in <u>Paragraph 2.2.11</u> above.	
<b>Policy DE3</b> (Development amenity) Pages 141-142 Fully supported by the Forum	Sound
<b>Table 6.1</b> (Dwelling Size and Floorspace Standards) Page 142 Fully supported by the Forum	Sound
<b>Policy DE4</b> (Building heights) Page 143 Fully supported by the Forum	Sound
<b>Policy DE5</b> (Domestic extensions) Pages 144-145 Fully supported by the Forum.	Sound
<b>Policy DE6</b> (Advertisements) Page 145 Fully supported by the Forum.	Sound
<b>Policy SC1</b> (Healthy Bay) Page 146 Fully supported by the Forum	Sound
<b>Policy SC2</b> (Sport, leisure and recreation) Page 148  <u>Delete</u> : all words after " <b>Area of Search</b> " and <u>replace with</u> the following words:  <i>"There will be a presumption against loss of existing open space, sports and recreational buildings and land, including playing fields, unless:</i>  <i>i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or</i>  <i>ii) 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</i>  <i>iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss"</i>  <u>Reason</u> : The criteria proposed in the Local Plan do not accord with the requirements of NPPF74. There is no justification for departing from the NPPF wording which sets out less ambiguously the tests to be applied.	Not sound
<b>Policy SC3</b> (Education, skills and local labour) Page 150 Fully supported by the Forum	Sound
<b>Policy SC4</b> (Sustainable food production) Page 151 Fully supported by the Forum	Sound
<b>Policy SC5</b> (Child poverty) Page 152 Fully supported by the Forum.	Sound



<b>Aspiration 5: Respond to climate change (Pages 154-170)</b>	
Fully supported by the Forum, except for:-	
<b>Policy ES1</b> (Energy) Page 154 Fully supported by the Forum.	Sound
<b>Policy ES2</b> (Renewable and low carbon infrastructure) Page 155 Fully supported by the Forum.	Sound
<b>Policy ER1</b> (Flood risk) Page 156  <i>Insert:</i> the following words as a new paragraph at the end of the policy <i>"Full details of the measures that will be used to address flood risk will be required at the time a planning application is first submitted. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable."</i>  <i>Reason:</i> Paignton is a high flood risk area. Issues of flooding have become more pronounced as a result of the heavy rainfall and coastal storms of 2014. <u>Paragraph 6.5.2.11</u> correctly states the Torbay Strategic Housing Land Availability Assessment (SHLAA) does not distinguish between sites according to flood risk. There is a pressing need to ensure that sites supported for development are actually deliverable.	Not sound
<b>Policy ER2</b> (Water management) Page 159 Fully supported by the Forum.	Sound
<b>Policy ER3</b> (Contamination) Page 160 Fully supported by the Forum.	Sound
<b>Policy ER4</b> (Ground stability) Page 161 Fully supported by the Forum.	Sound
<b>Policy W1</b> (Waste hierarchy) Pages 161-162 Fully supported by the Forum.	Sound
<b>Policy W2</b> (Waste audit for major and significant waste generating developments) Page 163 Fully supported by the Forum.	Sound
<b>Policy W3</b> (Existing waste management facilities in Torbay) Page 164 Fully supported by the Forum	Sound
<b>Policy W4</b> (Proposals for new waste management facilities) Page 164-165 Fully supported by the Forum	Sound
<b>Policy W5</b> (Waste water disposal) Page 166  <i>Insert:</i> the following words as a new paragraph at the end of the second from last paragraph of the policy to read <i>"Where connection is proposed to the existing combined sewer network, full details of surface water and foul water disposal will be required for all developments at the time the application for planning consent is first submitted. This must include assessment of</i>	Not sound



<p><i>the capacity of the network to accept the additional flow that would arise. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable."</i></p> <p><u>Reason:</u> The single pipe foul and surface water network serving Paignton has been identified in the Infrastructure Delivery Study as a potential constraint. Ways need to be found to prevent the situation from becoming worse. <u>Paragraph 6.5.3.25</u> understates the problem of trying to minimize run-off into the shared sewer network and reliance on alternative solutions.</p>	
<p><b>Policy M1</b> (Minerals extraction) Pages 167-168</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy M2</b> (Maximising the use of secondary and recycled aggregates) Page 169</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Policy M3</b> (Preserving and safeguarding of limestone resources and key local building stone) Pages 169-170</p> <p>Fully supported by the Forum</p>	Sound
<p><b>Part 7: Delivery and monitoring</b> (Pages 171-178)</p>	
<p>Fully supported by the Forum except for:-</p> <p><b>Paragraph 7.4.16</b> (New Homes Bonus) Page 175</p> <p><u>Insert:</u> in the second sentence the figures "150-200" and "£4 million" to replace "400-500" and "£8 million" respectively.</p> <p><u>Reason:</u> To accord with the changes necessary to <u>Policy SS1</u> set out earlier above.</p>	Not Sound
<p><b>Paragraph 7.5.14</b> (Five year local plan review) Page 177</p> <p><u>Insert:</u> at the end of the second bullet within the bracket "...hence a jobs led approach to growth.)</p> <p><u>Reason:</u> To strengthen the support for jobs led growth referred to at <u>Paragraph 1.1.15</u> above.</p>	Not sound
<p><b>Paragraph 7.5.15</b> (Five year Local Plan Review) Page 178</p> <p><u>Insert:</u> the following words before the last sentence to read "Under these circumstances the annual rate of homes to be provided for will be revised downward. This will prevent the unjustifiable release of Greenfield land and reflect in full the sound principles of 'plan, monitor and manage' set out in 7.5.10.</p> <p><u>Reason:</u> It is sometimes claimed (e.g. in Appeals) that any annual housing numbers not implemented by market delivery must be added to the 5 year supply requirement or spread over the remaining Local Plan period. Where demand has gone down, this creates a false 'backlog' and claim that further Greenfield land should be released to satisfy the larger requirement. This would not be sustainable in the Bay. Major review every 5 years will enable a much more balanced and sustainable outcome to be achieved and accord fully with maintaining a justified 5 year land supply in accordance with the NPPF.</p>	Not Sound
<p><b>Table 7.1</b> (Local Plan Phasing and Review) Page 178</p> <p><u>Insert:</u> the following words as a footnote to the Table "All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032"</p>	Not Sound



<b>Appendices A to G (Pages i – xxxix)</b>	
<p>Fully supported by the Forum, except for Appendix G (see below):-</p> <p>A – Glossary of terms  B – Index of Local Plan Policies  C – Schedule of Supporting Documents  D – Pool of housing sites  E – Sites of Special Scientific Interest / National Nature Reserve and Local Sites of Wildlife and Geological Interest  F – Conservation Areas and Scheduled Monuments</p>	Sound
<p><b>G – Car Parking Requirements</b> Pages xxxvi – xxxix</p> <p><u>Insert:</u> additional standard under sub-heading “Other parking considerations” to read:-</p> <p>“k) <u>Type of development:</u>  Parking Courts for home working commercial vehicles (e.g. white vans)</p> <p><u>Estimated requirement / Notes:</u>  All new housing developments of 10 or more dwellings must include off street parking provision for parking overnight and at weekends for at least 10 commercial vehicles per 100 dwellings.”</p> <p><u>Reason:</u> To accord with the change referred to at <u>Policy TA3</u> above.</p>	Not sound
<b>Key Diagram and Policies Map Booklet</b>	
<p>Fully supported by the Forum except for:-</p> <p><b><u>Future Growth Areas for housing and related development</u></b> (Sheets 1-39)</p> <p><u>Delete:</u> the above notation from all sites showing this notation (on Sheets 4, 7, 23, 24, 26, 27, 28, 33, 34, and 37)</p> <p><u>Insert:</u> “Countryside Area” notation over all sites affected by the above deletion</p> <p><u>Reason:</u> To accord with the changes necessary to <u>paragraphs 1.1.12</u> referred to above.</p>	Not Sound
<p><b><u>Area of Great Landscape Value</u></b> (Sheets 1-39)</p> <p><u>Insert:</u> a green coloured diagonal cross hatch notation onto all sites that are defined as “Area of Great Landscape Value” in the currently adopted Local Plan and include the same on the notation panel of the <i>Key Diagram and Policies Map Booklet</i>.</p> <p><u>Reason:</u> To accord with the changes necessary to <u>paragraphs 1.1.12</u> referred to above.</p>	NPPF Omission
<p><b><u>Potential development site for consideration in Neighbourhood Development Plan – primarily housing.</u></b> (where shown on Sheets 1-39 and Inset plans)</p> <p><u>Delete:</u> notation from all sites showing the notation , and from the notation key sheet</p> <p><u>Reason:</u> Sufficient land for the 5 year supply has been shown on the Policies Map, and Appendix D contains sufficient sites that demonstrate it will be possible to meet the provision of 6-10 years and years 11-15 as required by the NPPF47. The 5 year major reviews and Neighbourhood Plan will enable the rolling provision to be maintained. Including specific sites at this stage implies certainty to land owners and developers that does not exist (e.g. the significantly conflicting notations on Queens Park in Paignton Town Centre).</p>	



**Appendices to this submission:**

**Appendix 1** – Letter from Minister for Planning, Nick Boles MP, dated 3 March 2014

**Appendix 2** – Forum submission on housing provision justified

## Appendix 1



Department for  
Communities and  
Local Government

Nick Boles MP  
*Parliamentary Under Secretary of State (Planning)*

*Department for Communities and Local  
Government*  
Eland House  
Bressenden Place  
London SW1E 5DU

Sir Michael Pitt  
Chief Executive  
Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN



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

03 MAR 2006

Dear Sir Michael Pitt,

### **Inspectors' Reports on Local Plans**

I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy and misunderstanding about the local authority's role in drawing up all of the policies in the draft plan. I am writing to restate very clearly the Government's view of Green Belt policy and Local Plan examinations.

Fundamental to the National Planning Policy Framework and to this Government's planning reforms is the idea that local authorities, and the communities who elect them, are in charge of planning for their own areas. That is why we abolished the top down regional strategies, why we have emphasised the primacy of the Local Plan and why we gave communities the powers to create neighbourhood plans.

Alongside these reforms we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full. The Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt. The special role of Green Belt is also recognised in the framing of the presumption in favour of sustainable development, which sets out that authorities should meet objectively assessed needs *unless* specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy.

It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority.

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose their words carefully and reflect government policy very



clearly in all future reports. I am also placing a copy of this letter in the public domain.



NICK BOLES MP

## Appendix 2

### 1.0 Introduction

1.1 The Census shows that Torbay had a resident population of 131,100 in 2011. Population growth was 1% over the 10 year period from 2001 to 2011 (a growth of 1,400 from 129,700 to 131,100)

1.2 This was the outcome of:-

- Natural Change (the difference between Births and Deaths each year), and
- Net Migration (the difference between permanent residents moving into the Bay and out of the Bay each year). Hence:-

$$\begin{array}{|c|} \hline \text{Natural Change} \\ \text{(Births \& Deaths)} \\ \hline \end{array} + \begin{array}{|c|} \hline \text{Net Migration} \\ \text{(Movement In \& Out)} \\ \hline \end{array} = \begin{array}{|c|} \hline \text{Resident Population} \\ \text{(Change in Total)} \\ \hline \end{array}$$

1.3 For a Local Plan to be "sound", population change must be "objectively assessed". It must show that the amount of land proposed for future release is soundly based, and also meets other policy requirements of the NPPF(47 and 159).

1.4 Torbay is known by tourists as the 'English Riviera'. The Bay's environment is key to the attraction of tourism which accounts for a large part of the local economy. Unjustified release of Greenfield land for housing development would therefore have far reaching consequences. It would also conflict with NPPF 109 which requires valued landscapes to be protected and enhanced, as highlighted in the Minister for Planning letter of 3 March 2014 to the Planning Inspectorate (attached at Appendix 1).

1.5 The Local Plan proposes a minimum of 400 dwellings every year for 20 years to meet an overall provision of 8-10,000 by 2032. (LP pages 14 and 60).

1.6 There is no provision to vary this rate downwards if the 5 year reviews find this would be justified. Only upward revisions are proposed (Page 61 para 4.5.11).

