

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

Consultee ID	File No.	Person / Organisation
468963	B4	Babbacombe Bay BID
Agent: 847471 Consultee: 440790	B2	South Devon College (GVA for)
Agent: 847469 Consultee: 847470	B1	SW HARP Planning Consortium (Tetlow King for)
817670	B3	Torbay Business Forum

Pickhaver, David

From: Arthur Christian [REDACTED]
Sent: 27 February 2014 08:49
To: Planning, Strategic
Cc: Arthur Christian
Subject: Torbay Local Plan

I have read the proposed new Local Plan with interest and know it is something of a 'moving feast' with time ticking away the elements are bound to be subject to changes as Torbay develops naturally. As you know we now have three Business Improvement Districts in Torquay, Paignton and Babbacombe Bay. There are aspirations inside and in support of the business community in Brixham to create a fourth there in the not too distant future.

Would it therefore be possible to recognise that in the Local Plan – perhaps in the first instance by including Babbacombe Bay in the statement of 'Vision and Ambition' in this section – (Aspiration 1 in the document)

To strengthen Torquay town centre as the largest retail centre in Torbay and as a commercial, social and cultural focal point; Paignton and Brixham town centres and the Babbacombe Bay BID area to develop their role, on a proportionate basis, focused on meeting the needs of their own residents and tourists.

Please give this some early consideration and if necessary call me or arrange to meet with the Steering Group who deliver the BID Business Plan.

I look forward to hearing from you on this matter soon.

Arthur Christian
For Babbacombe Bay BID

Agent: 847471 SDC: 440790



Our ref: 07A702595
Your ref:

3rd April 2014

Strategic Planning
Torbay Council
Town Hall
Castle Circus
Torquay, TQ1 3DR

St Catherine's Court
Berkeley Place
Bristol BS8 1BQ

T: +44 (0)8449 02 03 04
F: +44 (0)117 988 5344

gva.co.uk

Direct Dial: 0117 988 5203
rebecca.collins@gva.co.uk

Dear Sir or Madam,

Torbay Local Plan Proposed Submission Plan: Representations on behalf of South Devon College

I write to you on behalf of our client, South Devon College, with regards to the draft Torbay Local Plan presently open for consultation. We wish to submit comments in relation to the Plan, which we understand to be the version proposed to be submitted to the Secretary of State. Our response considers the plan, taking account of the interests of the College and its services provided at Paignton and Brixham and throughout Torbay.

The College is well established as a key local provider of further and higher education, skills and training. The College's core ambition going forward is to build upon its success and the recognition received for its teaching, learning, leadership, management and work with employers.

South Devon College are proud to currently provide one of the best learning environments in the country at their campus at Long Road in Paignton. As part of its strategy for build upon its successes, the College envisages that enhancement and expansion of its facilities may be required in the years ahead. This may take the form of renewed or expanded facilities and educational space at existing sites, or potentially the creation or setup of new bases of operation.

In relation to the Torbay Local Plan, the College has a generally supportive view of the document, which sets a positive, proactive and pragmatic strategy to manage development and meet the future needs of Torbay. The vision and ambitions set within the plan accord well with the College's own aspirations for the area, particularly the key drive to secure economic recovery and growth and the recognition of the College's role in achieving a sustainable community. In particular, the College feels that the strategy to not only increase employment, but diversify and increase the level of skilled jobs in the area, is a strong ambition, and one in which it will need to play a critical role.

The remainder of our comments are set out under themed headings, with references to specific parts of the document provided where relevant.

Recognition of South Devon College and Support for Further Development

South Devon College notes that it is referenced at key points throughout the document. The College welcomes these references, including the quote included from the Vice Principal, Pat Denham. These references reinforce the existing role that the College has within Torbay and its contribution to local education, skills and employment opportunities. Having reviewed the document in full, the College is happy that each of these references is appropriately worded to reflect its own ambitions and strategy for future development. We do not seek to make comprehensive reference to each of these comments, and extend this as a general overview.