1.7 The amount of housing proposed greatly exceeds objectively assessed need. Only 3-4,000 dwellings are required at a minimum of 150 dwelling per annum as shown by the following evidence.

### 2.0 The Evidence

2.1 Taking each of Torbay's elements in turn:

#### Natural Change

2.2 Births and deaths in Torbay do not balance each other. Like other coastal towns, the overall number of deaths each year exceeds the overall number of births. The resulting gap has been narrowing, but is expected to continue by the Office of National Statistics (ONS). Basically, both totals have been changing and coming closer together. There can be confidence in this because the information is based on trends from actual Registrations.



- 2.3 Table 1 shows how the gap has narrowed. Over the 10 year period 1991-2001 there were 6,200 more deaths than births. Over the following 10 year period 2001-2011, there were 4,500 more deaths than births. Thus the gap reduced by 1,700 over the 10 year period.

**Table 1: Torbay – Natural Change**

Component	1991-01	2001-11
Births	12,600	13,400
Deaths	-18,800	-17,900
Natural Change	-6,200	-4,500

Source: ONS

#### Net Migration

- 2.4 Inward and outward migration have also been coming closer together, but official estimates by ONS have differed very significantly from the actual change taking place in the Bay. This can be seen as follows.
- 2.5 By deducting the Natural Change total of Births and Deaths from the 2011 Census change in population, the difference in Torbay is the change due to net- migration. The same can be done with the previous 10 year census period and compared also with the Mid Year Estimates ONS produce.
- 2.6 The results in Table 2 show that net migration was 5,900 between 2001-11, not 8,700 as ONS had assumed in their Mid Year Estimates. Also, the reduction in net migration from the previous 10 year census period (1991-2001) was much greater than ONS had assumed (i.e. 16,200 down to 5,900 not 14,400 down to 8,700). It is relevant to note these changes took place well before the recession of 2008.

**Table 2: Torbay – Net Migration**

Component	1991-2001		2001-2011	
	MYE	Census	MYE	Census
Births	12,600	12,600	13,400	13,400
Deaths	-18,800	-18,800	-17,900	-17,900
Natural Change	-6,200	-6,200	-4,500	-4,500
Net Migration	14,400	16,200	8,700	5,900
Total Change	8,200	10,000	4,200	1,400

Source: ONS

#### Future Growth

- 2.7 Official estimates of Net-Migration have not proven to be sound for Torbay. The reason can be seen in the latest ONS interim Projection to 2021 which show there is still an assumption that net migration is running at 8,600. This is not a projection of what has actually been taking place (Table 2 above). Additionally, the gap between deaths and births is shown to be closing at a rate that is not a projection of actual change over the previous census periods as shown by Table 2. The latest numbers also suffer from problems of 'rounding'



**Table 3: ONS Interim 2011 based Projection**

Component	2011-2021 Estimate
Births	14,700
Deaths	-16,000
Natural Change	-1,000
Net Migration	8,600
Total Change	7,700

Source: ONS (Sep 2012)

- 2.8 The discrepancy is important because this interim Projection drives the estimate of 4,400 households the government believe would be needed by 2021 (Issued by DCLG Apr 2013). Hence further downward revisions are expected, as has occurred with all previous official projections for the Bay area for many years.
- 2.9 Hence a more accurate Projection would be a Natural Change total of minus 2,800 (i.e. continuing the downward closing of the gap at a reduction of -1.700 per 10 year period) and Net Migration at most being 5,900 as in the previous 10 years (2001-11). This produces an objectively assessed 2021 projection of 3,100 population increase, not 7,700 (i.e. only 40% of the current interim projection).

**Table 4: Revised population Projection**

Component	2011-2021 Estimate
Natural Change	-2,800
Net Migration	5,900
Total Change	3,100

Source: Tables 1 and 2

- 2.10 The Household projection by DCLG must also be adjusted by the same rate, as it is driven by the population projection. A pro-rata application of this to the Household projection (4,400) reduces the Household projection to 1,800 (rounded)
- 2.11 There are currently no ONS estimates for the period after 2021. Applying the same rate of growth for the following 10 year period (2021-31) produces an overall total population growth of 6,200 and household growth of 3,600. To allow for some discrepancy until the first 5 year review has been undertaken, it would be more realistic to adopt a range of 3-4,000 growth in households to 2031, not 8-10,000 as currently proposed in the Local Plan.
- 2.12 Growth of 3-4,000 households over 20 years would require a delivery rate of 150-200 additional homes each year, not 400-500 as proposed.

#### Other Factors

- 2.13 In addition to population and demographic change, the NPPF requires objective assessment to take account of market circumstances and signals. In the case of Torbay, the following are relevant:
- House building completions have gone down from the annual rate of previous years. This reflects the reduced demand for additional homes;
  - There are about 3,000 residents unemployed in the Bay. The proposed Local Plan provision of 5-6,000 additional jobs to 2032 will not result in a significant increase in net-inward migration. The revised projection already assumes net



in-migration will continue at the rate of 5,900 for each coming 10 year period as it did for the last 10 years.

- Household size in Torbay has not been reducing. It has changed very little over the last 20 years as confirmed in the Local Plan evidence base (PBA Report 2013). The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991. The Local Plan assumes that 3,000 new homes will be required to meet a predicted fall. This represents 40% of the 8-10,000 proposed in the Local Plan. If household size reduction takes place, it will be the result of deaths in existing households that would not need additional dwellings.
- Comparison of the Bay's change in population age structure over the inter-census period 2001-11 shows that the number of children aged below 15 reduced. Therefore this age group will be looking for homes over the next 20 years in lower numbers, adding further confidence to the revised projection in this submission.

#### Land Supply

- 2.14 The proposed Local Plan correctly states that there is a 5 year supply of deliverable housing land in accordance with the requirement of NPPF47. This is at the rate set out in the Local Plan.
- 2.15 Neighbourhood Plan preparation so far completed by the respective Forums (Torquay, Paignton and Brixham), has already identified sufficient land to meet the requirement of 3-4,000 additional homes by 2032.

### **3.0 Conclusion**

- 3.1 Adding 8-10,000 dwellings by 2032 at a minimum of 400 dwellings per annum is not justified, and therefore not 'sound' as required by the NPPF.
- a) It exceeds objective assessment unjustifiably;
  - b) It will cause unnecessary loss of countryside in the 'English Riviera'.
- 3.2 A provision of 3-4,000 additional homes will meet the requirements of the NPPF in full.

Local Plan policies which have relevance to the  
St Marychurch & District Community Partnership

Policy	Comment	Decision
<b>SS6 Policy</b> Strategic transport improvements  Page 44	<p>Item 8 <i>Transport Hubs</i></p> <p>Timing of connecting services (e.g. rail &amp; bus) needs to be better managed to allow for free flow of public into and out of Torbay for the purposes of employment and recreation, including tourism.</p>	Support with proviso's as stated.
<b>TA1 Policy</b> Transport and accessibility  Page 104	<p>Item 4 <i>Ensuring that development is designed so that the use of cars is reduced wherever possible and <u>residents have adequate access to employment retail and community facilities within safe walking and cycling distance and via close proximity to bus stops, served by frequent bus services.</u></i></p> <p>This policy item makes reference to future developments. Existing established areas within Torquay <u>must not be overlooked</u> when looking at the transport infrastructure. The current major bus service (Stagecoach) only provides services to routes that are, in the main, easily accessible. There are multiple areas in Torquay where the terrain is more challenging for residents and who are therefore dependant on cars to be able to access local and town centre facilities such as shopping and community venues. Financial support <b>MUST</b> be maintained for local services to residential areas that are off main bus routes.</p> <p>With an ageing population, this additional support is vital to prevent people from becoming isolated, particularly where terrain is hilly and difficult for walking. Such area's include: Windsor Rd, Vane Hill, Melville/Warren Rd area's</p>	Support with proviso's as stated.
<b>H6 Policy</b> Houses for people in need of care  Page 138/143	<p>Item 3 <i>Proposals involving the loss of existing care accommodation where the facilities are not needed.</i></p> <p>6.4.1.43 <i>Torbay Council supporting People and the South Devon Healthcare NHS Foundation Trust's policy is to help people in their own homes for as long as possible.</i></p> <p>We feel that this policy does not go far enough for the following reasons, and that if existing care accommodation is <u>too easily</u> allowed to become alternative types of dwellings there will inevitably be a shortage of supported accommodation in the future:</p> <ol style="list-style-type: none"> <li>1) Existing housing stock, both privately owned and rented, needs to be included in any <i>planning strategy</i> when setting a standard against a property for sustainable living when viewed in terms of a resident with care requirements.</li> <li>2) In particular areas of Torquay, a large amount of the housing stock was built between pre1900 – 1940s. Too many people currently live in housing stock that is 'substandard' or does not</li> </ol>	Support with proviso's as stated.



<p>THE TORQUAY TOWN CENTRE HARBOUR AND WATERFRONT LOCAL PLAN</p> <p>Page 100/143</p>	<p>meet current housing standards, particularly in the 'privately rented' areas - add to this the potential difficulties associated with ill-health and ageing, the onset of medical and/or mental conditions.</p> <p>3) Therefore the policy of 'keeping people in their own homes' needs to be broadened to include a strategy for supporting the possible 'upgrade' of existing properties to facilitate a particular level of standard of living. If the cost of an upgrade is not deemed to be a viable option then there needs to be a facility for referral to supported accommodation.</p>	
<p><b>SDT2 Policy</b> Torquay Town Centre &amp; Harbour.</p> <p>Page 69</p>	<p>5.1.1 The economy is centred on tourism as well as a strong retail sector and growing commercial business market. A high class environment, <u>focused on green infrastructure</u> and an outstanding coastline make the town attractive to visitors and investors.</p> <p>1) The Local Plan needs to include more detail with regarding to the protection and preservation of existing green open spaces within the ward that are mainly situated along the waterfront area. The open green spaces along Cary Parade, Torbay Road up to Torre Abbey gardens are the only open green spaces in the town centre and as such should be protected from development for local residents and visitors.</p> <p>2) The Local Plan needs to ensure that any new development in the area is of a suitable design so as to fit in with its surroundings or is of a high distinctive quality in design that will stand on its own merits, and that any existing buildings with architectural merit are preserved to retain the character of the area.</p>	<p>Support with proviso's as stated.</p>
<p>SDT4 Policy Babbacombe and St Marychurch</p> <p>Page 72</p>	<p>In line with SM&amp;D CP Neighbourhood Plan</p>	<p>Support</p>
<p>TO2 Policy Torbay Retail Hierarchy</p> <p>Page 91</p>	<p>In line with SM&amp;D CP Neighbourhood Plan</p>	<p>Support</p>
<p>TO1 Policy Tourism Events and culture</p> <p>Page 96</p>	<p>In line with SM&amp;D CP Neighbourhood Plan</p>	<p>Support</p>

**Pickhaver, David**

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**From:** Pat Bishop [REDACTED]  
**Sent:** 06 April 2014 15:32  
**To:** Planning, Strategic  
**Subject:** Review of Local Plan  
**Attachments:** Torquay Local Plan - SM&DCP.docx

Hi. Please find attached views relating to policies of the Local Plan on behalf of St Marychurch & District Community Partnership

--  
Regards  
Pat Bishop



Torbay Local Plan (Submission Version)

Stoke Gabriel low-e Group is a community group which promotes energy efficiency and renewable energy in Stoke Gabriel and across the South Hams.

We submit representations on planning applications for all housing developments in the South Hams and some in Torbay which are close to our parish border. This work has enabled us to build up considerable expertise in energy issues and how policy is implemented.

Stoke Gabriel low-e Group would like to make the following comments on the Torbay Local Plan (Submission Version)

We support, in full, the responses from the Paignton Neighbourhood Forum and the Stoke Gabriel Parish Plan Group.

Government policies in relation to energy are in the process of changing, meaning much of low-e's comments on the Draft Torbay Local Plan are no longer relevant. The response to the Housing Standards Review indicates standards such as the Code for Sustainable Homes are likely to be wound down, with this, and other standards being dealt with in Building Regulations. The definition of zero carbon has also been changed. The Deregulation Bill proposes that Local Authorities will not be able to set standards locally, such as the Merton Rule, which are higher than current Building Regulations.

As a result of the above government proposals Torbay Council's aspirations for high quality energy efficient and energy generating development cannot be reflected in policy. However, the recently published UK Solar PV Strategy is good news, and must be implemented where possible in Torbay. We also welcome the encouragement, and promotion, in the Torbay Local Plan, of standards such as Passivhaus and Building for Life 12.

We support all policies with proposals for use of brown field land before green field land, self build, food production, prevention of fuel poverty, and bringing empty homes back into use.

Policy SS10

Add '14. Promote social cohesion by tenure neutral design, materials, and location of affordable housing in developments'.

Policy SS13

Add '4. Maximize passive and active solar gain.'

Policy DE1

In Function, add 'affordable housing mixed to encourage cohesive communities.'

Policy H2 Affordable Housing.

To promote cohesive communities affordable housing in developments must not be relegated to one area of the site, or in clusters.

Policy H3

Add, at 6.3.1.9, 'the Council will make council land available where possible, and encourage all sites to be brought forward for consideration, including brown field sites.'

Reason – self build housing opportunities should be available in urban areas, not just as exception areas in existing rural settlements. On average, people who build their own homes live in them for 20 years, on average, as opposed to 7 years for other housing. Self build provides opportunities for genuinely low cost housing with security of tenure, which developer provided affordable housing does not. Standards of construction are often higher, too, minimizing fuel poverty. (Policy SC5)

At 6.4.19 add 'and rented', so the phrase in brackets reads (in lower cost market and rented housing)

Policy ES1

At 6.5.1.4 delete 'may' add 'should'

Caroline Snow

For Stoke Gabriel low-e Group

5.4.2014



Pickhaver, David

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**From:** Helen Kummer [REDACTED]  
**Sent:** 06 April 2014 18:05  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan representation  
**Attachments:** low-e Torbay LP submission version.docx

Dear Sir/Madam,

I attach a representation to the Torbay Local Plan (Submission Version) from Stoke Gabriel low-e Group.

Yours sincerely,

Helen Kummer

# STOKE GABRIEL PARISH COUNCIL

418700

Chairman: Mr Richard Tully, Waddeton Barton, Waddeton, Devon. [REDACTED]

by email [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk)  
Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council, Electric House (2nd Floor)  
Castle Circus, Torquay, TQ1 3DR

Cllr. John Robinson  
12 Kings Rydon Close,  
Stoke Gabriel,  
Devon, TQ9 6QG.

5<sup>th</sup> April 2014

Dear Mr Steward,

## Torbay Local Plan.

Stoke Gabriel Parish Council would like to make the following representations on the proposed Torbay Local Plan submission. The representations are presented as a single document with reference to the response of the Paignton Neighbourhood Forum. We would first like to point out that as a Parish Council bordering areas covered by the plan, and impacted significantly by proposals in the plan, we are disappointed that we were not formerly consulted, and indeed question whether you have followed procedure by neglecting to do this. With respect to the plan we endorse in their entirety the responses by the Paignton Neighbourhood Forum submitted on 31<sup>st</sup> March 2014. We would specifically like to strongly endorse the following responses made by the Forum:

### Policy SS9 (Green infrastructure) Page 51

Insert: a further location in the list to read "4. Yalberton Valley"

Reason: Paragraph 4.4.15 states that "Further similar opportunities may be available elsewhere". Reports justifying the inclusion of Yalberton Valley have been submitted by the community and received warmly by the Council. Now is the time to include the Valley in the Policy proposals. The details will be developed through the Neighbourhood Plan. The Valley continues into Stoke Gabriel part of South Hams and has a unique landscape, ecological and environment character which should be maintained along its length to the River Dart. We welcome the proposal for an Orchard Enhancement Zone from White Rock to Blagdon, noting half of this zone is within the parish of Stoke Gabriel.

### Policy HE1 (Conservation and the historic environment) Page 123

Insert: after the first paragraph words to read "New Conservation Areas will be created where they are able to meet the requirement for designation, and areas of townscape value will be added to designated Conservation Areas where such consolidation enhances the overall character or setting."

Reason: At least one area in Yalberton Valley has the potential to be designated as a new Conservation Area, and existing Areas that have been designated have the potential to be enhanced. This needs to be recognised in the proposed Policy.

### Policy ERI (Flood risk) Page 156

Insert: the following words as a new paragraph at the end of the policy "Full details of the measures that will be used to address flood risk will be required at the time a planning application is first submitted. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable."

Reason: Paignton is a high flood risk area. Issues of flooding have become more pronounced as a result of the heavy rainfall and coastal storms of 2014. Paragraph 6.5.2.11 correctly states the Torbay Strategic Housing Land Availability Assessment (SHLAA) does not distinguish between sites according to flood risk.

Protection of the Yalberton Valley ( as above) to prevent development would alleviate flood risk to Stoke Gabriel. We do not consider the current lack of comprehensive use of SUDS on development sites will prevent regular flooding in a number of areas on the Stoke Road, and of properties at Port Bridge, over the Yalberton 'river'. This winter has seen water levels close to catastrophic for properties in this area. We urge encouragement of the more comprehensive WSUDS (Water Sensitive Urban Drainage Systems). Also it should not be ignored that the Yalberton River drains via the Mill Pool in Stoke Gabriel into the Dart, another area at flood risk.

## **In Addition we would make the following representations:**

4.3.17 Improvements to the A385 should also alleviate congestion and reduce rat-running through Marldon/Berry Pomeroy. Improvements to the A385 will be carried out in cooperation with Devon County Council and South Hams District Council. This work is likely to take over 10years to carry out, and therefore significant development along the Totnes Road Corridor is likely to be towards the end of the Plan period.

This is unacceptable. Current developments have resulted in increased 'rat runs- through Longcombe, Aish, Port Bridge to Galmpton, and Whitehills to South Devon College (which is also expanding). Additional development is planned in the South Hams which will also impact the A385. At 4.3.17 'Aish', 'Whitehill', and 'Galmpton' should be added.



6.3.1.6 The Local Plan supports the rural economy by taking a positive approach to sensitive and sustainable new economic growth in the countryside. Developments should be consistent in their siting, orientation, scale, use, design, materials, landscaping and boundary treatment with their rural location. The impact on tranquillity and dark skies will also be considered where appropriate. In this context, the Plan also supports sustainable rural recreation, leisure and tourism developments that respect the character of the countryside.

Stoke Gabriel does not have street lights and enjoys 'dark skies'. This is a feature of the Parish. Increasing light intrusion from Torbay needs to be brought under control with tight controls on the type of lighting used on new developments.

At 6.3.1.6 – 'The impact on tranquillity and dark skies will also be considered where appropriate.' -should be replaced by 'The impact on tranquillity and dark skies will be considered and reflected in choice of lighting solutions to minimise light pollution on all developments.'

The above recommendations are vital not only to the quality of life in our Parish but also to the Parish economy which depends heavily on tourism. We trust that they will be taken into account.

Yours sincerely,

JOHN E. ROBINSON

On behalf of Stoke Gabriel Parish Council

**Pickhaver, David**

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**From:** Mr. John Robinson [REDACTED]  
**Sent:** 05 April 2014 12:11  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan.  
**Attachments:** Letter to Torbay re Local Plan April 2014.doc

Attention: Mr Steward - Strategic Planning Team

Please find attached our letter regarding the Proposed Torbay Local Plan

Regards

John Robinson  
Cllr and acting Clerk = Stoke Gabriel Parish Council



## STOKE GABRIEL PARISH PLAN GROUP

### SUBMISSION to TORBAY LOCAL PLAN (SUBMISSION VERSION)

The Stoke Gabriel Parish Plan was adopted in 2008 following extensive consultation.

The Parish Plan Group's purpose is to entrain and encourage implementation of the Parish Plan. Specific aims and activities are to explore, identify and initiate means and methods of implementing the vision of Stoke Gabriel parishioners as expressed in the Plan, for the preservation of Stoke Gabriel's distinctive character and features, and the enhancement of the environment, facilities and services of Stoke Gabriel, their vision for their community in the future.

We broadly support the submission from the Paignton Neighbourhood Forum.

Concerns of the Parish Plan Group focus on the impact on Stoke Gabriel of inadequate protection of green infrastructure, access from the A385, floodrisk, tourism, and light pollution.

#### Green Infrastructure

In our Parish Plan some areas in particular were mentioned repeatedly in requests for them to be preserved and maintained without further development.

These include, as stated in the Plan:-

*All village orchard areas.*

*All undeveloped areas both adjoining the Parish and within it, e.g. Yalberton Valley.*

*The unspoilt surrounding countryside is important to 77% of respondents, while 76% value Stoke Gabriel's unique location overlooking the River Dart and the remaining open spaces and orchards.*

#### *Yalberton Valley*

*The proposed development of the Yalberton Valley by Torbay District Council causes great concern for the vast majority of parishioners – 85% said that it was essential or important to influence development. Any proposals for the large-scale development of the Yalberton Valley should be opposed. The survey also highlighted the problem of other development in areas contiguous with the parish and within sight lines of the parish.*

We consider that in the Torbay Local Plan Yalberton Valley's unique landscape, ecological and environment character and features have been assigned too low a value. Torbay's Green Infrastructure delivery document indicates that policies in relation to the preservation of green corridors, and maintenance of orchards, are still important.

We welcome the proposal for an Orchard Enhancement Zone from White Rock to Blagdon, noting half of this zone is within the parish of Stoke Gabriel.

Policy SS9. At 4.4.15 include the Orchard Enhancement Zone.

Policy C4. At 6.3.1.25, in relation to trees in groups add 'including orchards'.

Further development at Collaton, and at Yannon Farm, Holly Gruit and White Rock along the Brixham Road, may encroach effectively and even visually and visibly on Stoke Gabriel, and that this should therefore initiate the implementation of the 'Green Wedge' policy (Policy SS9) which is meant to prevent encroachment and coalescence of developments on each other and on other settlements.

### Highway Infrastructure

#### Policy SS6 Strategic Transport Improvements

Access to Stoke Gabriel from the A385 Totnes Road: if extensive development potentially proposed for this area takes place at and around Collaton St Mary, this access road may become more congested with local traffic than it already is, with further delays at the turning by Parkers' Arms, and at St Mary's Park. Given recent new housing development in Stoke Gabriel, with further sites allocated, and potentially more in SHDC's new Local Plan currently being developed, improvements to Stoke Road, and the Parkers' Arms junction should not be delayed until new development at Collaton St. Mary is planned. Additional development in Totnes, specifically in Bridgetown, with an Air Quality Management Zone at Bridgetown Hill, will further impact Stoke Gabriel residents' ability to access services and facilities.

In addition rat running from the A385, avoiding the Tweenaway junction, has been an increasing problem over the last few years, with traffic leaving the A385 at Longcombe to access White Rock, South Devon College and Brixham via Aish, then either continuing along Coombehouse Lane and Long Lane, or continuing via Lembury Road through Galmpton.

At 4.3.17 'Aish', 'Whitehill', and 'Galmpton' should be added.

### Tourism

Of the 50 businesses in the Parish, 10 are in tourism, catering and accommodation, with 4 caravan parks with some 740 pitches in our parish, or close to our border. Our Parish Plan states:-

Tourism is widely supported within the parish, with 55% of respondents saying that it should be encouraged against 23% who said that it should not.

Adequate highway infrastructure, with protection of green space is therefore essential if tourism is to continue and flourish.



### Floodrisk

Protection of the Yalberton Valley to prevent development would alleviate flood risk to Stoke Gabriel. We do not consider the current lack of comprehensive use of SUDS on development sites will prevent regular flooding in a number of areas on the Stoke Road, and of properties at Port Bridge. We urge encouragement of the more comprehensive WSUDS (Water Sensitive Urban Drainage Systems).

Policy SS13 at 4.6.17 add 'incorporating WSUDS' after 'reduce surface water run off'.

Policy ER1 at 6.5.13 and 6.5.14 add 'WSUDS.'

### Light pollution

The absence of street lighting in our parish was, in our Parish Plan, considered important by a majority of residents, but dark skies are increasingly threatened by development encroaching on the parish border.

At 6.3.1.6 omit 'where appropriate' to protect dark skies.

Helen Kummer  
For Stoke Gabriel Parish Plan Group

April 5<sup>th</sup> 2014

CCLCP: 8/17/4/14 Leon Butler  
TTCCP: 1/7/8/20 Nick Burley

**Pickhaver, David**

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**From:** Julie Brandon [REDACTED]  
**Sent:** 06 April 2014 18:20  
**To:** Planning, Strategic  
**Cc:** [REDACTED]  
**Subject:** Submission to Local Plan on behalf of TTCCP and CCLCP  
**Attachments:** TTCCP and CCLCP joint response to LP 6.4.14.doc

Good Afternoon

**FAO Strategic Planning Torbay Council – Re Comments on Local Plan**

Please find attached a joint response document on behalf of Torquay Town Centre Community Partnership and Cockington, Chelston and Livermead Community Partnership.

The comments contained in this document were also submitted on behalf of the two Community Partnerships to the Torquay Neighbourhood Plan along with comments that had been received from St Marychurch and District Community Partnership and Wellswood and Torwood Community Partnership. Those of us submitting these comments have been fully engaged in this process of Neighbourhood Planning in Torquay and represent our Community Partnerships in this capacity on the Steering Group. I have also given my full support to these submissions and hence have agreed to submit it on behalf of the 2 Community Partnerships.

We were hoping that these comments would also be included when the Torquay Neighbourhood Forum submitted its response to the Local Plan, (to include all 9 CP's) We were advised on Friday 4th April that there would be no response to the Local Plan from the Torquay Neighbourhood Plan Forum.

In addition to the attached submission we have also received the following comments from the Cockington Chelston and Livermead CP chair which he has asked to be included:-  
'The key aspect is Country Parks and the representation is based on the lack of formal definition of a Country Park and its associated protection from development – it's protection should be aligned with that of an AONB within the Local Plan so that they will be protected from development and enhanced for the benefit of the community and visitors as is the intention in the Neighbourhood Plan. By not defining a Country Park this leaves their protection uncertain as they have been categorised as 'Countryside' (C1) by default. By not properly defining all categories of green spaces the Local Plan is not sound.

The other key aspect that is a general comment is that the Local Plan provides overbearing constraints and fine detail on matters of responsibility for the Neighbourhood Plan that it conflicts with the statutory role of the Neighbourhood Forum and the essence of the emerging Neighbourhood Plan. By not allowing the Neighbourhood Forum to make appropriate policies for their own community on housing, jobs and the development of the green spaces around Torquay makes the Local Plan unsound as it precludes meaningful community input. I reference all of the other comments submitted.'

On behalf of:-

Mark Hoyle TTCCP representative TNP  
Leon Butler CCLCP representative TNP



**Torquay Town Centre Community Partnership  
Cockington Chelston and Livermead Community  
Partnership**

**Representations on the proposed Torbay Local Plan**

<b>Part 1: Introduction (Pages 1-6)</b>	
<p><b><u>Paragraph 1.1.3</u></b></p> <p>The Plan is a plan and makes assumptions therefore the term 'the Plan assumes' should be included in this paragraph before 'the growth trend will be upwards'</p> <p><u>Reason:</u> Deaths exceed births every year in Torbay and net inward migration has reached a balanced position. There is no justification in the supporting documents for being certain the trend will only be upwards. The Plan can state no more than an assumption. Torbay is not like other areas where births exceed deaths and the trend of net migration is consistently upwards. To imply this is the position in Torbay would be misleading to developers and others who will use the Plan.</p>	Not Sound
<p><b><u>Paragraph 1.1.5</u></b></p> <p>To comply with the aspirations of the Neighbourhood Plan there should be an additional paragraph</p> <p><i>"The overriding objective is to ensure job growth and a balanced provision of housing and related development. It may be necessary to vary the figures downwards as well as upwards if monitoring results show this is necessary in order to achieve sustainable development."</i></p> <p><u>Reason:</u> Population growth in Torbay is mainly due entirely to inward migration. If job growth within Torbay fails to keep pace with housing growth, there will be the need to find work elsewhere in the sub-region. This will increase journey length contrary to the principle of securing sustainable development. Failing to maintain a balance of land use between jobs and homes conflicts with NPPF 37.</p>	Not Sound
<p><b><u>Paragraph 1.1.12 (Future Growth Areas) and Policies Map Booklet</u></b></p> <p>(a) <u>To comply with the aspirations and duties of the Neighbourhood Plan</u> the following words should be added at the end of the paragraph <u>and</u> onto the notation panel of the Key Diagram and Policies Map Booklet (alongside the notation showing - Future Growth Area for housing and related development SS1, SS2, SS5, SS11):</p> <p><i>The sequence, timing, nature and capacity of development within The Future Growth Areas will be determined in the Neighbourhood Plan."</i></p> <p><u>Reason:</u> NPPF 47 (bullet 3) makes clear that there is no requirement for a Local Plan to identify a supply of specific sites or broad locations beyond 15 years. Paragraph 1.1.12, plus the policies that follow, and the policies map, cumulatively have this effect. As a result, it exposes the land shown on the policies map to premature allocation and development by releasing it from protection provided by the designations of Countryside and Areas of Great Landscape Value in the current Local Plan. This usurps the role of the Neighbourhood Plans, and is not justified by the acknowledgement throughout the Plan that significant uncertainty exists about the need for the land within the plan period</p>	Not Sound

<b>Part 2: Opportunities and challenges</b> (Pages 7-16)	
<b>Paragraph 2.2.11</b> (Protect and enhance a superb environment – Supporting facts)  Country Parks are not currently given separate definition or specific protection from development within the Local Plan so there is a need to emphasize <i>"Country Parks will be protected from development and enhanced for the benefit of the community and visitors "</i>	Not Sound
<b>Paragraph 2.3.1</b> (The 'big ticket' items – page 15)  As above, <u>insert</u> : into the bullet point list under sub-heading "Protect and enhance a superb environment" (mid page 16) the following words  <ul style="list-style-type: none"> <li>• after the reference to AONB in the first bullet point add <i>"and Country Parks"</i></li> </ul>	Not Sound
<b>Part 3: Vision and ambition</b> (Pages 18-23)	Sound
<b>Part 4: Spatial strategy and policies for strategic direction</b> (Pages 24-65)	Sound
<b>Paragraph 4.1.3</b> (Introduction)  To support the ideals of our Neighbourhood Plan there is a need to add a sentence <i>"The priority of this Local Plan is to achieve job led growth."</i>	Not Sound
Under the policy sub-heading 'Strategic Delivery Sites':-  <i>Future Growth Areas indicated on the Policies Map are areas for consideration and determination in the relevant Neighbourhood Plan.</i> <i>Significant new developments outside the FGA's will be subject to consultation with the Neighbourhood Forum</i>	Not Sound
<b>Paragraph 4.1.19</b> (Explanation – Policy SS1) Page 29  <u>Insert</u> : <i>" , including food production."</i>	Not Sound
<b>Paragraph 4.1.20</b> (Explanation – Policy SS1) Page 29  As above there is a need to have parity between AONB and Country Parks  <u>Insert</u> : the words <i>"and Country Parks "</i> after "AONB" in the first sentence.	Not Sound
<b>Aspiration 3: Protect and enhance a superb environment</b> Page 49	
<b>Paragraph 4.5.20</b> (Making better use of what we've got) Page 55  To meet the aspirations of the Neighbourhood Plan, <u>insert</u> : at the end of the paragraph the words <i>"the majority of new housing on brownfield sites."</i> in place of <i>"50% of new housing on brownfield sites."</i>	Not Sound
<b>Paragraph 4.5.25</b> (Phasing of new development) Page 56  <u>Insert</u> : words at the end of the paragraph to read <i>"either upwards or downwards."</i>  <u>Reason</u> : In view of the Bay's unusual population and migration characteristics, it would not	Not Sound



<p>be justified to assume only an upward revision may arise, as it is clear downward changes have been taking place that are equally important to take into account in order to achieve a sound plan that makes best use of the limited supply of environmentally non sensitive land that exists.</p>	
<p><b>Table 4.3</b> (Source and timing of new homes) Page 56</p> <p><u>Insert:</u> a footnote to the table that reads <i>"The totals and timings in the above table (4.3) are indicative only and are subject to determination in the Neighbourhood Plans"</i></p> <p><u>Reason:</u> The need for and timing of individual sites will vary and involve Greenfield land that it would not be appropriate to release in advance of other sites in order to achieve a sustainable outcome.</p>	<p>Not Sound</p>
<p><b>SS1 Page 28 Growth Strategy for a prosperous Torbay</b>  para 3 states 'all development will make full and appropriate use of opportunities for low carbon etc etc Totally unrealistic , it will heap enormous costs on developments and restrict opportunities ..should say 'where applicable and cost effective' - will put Torquay at a disadvantage with other towns and cities that adopt a more flexible line . We only contribute 3% to the worlds carbon emissions...its time India, China and USA did their share!</p> <p>We appear to need to accept this strategy? Outlines the 5-6k jobs and 8-10k homes  Note: we need to confirm our NP sites for jobs and housing.  Strategic Delivery Areas -  Defines Future Growth Areas  Specifies Masterplanning or NP's  Outside FGA subject to Environmental Assessment but does not specify subject to NP policies or aspirations however this is stated in SS2  States communities will have a greater influence rather than saying communities will have a major influence through their NP</p>	<p>Not Sound</p>
<p><b>SS2 Page 31 Future Growth Areas.</b>  Defines the 4 main areas ours is the Edginswell/Gateway area and states that developments outside FGA's subject to identification in our NP</p>	<p>Sound</p>
<p><b>SS3 Page 33 Presumption In Favour Of Sustainable Development</b>  OK general statement</p>	<p>Sound</p>
<p><b>SS4 Page 36 The Economy And Employment</b>  OK top level statement</p>	<p>Sound</p>
<p><b>SS5 Page 37 Employment Space</b>  Live/work units are not job creating, some areas need greater than 25% Class B relevant to location and proximity to communication routes such as the Torquay Gateway  Some areas should be higher some lower depending on location.  Note: Gateway area – we need to come up with a policy for land usage for job creation and phasing of development in this key location so the Master Plan can be influenced</p>	<p>Not Sound</p>
<p><b>SS6 page 43 Strategic Transport Improvements</b></p> <p>1) financial support MUST be maintained for local services in residential area's that are off main routes, for example, Melville/Warren Rd area's where terrain is difficult for walking.</p>	<p>Sound</p>

2) Timing of connecting services (eg rail & bus) needs to be better managed to allow for free flow of public into and out of Torbay for the purposes of employment and recreation, including tourism.	
<b>SS7 Page 46 Infrastructure, Phasing and Delivery Of Development</b>	Sound
<b>SS8 Page 49 Natural Environment</b> <u>Insert:</u> in 1. in first line at top of page 50 after (AONB) the words "and Country Parks" As per comment on paragraph 4.1.20	Not Sound
<b>SS9 Page 51 Green Infrastructure</b>  Agree as this policy appears to comply with TTCCP aspirations as submitted to the NP, particularly with regard to green spaces within the Town centre area. It is heartening to see that our green infrastructure is recognised as part of our USP.	Sound
<b>SS10 Page 57 Sustainable Communities</b>	Sound
<b>SS11 page 59 Housing</b> There is no mention of how to address each category of housing type: social/low cost/family/retirement/accessible etc. Need to allow for more <u>and less</u> housing requirements in monitoring	Not Sound
<b>SS12 Page 60 Five Year Housing Land Supply</b> For lack of sites coming forward there seems like a catch all for new sites – this should be subject to our NP	Not Sound
<b>SS13 Page 63 Low Carbon Development And Adaptation To Climate Change</b>	Sound
<b>Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans</b> (Pages 65-89)	
<b>Table 5.1</b> (Source of employment floorspace – Torquay) Page 67  <i>A general point is that it is our Neighbourhood Plan that should be determining where and when sites are developed therefore we should ensure "Timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan"</i>	Not Sound
<b>Table 5.2</b> (Source of housing within Torquay) Page 68  <u>Insert:</u> the following words as a footnote to the Table " <i>Timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan</i> "	Not Sound
<b>Table 5.4</b> (Torquay Town Centre & Harbour – Key sites for housing) Page 70  <u>Insert:</u> the following words as a footnote to the Table " <i>Timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan</i> "	Not Sound
<b>Table 5.5</b> (Torquay Gateway – Key sites for employment) Page 71  <u>Insert:</u> the following words as a footnote to the Table to read " <i>Where development has not yet been approved, the timing and extent of development will be determined in the Neighbourhood Plan</i> "	Not Sound



<p><b>Table 5.6</b> (Torquay Gateway – Key sites for housing) Page 72</p> <p><u>Insert:</u> the following words as a footnote to the Table “<i>Timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan</i>”</p> <p><u>Reason:</u> The same as for <a href="#">Table 5.2</a> above.</p>	<p>Not Sound</p>
<p><b>SDT1 Page 66 Torquay</b> Paragraph 5.1.3 Unsure of terminology of what is 'Use Class B space and Use Class non-B space'. Needs to be looked at by someone with more planning knowledge in conjunction with SDT2, SDT3 and SDT4.</p>	
<p><b>SDT2 Page 69 Torquay Town Centre and Harbour</b></p> <p>Needs to provide more detail to ensure that buildings of architectural merit are not lost or compromised by new developments. We also need to ensure that our retail offer is distinct from other towns and cities. Possibly NP can deliver this.</p> <p>NP needs to include more detail with regard to the protection and preservation of green open spaces within the ward that are mainly situated along the waterfront area. Any new building is of a suitable design so as to fit in with its surroundings, and existing buildings with architectural merit are preserved to retain the character of the area.</p>	<p>Not Sound</p>
<p><b>SDT3 Page 70 Torquay Gateway</b></p>	<p>Sound</p>
<p><b>SDT4 page 72 Babbacombe And St Marychurch</b></p> <p>Babbacombe is identified as a secondary CTIA in the Tourism section of our Neighbourhood Plan and has more relaxed views concerning its importance within the tourism offering and supports change of use to housing particularly retirement provision.</p>	
<p><b>SDP1 Page 73 Paignton</b> <b>SDP2 Page 75 Paignton Town Centre And Sea Front</b> <b>SDP3 page 78 Paignton North And Western Area</b> <b>SDP 4 Page 81 Clennon Valley Leisure Club</b></p>	<p>No Comment – Outside of our area</p>
<p><b>SDB1 Page 83 Brixham Peninsula</b> <b>SDB2 Page 86 Brixham Town Centre, Harbour And Waterfront</b> <b>SDB3 Page 87 Brixham Urban Fringe And Area Of Outstanding Natural Beauty</b></p>	<p>As Above</p>
<p><b>Part 6: Policies for managing change and development in Torbay</b> (Pages90-170)</p>	
<p><b>TC1 Page 90 Town Centres</b> Needs to provide more detail and support the need for a dedicated Arts Centre. (Inclusion in NP)</p> <p><u>Delete:</u> words in 4<sup>th</sup> line of 1<sup>st</sup> paragraph “<i>should follow</i>” and <u>replace with</u> “<i>will follow</i>”</p> <p><u>Reason:</u> For such an important policy, “should” is ambiguous and discretionary. The amendment removes the risk of the policy being misapplied.</p>	<p>Not Sound</p>

<p><b>TC2 Page 91 Torbay Retail Hierarchy</b></p> <p><u>Insert:</u> the following words in brackets after "<i>The Willows</i>" in the second column "<i>see Policy TC3-'C'</i>"</p> <p><u>Reason:</u> The Willows does not function as a District Centre. It does not fit the description in the Glossary of Terms in Appendix A. Policy TC2 has recognized this by including specific reference to the additional Policy that will apply. It will therefore be helpful to cross reference the two by the above amendment.</p>	<p>Not Sound</p>
<p><b>TC3 Page 92 Retail Development</b></p>	<p>Sound</p>
<p><b>TC4 Page 94 Change Of Retail Use</b></p>	<p>Sound</p>
<p><b>TC5 Page 95 Evening And Night Time Economy</b> It is important that we recognize the contribution this sector brings to the local economy whilst curbing the anti-social aspects.</p>	<p>Sound</p>
<p><b>TO1 Page 96 Tourism, Events And Culture</b> Point 3 is somewhat vague and open to interpretation. Refer to the NP tourism submission for more detail.</p> <p>NP needs to identify that due to the expansion of the Marina that all other water sport recreation needs to be accommodated and provided for, for example canoes, surf boarding, water skiing, etc. These should perhaps be located at the outer harbour or Beacon Cove.</p>	<p>Not Sound</p>
<p><b>TO2 Page 99 Change Of use Of Tourism Accommodation And Facilities</b> Note our Neighbourhood Plan has a Tourism section that provides more detail and is based on improving quality and viability of providers and proper market assessments when changes of use are proposed Still has a catch all for reuse of tourism facilities and sees Babbacombe as a CTIA. Our Tourism policy in the NP gives supporting detail that gives greater explanation while being in general conformity.</p>	
<p><b>TO3 Page 102 Marine Economy</b></p>	<p>Sound</p>
<p><b>TA1 Page 104 Transport And Accessibility</b></p>	<p>Sound</p>
<p><b>TA2 Page 105 Development Access</b></p>	<p>Sound</p>
<p><b>TA3 Page 107 Parking requirements</b> Agree with policy</p>	<p>Sound</p>
<p><b>IF1 Page 108 Information And Communications Technology</b></p>	<p>Sound</p>
<p><b>C1 Page 110 Countryside And The Rural Economy</b> Paragraph 3 Need to add outside village boundaries "and Country Parks"</p> <p>6.3.1.4.....add "Country Parks " to the designation</p> <p>Paragraph 1 - Government Policy (see letter Nick Boles MP to Sir Michael Pitt of the</p>	<p>Not Sound</p>



<p>Planning Inspectorate) is to protect greenbelt areas so this paragraph needs to be changed. Instead of 'development will be resisted' it needs to say '<b>no development will be allowed</b>'.</p> <p>Paragraph 2 Change 'Major new development' to '<b>All new development</b>'.</p> <p>Paragraph 3 Change 'Outside settlement boundaries development may be permitted' to '<b>may be considered</b>'. (Letter from Nick Boles states Government policy is to maintain key protections for the countryside).</p> <p>Below Paragraph 6.3.1.11 Spelling error Kevin Frediani, Curator 'of' not 'or' Plants and Gardens</p> <p>Paragraph 3 Need to add ..outside village boundaries "and Country Parks"</p> <p>6.3.1.4.....add "Country Parks " to the designation</p>	
<p><b>C2 Page 113 The Coastal Landscape</b> Paragraph relating to 'The Developed Coast' remove '<b>unacceptably</b>'.</p>	Not Sound
<p><b>C3 Page 114 Coastal Change Management</b> Submitted by Torquay Town Centre CP</p>	Sound
<p><b>C4 Page 116 Trees, Hedgerows And The Natural Landscape Features</b></p>	Sound
<p><b>C5 Page 117 Urban Landscape protection Areas</b></p>	Sound
<p><b>NC1 Page 120 Biodiversity And Geodiversity</b></p>	Sound
<p><b>HE1 Page 123 Conservation And The Historic Environment</b> whilst criteria laid down in this policy seem to offer protection there is too much subjectivity here which could leave valuable heritage assets extremely vulnerable.</p>	Not Sound
<p><b>HE2 Page 126 Listed Buildings</b>  Again much in these paragraphs is subjective and open to interpretation. Need to provide more detail in order to properly protect these heritage assets.</p>	Not Sound
<p><b>H1 Page 127 Applications For New Homes</b></p>	Sound
<p><b>H2 Page 129 Affordable Housing</b></p>	Sound
<p><b>H3 Page 132 Self Build Affordable Housing And Exception Sites</b></p>	Sound
<p><b>H4 Page 133 Houses In Multiple Occupation (HIMOs)</b>  (a) <u>Insert</u>: the following words between the first sentence and criteria list of 1-7:- <i>"Applications for new buildings, or sub-division of existing building, into non-self contained residential accommodation (HMOs) will only be permitted where the following will be met: "</i></p> <p>(b) <u>Insert</u>: an additional criterion to read <i>"8. The proposal would not conflict with any other policy of the Local Plan or adopted Neighbourhood Plan."</i></p> <p><u>Reason</u>: To make it clear that the criterion apply to applications for new HMOs, not conversion from HMOs. The addition of criteria 8 is necessary to ensure that applicants are aware other policies may also apply depending on the location involved.</p>	Not Sound
<p><b>Paragraph 6.4.1.26</b></p>	Not

<p><u>Insert:</u> the following words after the last sentence <i>"The Direction has been advertised and will be brought into effect immediately"</i></p> <p><u>Reason:</u> The TNP Forum has supported the implementation of the Article 4 Direction. The necessary advertisement period has been completed. The last step of adopting the Direction remains justified to secure the improvement it will bring. Failing to implement this last step will send out the wrong message and perpetuate the inability to secure improvement in those situations where HMOs arise that do not currently require planning approval.</p>	Sound
<p><b><u>Paragraph 6.4.1.34</u></b></p> <p><u>Delete:</u> last sentence that reads <i>"The Policy will be reviewed within two years, from adoption of the Local Plan, to assess its effectiveness against these aims."</i></p> <p><u>Reason:</u> Setting a timescale to a review of Policy H4 would not be justified without first bringing the Article 4 Direction into full operation (see paragraph 6.4.1.26 above)</p>	Not Sound
<p><b>H5 Page 135 Sites For Travelers</b></p>	Sound
<p><b>H6 Page 136 Housing For People In Need Of Care</b></p> <p>1) <u>Existing housing stock</u>, both privately owned and rented, needs to be included in any planning when setting a standard against a property for any resident living there with care requirements - too many people currently live in housing stock that is 'substandard' or does not meet current standards, particularly in the 'privately rented' area - add to this the potential difficulties associated with ill-health and ageing, the onset of medical and/or mental conditions - the policy of 'keeping people in their own homes' needs to include a strategy for supporting the 'upgrade' of existing properties to facilitate a particular level of life style.</p>	Sound
<p><b>DE1 Page 138 Design</b></p>	Sound
<p><b>DE2 Page 140 Building For Life</b> Cannot comment without BFL</p>	
<p><b>DE3 Page 141 Development Amenity</b></p>	Sound
<p><b>DE4 Page 143 Building Heights</b> criteria too subjective and could lead council open to planning challenges.</p>	Not Sound
<p><b>DE5 Page 144 Domestic Extensions</b></p>	Sound
<p><b>DE6 Page 145 Advertisements</b></p>	Sound
<p><b>SC1 Page 146 Healthy Bay</b></p>	Sound
<p><b>SC2 Page 148 Sport, Leisure And Recreation</b></p> <p><u>Delete:</u> all words after <i>"* Area of Search"</i> and <u>replace with</u> the following words:</p> <p><i>"There will be a presumption against loss of existing open space, sports and recreational buildings and land, including playing fields, unless:</i></p> <ul style="list-style-type: none"> <li><i>i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or</i></li> <li><i>ii) 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;</i></li> </ul>	Not Sound



<p>or</p> <p>iii) <i>the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss</i>"</p> <p><u>Reason:</u> The criteria proposed in the Local Plan do not accord with the requirements of NPPF74. There is no justification for departing from the NPPF wording which sets out less ambiguously the tests to be applied.</p>	
<b>SC3 Page 150 Education, Skills And Local Labour</b>	Sound
<b>SC4 Page 151 Sustainable Food Production</b>	Sound
<b>SC5 Page 152 Child Poverty</b>	Sound
<b>ES1 Page 154 Energy</b>	Sound
<b>ES2 Page 155 Renewable And Low Carbon Infrastructure</b>	Sound
<p><b>ER1 Page 156 Flood Risk</b></p> <p><u>Insert:</u> the following words as a new paragraph at the end of the policy <i>"Full details of the measures that will be used to address flood risk will be required at the time a planning application is first submitted. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable."</i></p> <p><u>Reason:</u> Torquay is a high flood risk area. Issues of flooding have become more pronounced as a result of the heavy rainfall and coastal storms of 2014. <u>Paragraph 6.5.2.11</u> correctly states the Torbay Strategic Housing Land Availability Assessment (SHLAA) does not distinguish between sites according to flood risk. There is a pressing need to ensure that sites supported for development are actually deliverable.</p>	Not Sound
<b>ER2 Page 159 Water management</b>	Sound
<b>ER3 Page 160 Contamination</b>	Sound
<b>ER4 Page 161 Ground Stability</b>	Sound
<b>W1 Page 161 Waste Hierarchy</b>	Sound
<b>W2 Page 163 Waste Audit For Major And Significant Waste Generating Developments</b>	Sound
<b>W3 Page 164 Existing Waste Management Facilities In Torbay</b>	Sound
<b>W4 Page 164 Proposals For New Waste Management Facilities</b>	Sound
<p><b>W5 Page 166 Waste Water Disposal</b></p> <p><u>Insert:</u> the following words as a new paragraph at the end of the second from last paragraph of the policy to read <i>"Where connection is proposed to the existing combined sewer network, full details of surface water and foul water disposal will be required for all developments at the time the application for planning consent is first submitted. This must include assessment of the capacity of the network to accept the additional flow that would arise. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable."</i></p> <p><u>Reason:</u> The single pipe foul and surface water network serving parts of Torquay has been identified in the Infrastructure Delivery Study as a potential constraint. Ways need to be found to prevent the situation from becoming worse. <u>Paragraph 6.5.3.25</u> understates the problem of trying to minimize run-off into the shared sewer network and reliance on alternative solutions.</p>	Not Sound
<b>M1 Page 167 Minerals Extraction</b>	Sound
<b>M2 Page 169 Maximising The Use Of Secondary And Recycled Aggregates</b>	Sound

<b>M3 Page 169 Preserving And Safeguarding Of Limestone Resources And Key Local Building Stone</b>	Sound
<b>Part 7: Delivery and monitoring</b> (Pages 171-178)	Sound
<b>Paragraph 7.5.15</b> (Five year Local Plan Review) Page 178  <i>Insert:</i> the following words after the first sentence to read <i>"Under these circumstances the annual rate of homes to be provided for will be revised downward. This will prevent the unjustifiable release of Greenfield land and reflect in full the sound principles of 'plan, monitor and manage' set out in 7.5.10.</i>  <i>Reason:</i> It is sometimes claimed (e.g. in Appeals) that any annual housing numbers not implemented by market delivery must be added to the 5 year supply requirement or spread over the remaining Local Plan period. Where demand has gone down, this creates a false 'backlog' and claim that further Greenfield land should be released to satisfy the larger requirement. This would not be sustainable in the Bay. Major review every 5 years will enable a much more balanced and sustainable outcome to be achieved and accord fully with maintaining a justified 5 year land supply in accordance with the NPPF.	Not Sound
<b>Table 7.1</b> (Local Plan Phasing and Review) Page 178  <i>Insert:</i> the following words as a footnote to the Table <i>"Timescales and capacities will be determined in the Neighbourhood Plan"</i>	Not Sound
<b>Appendices A to G</b> (Pages i – xxxix)	Sound
<b>Key Diagram and Policies Map Booklet</b>	Sound

**Appendices to this submission:**

**Appendix 1** – Letter from Minister for Planning, Nick Boles MP, dated 3 March 2014



# Appendix 1




Department for  
Communities and  
Local Government

Sir Michael Pitt  
Chief Executive  
Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Nick Boles MP  
*Parliamentary Under Secretary of State (Planning)*

Department for Communities and Local  
Government  
Cland House  
Bressenden Place  
London SW1E 5DU

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

0 3 MAR 2016

Dear Sir Michael Pitt,

**Inspectors' Reports on Local Plans**

I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy and misunderstanding about the local authority's role in drawing up all of the policies in the draft plan. I am writing to restate very clearly the Government's view of Green Belt policy and Local Plan examinations.

Fundamental to the National Planning Policy Framework and to this Government's planning reforms is the idea that local authorities, and the communities who elect them, are in charge of planning for their own areas. That is why we abolished the top down regional strategies, why we have emphasised the primacy of the Local Plan and why we gave communities the powers to create neighbourhood plans.

Alongside these reforms we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full. The Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt. The special role of Green Belt is also recognised in the framing of the presumption in favour of sustainable development, which sets out that authorities should meet objectively assessed needs *unless* specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy.

It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority.

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose their words carefully and reflect government policy very





CCLCP: 8/17/4/14 Leon Butler  
TTCCP: 1/7/8/20 Nick Burley

Pickhaver, David

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From: Julie Brandon [REDACTED]  
Sent: 06 April 2014 18:20  
To: Planning, Strategic  
Cc: [REDACTED]  
Subject: Submission to Local Plan on behalf of TTCCP and CCLCP  
Attachments: TTCCP and CCLCP joint response to LP 6.4.14.doc

Good Afternoon

### FAO Strategic Planning Torbay Council – Re Comments on Local Plan

Please find attached a joint response document on behalf of Torquay Town Centre Community Partnership and Cockington, Chelston and Livermead Community Partnership.

The comments contained in this document were also submitted on behalf of the two Community Partnerships to the Torquay Neighbourhood Plan along with comments that had been received from St Marychurch and District Community Partnership and Wellswood and Torwood Community Partnership. Those of us submitting these comments have been fully engaged in this process of Neighbourhood Planning in Torquay and represent our Community Partnerships in this capacity on the Steering Group. I have also given my full support to these submissions and hence have agreed to submit it on behalf of the 2 Community Partnerships.

We were hoping that these comments would also be included when the Torquay Neighbourhood Forum submitted its response to the Local Plan, (to include all 9 CP's) We were advised on Friday 4th April that there would be no response to the Local Plan from the Torquay Neighbourhood Plan Forum.

In addition to the attached submission we have also received the following comments from the Cockington Chelston and Livermead CP chair which he has asked to be included:-  
'The key aspect is Country Parks and the representation is based on the lack of formal definition of a Country Park and its associated protection from development – it's protection should be aligned with that of an AONB within the Local Plan so that they will be protected from development and enhanced for the benefit of the community and visitors as is the intention in the Neighbourhood Plan. By not defining a Country Park this leaves their protection uncertain as they have been categorised as 'Countryside' (C1) by default. By not properly defining all categories of green spaces the Local Plan is not sound.

The other key aspect that is a general comment is that the Local Plan provides overbearing constraints and fine detail on matters of responsibility for the Neighbourhood Plan that it conflicts with the statutory role of the Neighbourhood Forum and the essence of the emerging Neighbourhood Plan. By not allowing the Neighbourhood Forum to make appropriate policies for their own community on housing, jobs and the development of the green spaces around Torquay makes the Local Plan unsound as it precludes meaningful community input. I reference all of the other comments submitted.'

On behalf of:-

Mark Hoyle TTCCP representative TNP  
Leon Butler CCLCP representative TNP



**Torquay Town Centre Community Partnership  
Cockington Chelston and Livermead Community  
Partnership**

**Representations on the proposed Torbay Local Plan**

<b>Part 1: Introduction (Pages 1-6)</b>	
<p><b><u>Paragraph 1.1.3</u></b></p> <p>The Plan is a plan and makes assumptions therefore the term 'the Plan assumes' should be included in this paragraph before 'the growth trend will be upwards'</p> <p><u>Reason:</u> Deaths exceed births every year in Torbay and net inward migration has reached a balanced position. There is no justification in the supporting documents for being certain the trend will only be upwards. The Plan can state no more than an assumption. Torbay is not like other areas where births exceed deaths and the trend of net migration is consistently upwards. To imply this is the position in Torbay would be misleading to developers and others who will use the Plan.</p>	Not Sound
<p><b><u>Paragraph 1.1.5</u></b></p> <p>To comply with the aspirations of the Neighbourhood Plan there should be an additional paragraph</p> <p><i>"The overriding objective is to ensure job growth and a balanced provision of housing and related development. It may be necessary to vary the figures downwards as well as upwards if monitoring results show this is necessary in order to achieve sustainable development."</i></p> <p><u>Reason:</u> Population growth in Torbay is mainly due entirely to inward migration. If job growth within Torbay fails to keep pace with housing growth, there will be the need to find work elsewhere in the sub-region. This will increase journey length contrary to the principle of securing sustainable development. Failing to maintain a balance of land use between jobs and homes conflicts with NPPF 37.</p>	Not Sound
<p><b><u>Paragraph 1.1.12 (Future Growth Areas) and Policies Map Booklet</u></b></p> <p>(a) <u>To comply with the aspirations and duties of the Neighbourhood Plan</u> the following words should be added at the end of the paragraph <u>and</u> onto the notation panel of the Key Diagram and Policies Map Booklet (alongside the notation showing - Future Growth Area for housing and related development SS1, SS2, SS5, SS11):</p> <p><i>The sequence, timing, nature and capacity of development within The Future Growth Areas will be determined in the Neighbourhood Plan."</i></p> <p><u>Reason:</u> NPPF 47 (bullet 3) makes clear that there is no requirement for a Local Plan to identify a supply of specific sites or broad locations beyond 15 years. Paragraph 1.1.12, plus the policies that follow, and the policies map, cumulatively have this effect. As a result, it exposes the land shown on the policies map to premature allocation and development by releasing it from protection provided by the designations of Countryside and Areas of Great Landscape Value in the current Local Plan. This usurps the role of the Neighbourhood Plans, and is not justified by the acknowledgement throughout the Plan that significant uncertainty exists about the need for the land within the plan period</p>	Not Sound

<b>Part 2: Opportunities and challenges</b> (Pages 7-16)	
<b>Paragraph 2.2.11</b> (Protect and enhance a superb environment – Supporting facts)  Country Parks are not currently given separate definition or specific protection from development within the Local Plan so there is a need to emphasize <i>"Country Parks will be protected from development and enhanced for the benefit of the community and visitors "</i>	Not Sound
<b>Paragraph 2.3.1</b> (The 'big ticket' items – page 15)  As above, <u>insert</u> : into the bullet point list under sub-heading "Protect and enhance a superb environment" (mid page 16) the following words  <ul style="list-style-type: none"> <li>• after the reference to AONB in the first bullet point add <i>"and Country Parks"</i></li> </ul>	Not Sound
<b>Part 3: Vision and ambition</b> (Pages 18-23)	Sound
<b>Part 4: Spatial strategy and policies for strategic direction</b> (Pages 24-65)	Sound
<b>Paragraph 4.1.3</b> (Introduction)  To support the ideals of our Neighbourhood Plan there is a need to add a sentence <i>"The priority of this Local Plan is to achieve job led growth."</i>	Not Sound
Under the policy sub-heading 'Strategic Delivery Sites':-  <i>Future Growth Areas indicated on the Policies Map are areas for consideration and determination in the relevant Neighbourhood Plan.</i> <i>Significant new developments outside the FGA's will be subject to consultation with the Neighbourhood Forum</i>	Not Sound
<b>Paragraph 4.1.19</b> (Explanation – Policy SS1) Page 29  <u>Insert</u> : <i>" , including food production."</i>	Not Sound
<b>Paragraph 4.1.20</b> (Explanation – Policy SS1) Page 29  As above there is a need to have parity between AONB and Country Parks  <u>Insert</u> : the words <i>"and Country Parks "</i> after "AONB" in the first sentence.	Not Sound
<b>Aspiration 3: Protect and enhance a superb environment</b> Page 49	
<b>Paragraph 4.5.20</b> (Making better use of what we've got) Page 55  To meet the aspirations of the Neighbourhood Plan, <u>insert</u> : at the end of the paragraph the words <i>"the majority of new housing on brownfield sites."</i> in place of <i>"50% of new housing on brownfield sites."</i>	Not Sound
<b>Paragraph 4.5.25</b> (Phasing of new development) Page 56  <u>Insert</u> : words at the end of the paragraph to read <i>"either upwards or downwards."</i>  <u>Reason</u> : In view of the Bay's unusual population and migration characteristics, it would not	Not Sound



<p>be justified to assume only an upward revision may arise, as it is clear downward changes have been taking place that are equally important to take into account in order to achieve a sound plan that makes best use of the limited supply of environmentally non sensitive land that exists.</p>	
<p><b>Table 4.3</b> (Source and timing of new homes) Page 56</p> <p><u>Insert:</u> a footnote to the table that reads <i>"The totals and timings in the above table (4.3) are indicative only and are subject to determination in the Neighbourhood Plans"</i></p> <p><u>Reason:</u> The need for and timing of individual sites will vary and involve Greenfield land that it would not be appropriate to release in advance of other sites in order to achieve a sustainable outcome.</p>	<p>Not Sound</p>
<p><b>SS1 Page 28 Growth Strategy for a prosperous Torbay</b>  para 3 states 'all development will make full and appropriate use of opportunities for low carbon etc etc Totally unrealistic , it will heap enormous costs on developments and restrict opportunities ..should say 'where applicable and cost effective' - will put Torquay at a disadvantage with other towns and cities that adopt a more flexible line . We only contribute 3% to the worlds carbon emissions...its time India, China and USA did their share!</p> <p>We appear to need to accept this strategy? Outlines the 5-6k jobs and 8-10k homes  Note: we need to confirm our NP sites for jobs and housing.  Strategic Delivery Areas -  Defines Future Growth Areas  Specifies Masterplanning or NP's  Outside FGA subject to Environmental Assessment but does not specify subject to NP policies or aspirations however this is stated in SS2  States communities will have a greater influence rather than saying communities will have a major influence through their NP</p>	<p>Not Sound</p>
<p><b>SS2 Page 31 Future Growth Areas.</b>  Defines the 4 main areas ours is the Edginswell/Gateway area and states that developments outside FGA's subject to identification in our NP</p>	<p>Sound</p>
<p><b>SS3 Page 33 Presumption In Favour Of Sustainable Development</b>  OK general statement</p>	<p>Sound</p>
<p><b>SS4 Page 36 The Economy And Employment</b>  OK top level statement</p>	<p>Sound</p>
<p><b>SS5 Page 37 Employment Space</b>  Live/work units are not job creating, some areas need greater than 25% Class B relevant to location and proximity to communication routes such as the Torquay Gateway  Some areas should be higher some lower depending on location.  Note: Gateway area – we need to come up with a policy for land usage for job creation and phasing of development in this key location so the Master Plan can be influenced</p>	<p>Not Sound</p>
<p><b>SS6 page 43 Strategic Transport Improvements</b></p> <p>1) financial support MUST be maintained for local services in residential area's that are off main routes, for example, Melville/Warren Rd area's where terrain is difficult for walking.</p>	<p>Sound</p>

2) Timing of connecting services (eg rail & bus) needs to be better managed to allow for free flow of public into and out of Torbay for the purposes of employment and recreation, including tourism.	
<b>SS7 Page 46 Infrastructure, Phasing and Delivery Of Development</b>	Sound
<b>SS8 Page 49 Natural Environment</b> <u>Insert:</u> in 1. in first line at top of page 50 after (AONB) the words "and Country Parks" As per comment on paragraph 4.1.20	Not Sound
<b>SS9 Page 51 Green Infrastructure</b>  Agree as this policy appears to comply with TTCCP aspirations as submitted to the NP, particularly with regard to green spaces within the Town centre area. It is heartening to see that our green infrastructure is recognised as part of our USP.	Sound
<b>SS10 Page 57 Sustainable Communities</b>	Sound
<b>SS11 page 59 Housing</b> There is no mention of how to address each category of housing type: social/low cost/family/retirement/accessible etc. Need to allow for more <u>and less</u> housing requirements in monitoring	Not Sound
<b>SS12 Page 60 Five Year Housing Land Supply</b> For lack of sites coming forward there seems like a catch all for new sites – this should be subject to our NP	Not Sound
<b>SS13 Page 63 Low Carbon Development And Adaptation To Climate Change</b>	Sound
<b>Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans</b> (Pages 65-89)	
<b>Table 5.1</b> (Source of employment floorspace – Torquay) Page 67  <i>A general point is that it is our Neighbourhood Plan that should be determining where and when sites are developed therefore we should ensure "Timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan"</i>	Not Sound
<b>Table 5.2</b> (Source of housing within Torquay) Page 68  <u>Insert:</u> the following words as a footnote to the Table "Timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan"	Not Sound
<b>Table 5.4</b> (Torquay Town Centre & Harbour – Key sites for housing) Page 70  <u>Insert:</u> the following words as a footnote to the Table "Timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan"	Not Sound
<b>Table 5.5</b> (Torquay Gateway – Key sites for employment) Page 71  <u>Insert:</u> the following words as a footnote to the Table to read "Where development has not yet been approved, the timing and extent of development will be determined in the Neighbourhood Plan"	Not Sound



<p><b>Table 5.6</b> (Torquay Gateway – Key sites for housing) Page 72</p> <p><u>Insert:</u> the following words as a footnote to the Table “<i>Timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan</i>”</p> <p><u>Reason:</u> The same as for <a href="#">Table 5.2</a> above.</p>	<p>Not Sound</p>
<p><b>SDT1 Page 66 Torquay</b> Paragraph 5.1.3 Unsure of terminology of what is 'Use Class B space and Use Class non-B space'. Needs to be looked at by someone with more planning knowledge in conjunction with SDT2, SDT3 and SDT4.</p>	
<p><b>SDT2 Page 69 Torquay Town Centre and Harbour</b></p> <p>Needs to provide more detail to ensure that buildings of architectural merit are not lost or compromised by new developments. We also need to ensure that our retail offer is distinct from other towns and cities. Possibly NP can deliver this.</p> <p>NP needs to include more detail with regard to the protection and preservation of green open spaces within the ward that are mainly situated along the waterfront area. Any new building is of a suitable design so as to fit in with its surroundings, and existing buildings with architectural merit are preserved to retain the character of the area.</p>	<p>Not Sound</p>
<p><b>SDT3 Page 70 Torquay Gateway</b></p>	<p>Sound</p>
<p><b>SDT4 page 72 Babbacombe And St Marychurch</b></p> <p>Babbacombe is identified as a secondary CTIA in the Tourism section of our Neighbourhood Plan and has more relaxed views concerning its importance within the tourism offering and supports change of use to housing particularly retirement provision.</p>	
<p><b>SDP1 Page 73 Paignton</b> <b>SDP2 Page 75 Paignton Town Centre And Sea Front</b> <b>SDP3 page 78 Paignton North And Western Area</b> <b>SDP 4 Page 81 Clennon Valley Leisure Club</b></p>	<p>No Comment – Outside of our area</p>
<p><b>SDB1 Page 83 Brixham Peninsula</b> <b>SDB2 Page 86 Brixham Town Centre, Harbour And Waterfront</b> <b>SDB3 Page 87 Brixham Urban Fringe And Area Of Outstanding Natural Beauty</b></p>	<p>As Above</p>
<p><b>Part 6: Policies for managing change and development in Torbay</b> (Pages90-170)</p>	
<p><b>TC1 Page 90 Town Centres</b> Needs to provide more detail and support the need for a dedicated Arts Centre. (Inclusion in NP)</p> <p><u>Delete:</u> words in 4<sup>th</sup> line of 1<sup>st</sup> paragraph “<i>should follow</i>” and <u>replace with</u> “<i>will follow</i>”</p> <p><u>Reason:</u> For such an important policy, “should” is ambiguous and discretionary. The amendment removes the risk of the policy being misapplied.</p>	<p>Not Sound</p>

<p><b>TC2 Page 91 Torbay Retail Hierarchy</b></p> <p><u>Insert:</u> the following words in brackets after "<i>The Willows</i>" in the second column "<i>see Policy TC3-'C'</i>"</p> <p><u>Reason:</u> The Willows does not function as a District Centre. It does not fit the description in the Glossary of Terms in Appendix A. Policy TC2 has recognized this by including specific reference to the additional Policy that will apply. It will therefore be helpful to cross reference the two by the above amendment.</p>	<p>Not Sound</p>
<p><b>TC3 Page 92 Retail Development</b></p>	<p>Sound</p>
<p><b>TC4 Page 94 Change Of Retail Use</b></p>	<p>Sound</p>
<p><b>TC5 Page 95 Evening And Night Time Economy</b> It is important that we recognize the contribution this sector brings to the local economy whilst curbing the anti-social aspects.</p>	<p>Sound</p>
<p><b>TO1 Page 96 Tourism, Events And Culture</b> Point 3 is somewhat vague and open to interpretation. Refer to the NP tourism submission for more detail.</p> <p>NP needs to identify that due to the expansion of the Marina that all other water sport recreation needs to be accommodated and provided for, for example canoes, surf boarding, water skiing, etc. These should perhaps be located at the outer harbour or Beacon Cove.</p>	<p>Not Sound</p>
<p><b>TO2 Page 99 Change Of use Of Tourism Accommodation And Facilities</b> Note our Neighbourhood Plan has a Tourism section that provides more detail and is based on improving quality and viability of providers and proper market assessments when changes of use are proposed Still has a catch all for reuse of tourism facilities and sees Babbacombe as a CTIA. Our Tourism policy in the NP gives supporting detail that gives greater explanation while being in general conformity.</p>	
<p><b>TO3 Page 102 Marine Economy</b></p>	<p>Sound</p>
<p><b>TA1 Page 104 Transport And Accessibility</b></p>	<p>Sound</p>
<p><b>TA2 Page 105 Development Access</b></p>	<p>Sound</p>
<p><b>TA3 Page 107 Parking requirements</b> Agree with policy</p>	<p>Sound</p>
<p><b>IF1 Page 108 Information And Communications Technology</b></p>	<p>Sound</p>
<p><b>C1 Page 110 Countryside And The Rural Economy</b> Paragraph 3 Need to add outside village boundaries "and Country Parks"</p> <p>6.3.1.4.....add "Country Parks " to the designation</p> <p>Paragraph 1 - Government Policy (see letter Nick Boles MP to Sir Michael Pitt of the</p>	<p>Not Sound</p>



<p>Planning Inspectorate) is to protect greenbelt areas so this paragraph needs to be changed. Instead of 'development will be resisted' it needs to say '<b>no development will be allowed</b>'.</p> <p>Paragraph 2 Change 'Major new development' to '<b>All new development</b>'.</p> <p>Paragraph 3 Change 'Outside settlement boundaries development may be permitted' to '<b>may be considered</b>'. (Letter from Nick Boles states Government policy is to maintain key protections for the countryside).</p> <p>Below Paragraph 6.3.1.11 Spelling error Kevin Frediani, Curator 'of' not 'or' Plants and Gardens</p> <p>Paragraph 3 Need to add ..outside village boundaries "and Country Parks"</p> <p>6.3.1.4.....add "Country Parks " to the designation</p>	
<p><b>C2 Page 113 The Coastal Landscape</b> Paragraph relating to 'The Developed Coast' remove '<b>unacceptably</b>'.</p>	Not Sound
<p><b>C3 Page 114 Coastal Change Management</b> Submitted by Torquay Town Centre CP</p>	Sound
<p><b>C4 Page 116 Trees, Hedgerows And The Natural Landscape Features</b></p>	Sound
<p><b>C5 Page 117 Urban Landscape protection Areas</b></p>	Sound
<p><b>NC1 Page 120 Biodiversity And Geodiversity</b></p>	Sound
<p><b>HE1 Page 123 Conservation And The Historic Environment</b> whilst criteria laid down in this policy seem to offer protection there is too much subjectivity here which could leave valuable heritage assets extremely vulnerable.</p>	Not Sound
<p><b>HE2 Page 126 Listed Buildings</b>  Again much in these paragraphs is subjective and open to interpretation. Need to provide more detail in order to properly protect these heritage assets.</p>	Not Sound
<p><b>H1 Page 127 Applications For New Homes</b></p>	Sound
<p><b>H2 Page 129 Affordable Housing</b></p>	Sound
<p><b>H3 Page 132 Self Build Affordable Housing And Exception Sites</b></p>	Sound
<p><b>H4 Page 133 Houses In Multiple Occupation (HIMOs)</b>  (a) <u>Insert</u>: the following words between the first sentence and criteria list of 1-7:- <i>"Applications for new buildings, or sub-division of existing building, into non-self contained residential accommodation (HMOs) will only be permitted where the following will be met: "</i></p> <p>(b) <u>Insert</u>: an additional criterion to read <i>"8. The proposal would not conflict with any other policy of the Local Plan or adopted Neighbourhood Plan."</i></p> <p><u>Reason</u>: To make it clear that the criterion apply to applications for new HMOs, not conversion from HMOs. The addition of criteria 8 is necessary to ensure that applicants are aware other policies may also apply depending on the location involved.</p>	Not Sound
<p><b>Paragraph 6.4.1.26</b></p>	Not

<p><u>Insert:</u> the following words after the last sentence <i>"The Direction has been advertised and will be brought into effect immediately"</i></p> <p><u>Reason:</u> The TNP Forum has supported the implementation of the Article 4 Direction. The necessary advertisement period has been completed. The last step of adopting the Direction remains justified to secure the improvement it will bring. Failing to implement this last step will send out the wrong message and perpetuate the inability to secure improvement in those situations where HMOs arise that do not currently require planning approval.</p>	Sound
<p><b><u>Paragraph 6.4.1.34</u></b></p> <p><u>Delete:</u> last sentence that reads <i>"The Policy will be reviewed within two years, from adoption of the Local Plan, to assess its effectiveness against these aims."</i></p> <p><u>Reason:</u> Setting a timescale to a review of Policy H4 would not be justified without first bringing the Article 4 Direction into full operation (see paragraph 6.4.1.26 above)</p>	Not Sound
<p><b>H5 Page 135 Sites For Travelers</b></p>	Sound
<p><b>H6 Page 136 Housing For People In Need Of Care</b></p> <p>1) <u>Existing housing stock</u>, both privately owned and rented, needs to be included in any planning when setting a standard against a property for any resident living there with care requirements - too many people currently live in housing stock that is 'substandard' or does not meet current standards, particularly in the 'privately rented' area - add to this the potential difficulties associated with ill-health and ageing, the onset of medical and/or mental conditions - the policy of 'keeping people in their own homes' needs to include a strategy for supporting the 'upgrade' of existing properties to facilitate a particular level of life style.</p>	Sound
<p><b>DE1 Page 138 Design</b></p>	Sound
<p><b>DE2 Page 140 Building For Life</b> Cannot comment without BFL</p>	
<p><b>DE3 Page 141 Development Amenity</b></p>	Sound
<p><b>DE4 Page 143 Building Heights</b> criteria too subjective and could lead council open to planning challenges.</p>	Not Sound
<p><b>DE5 Page 144 Domestic Extensions</b></p>	Sound
<p><b>DE6 Page 145 Advertisements</b></p>	Sound
<p><b>SC1 Page 146 Healthy Bay</b></p>	Sound
<p><b>SC2 Page 148 Sport, Leisure And Recreation</b></p> <p><u>Delete:</u> all words after <i>"* Area of Search"</i> and <u>replace with</u> the following words:</p> <p><i>"There will be a presumption against loss of existing open space, sports and recreational buildings and land, including playing fields, unless:</i></p> <ul style="list-style-type: none"> <li><i>i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or</i></li> <li><i>ii) 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;</i></li> </ul>	Not Sound



<p>or</p> <p>iii) <i>the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss</i>"</p> <p><u>Reason:</u> The criteria proposed in the Local Plan do not accord with the requirements of NPPF74. There is no justification for departing from the NPPF wording which sets out less ambiguously the tests to be applied.</p>	
<b>SC3 Page 150 Education, Skills And Local Labour</b>	Sound
<b>SC4 Page 151 Sustainable Food Production</b>	Sound
<b>SC5 Page 152 Child Poverty</b>	Sound
<b>ES1 Page 154 Energy</b>	Sound
<b>ES2 Page 155 Renewable And Low Carbon Infrastructure</b>	Sound
<p><b>ER1 Page 156 Flood Risk</b></p> <p><u>Insert:</u> the following words as a new paragraph at the end of the policy <i>"Full details of the measures that will be used to address flood risk will be required at the time a planning application is first submitted. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable."</i></p> <p><u>Reason:</u> Torquay is a high flood risk area. Issues of flooding have become more pronounced as a result of the heavy rainfall and coastal storms of 2014. <u>Paragraph 6.5.2.11</u> correctly states the Torbay Strategic Housing Land Availability Assessment (SHLAA) does not distinguish between sites according to flood risk. There is a pressing need to ensure that sites supported for development are actually deliverable.</p>	Not Sound
<b>ER2 Page 159 Water management</b>	Sound
<b>ER3 Page 160 Contamination</b>	Sound
<b>ER4 Page 161 Ground Stability</b>	Sound
<b>W1 Page 161 Waste Hierarchy</b>	Sound
<b>W2 Page 163 Waste Audit For Major And Significant Waste Generating Developments</b>	Sound
<b>W3 Page 164 Existing Waste Management Facilities In Torbay</b>	Sound
<b>W4 Page 164 Proposals For New Waste Management Facilities</b>	Sound
<p><b>W5 Page 166 Waste Water Disposal</b></p> <p><u>Insert:</u> the following words as a new paragraph at the end of the second from last paragraph of the policy to read <i>"Where connection is proposed to the existing combined sewer network, full details of surface water and foul water disposal will be required for all developments at the time the application for planning consent is first submitted. This must include assessment of the capacity of the network to accept the additional flow that would arise. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable."</i></p> <p><u>Reason:</u> The single pipe foul and surface water network serving parts of Torquay has been identified in the Infrastructure Delivery Study as a potential constraint. Ways need to be found to prevent the situation from becoming worse. <u>Paragraph 6.5.3.25</u> understates the problem of trying to minimize run-off into the shared sewer network and reliance on alternative solutions.</p>	Not Sound
<b>M1 Page 167 Minerals Extraction</b>	Sound
<b>M2 Page 169 Maximising The Use Of Secondary And Recycled Aggregates</b>	Sound

<b>M3 Page 169 Preserving And Safeguarding Of Limestone Resources And Key Local Building Stone</b>	Sound
<b>Part 7: Delivery and monitoring</b> (Pages 171-178)	Sound
<b>Paragraph 7.5.15</b> (Five year Local Plan Review) Page 178  <i>Insert:</i> the following words after the first sentence to read <i>"Under these circumstances the annual rate of homes to be provided for will be revised downward. This will prevent the unjustifiable release of Greenfield land and reflect in full the sound principles of 'plan, monitor and manage' set out in 7.5.10.</i>  <i>Reason:</i> It is sometimes claimed (e.g. in Appeals) that any annual housing numbers not implemented by market delivery must be added to the 5 year supply requirement or spread over the remaining Local Plan period. Where demand has gone down, this creates a false 'backlog' and claim that further Greenfield land should be released to satisfy the larger requirement. This would not be sustainable in the Bay. Major review every 5 years will enable a much more balanced and sustainable outcome to be achieved and accord fully with maintaining a justified 5 year land supply in accordance with the NPPF.	Not Sound
<b>Table 7.1</b> (Local Plan Phasing and Review) Page 178  <i>Insert:</i> the following words as a footnote to the Table <i>"Timescales and capacities will be determined in the Neighbourhood Plan"</i>	Not Sound
<b>Appendices A to G</b> (Pages i – xxxix)	Sound
<b>Key Diagram and Policies Map Booklet</b>	Sound

**Appendices to this submission:**

**Appendix 1** – Letter from Minister for Planning, Nick Boles MP, dated 3 March 2014



# Appendix 1




Department for  
Communities and  
Local Government

Sir Michael Pitt  
Chief Executive  
Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Nick Boles MP  
*Parliamentary Under Secretary of State (Planning)*

Department for Communities and Local  
Government  
Cland House  
Bressenden Place  
London SW1E 5DU

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

0 3 MAR 2016

Dear Sir Michael Pitt,

**Inspectors' Reports on Local Plans**

I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy and misunderstanding about the local authority's role in drawing up all of the policies in the draft plan. I am writing to restate very clearly the Government's view of Green Belt policy and Local Plan examinations.

Fundamental to the National Planning Policy Framework and to this Government's planning reforms is the idea that local authorities, and the communities who elect them, are in charge of planning for their own areas. That is why we abolished the top down regional strategies, why we have emphasised the primacy of the Local Plan and why we gave communities the powers to create neighbourhood plans.

Alongside these reforms we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full. The Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt. The special role of Green Belt is also recognised in the framing of the presumption in favour of sustainable development, which sets out that authorities should meet objectively assessed needs *unless* specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy.

It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority.

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose their words carefully and reflect government policy very





## Comments

### Torbay Local Plan Proposed Submission Consultation February 2014 (24/02/14 to 07/04/14)

Comment by	Torre and Upton Community Partnership (Mrs Susan Colley)
Comment ID	14
Response Date	06/04/14 11:58
Consultation Point	How to make representations on this Local Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1

#### Question 1: Legal compliance, soundness and duty to co-operate

Do you consider that this policy/proposal of the Local Plan is **legally & procedurally compliant, and/or sound and/or complies with the duty to co-operate** ? (Please note that the considerations in relation to the Local Plan being **'legally & procedurally compliant', 'sound' and 'complying with the duty to co-operate'**, are explained in the representation form guidance notes, as well as paragraph 182 of the National Planning Policy Framework).

Do you consider the Local Plan is:

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

#### Question 2b: Not Legally compliant, unsound or fails the duty to co-operate (No)

**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.**

**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.**

The Torre and Upton Community Partnership to submit a response to the Local Plan that under 4.2.5 Page 56 Phasing of new development : Result "unsound" " the delivery of homes will be monitored throughout the Plan period . This will be compared to ongoing evidence of need, infrastructure provision and economic performance . This may trigger a review of homes required either upwards or downwards ( underscore to be inserted) Reason : In view of the Bay's unusual population and migration characteristics, it would not be justified to assume only an upward revision may arise , as it is clear



downward changes have been taking place that are equally important to take into account in order to achieve a sound plan that makes best use of the limited supply of environmentally non sensitive land that exists .

### Question 3. Modifications

*Note: Any non-compliance with the duty to co-operate cannot be dealt with by modification at examination.*

**Do you consider any modification(s) are necessary to address your representation and make the Local Plan legally compliant or sound?** Yes

#### Question 3a: Modifications

*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.*

**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.**

The Torre and Upton Community Partnership to submit a response to the Local Plan that under 4.2.5 Page 56 Phasing of new development : Result "unsound" " the delivery of homes will be monitored throughout the Plan period . This will be compared to ongoing evidence of need, infrastructure provision and economic performance . This may trigger a review of homes required either upwards or downwards ( underscore to be inserted) Reason : In view of the Bay's unusual population and migration characteristics, it would not be justified to assume only an upward revision may arise , as it is clear downward changes have been taking place that are equally important to take into account in order to achieve a sound plan that makes best use of the limited supply of environmentally non sensitive land that exists .

### Question 4: Oral Examination

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

If your answer is 'No' you will move on to Question 6

**If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?** Yes, I wish to participate a the oral examination

### Question 5: Why it is necessary to attend the oral Examination

Participation at the oral Examination

*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.*

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

Throughout the process the Community have been keen to support the Local Plan, but seek re assurance that land for housing will not be brought forward, until there is clear evidence of need and

that the infrastructure can cope with increase in capacity. At this time Brokenbury and Teignbridge are nearly at capacity and there are concerns with drainage issues across many parts of Torquay.

**Question 6: Next Stages Question**

Information about the next stages of the Development Plan.

**Do you want to be informed of the following:**

**Submission of the Local Plan to the Secretary of State?** Yes

**The publication of the Inspector's Report of the Examination?** Yes

**The Adoption of the Torbay Local Plan by the Council?** Yes