The College is particularly pleased to see the general support given to future expansion and development at its existing sites, and potentially at new sites (See 2.3.1, Aspiration 4; 4.2.2; 4.2.23; 5.2.2.9; 5.2.3.3; Policy SC3; 6.4.3.17). We consider that these references lend a general presumption in favour of new development associated with the College, without making specific or restrictive reference to the scope, location or form that this development should take. At this point, the College welcomes this approach, and looks forward to working with the Council across the plan period.

Policy SS4 – The Economy and Employment

The College lends its general support to the employment strategy set out within the Plan and by this policy. It is particularly supportive of the desire to place greater emphasis on skills-based jobs. South Devon College is amply positioned to support this strategy by ensuring both adults and young people are equipped with the skills and qualifications necessary to supply the requisite work force.

Under paragraph 4.2.20, the Council indicate their intention to secure on-site or financial contributions to provide employment uses and opportunities, including through local training placements, apprenticeships and business start-ups. The College is fully supportive of this approach, particularly if it can increase its offer, though would like to see fuller exploration of the connection between development, education and employment to maximise these opportunities. One clear opportunity would be a link to the delivery of renewable energy solutions in new development and in the existing housing stock, as emphasised by Policy ES1 (Energy), a field in which the College has an established reputation.

Policy SC3 – Education, Skills and Local Labour

The College welcomes this policy within the plan, which sets a positive and proactive approach to developing the area's education network, and lends support to development of South Devon College.

Regarding paragraph 6.4.3.17, the College would like the introductory wording to acknowledge the partnership with South Devon College, in addition to local schools and communities. Furthermore, we suggest that the wording for the final bullet be amended to reflect other models for the education of 14-19 year-olds, such as South Devon High School, a direct-entry school for 14-19 year-olds which we start from this September.

Paragraph 6.4.3.21 reflects the Council's desire to encourage use of local labour. We suggest that the objectives of this paragraph could be supported by explicit statement that developers and contractors will be encouraged to use Employment and Skills Plans to better establish links between education and employment. South Devon College would be well placed to support such initiatives.

Strategic Delivery Areas

The College supports the proposed policy framework for different neighbourhood areas, which provide appropriate references to the College in the key areas, especially Paignton. The College also supports the desire to enhance links between the Paignton Campus and the site of future developments at the adjacent White Rocks, Yellands and Devonshire Park sites.

In summary, we welcome the aspirations and commitments set out within this document that both recognises the existing role of South Devon College in the area and sets a positive context to growth and development of the College's services and facilities. The College look forward to further involvement in the delivery of the policies and overall plan. If you wish to discuss any of the above further, please do not hesitate to contact me: rebecca.collins@gva.co.uk / 0117 988 5203.

Yours sincerely,

A black rectangular box redacting the signature of Rebecca Collins.

Rebecca Collins
Principal Planner – Planning, Development, Regeneration
For and on behalf of GVA Grimley Ltd

Pickhaver, David

From: Collins, Rebecca (GVA) [REDACTED]
Sent: 04 April 2014 14:04
To: Planning, Strategic
Cc: Laurence Frewin [REDACTED]
Subject: Representation to Torbay Local Plan
Attachments: Draft-LocalPlan Reps - South Devon College.pdf; representationform South Devon College.pdf

Dear Sirs,

On behalf of my client, South Devon College, please find attached representations to the Torbay Local Plan.

Regards,

Rebecca Collins, Principal Planner, GVA
[REDACTED]

Web: www.gva.co.uk - National Number: 08449 02 03 04 - Fax: 0117 988 5344



St Catharine's Court, Berkeley Place, Bristol, BS8 1EG
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Making Representations - Guidance Notes and Representation Form

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

1. Making representations

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

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

2. Introduction

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

3. Legal Compliance and Duty to Co-operate

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

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

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

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

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

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

4. Soundness

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

- ***Positively prepared***

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

- ***Justified***

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

- ***Effective***

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

- ***Consistent with national policy***

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

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

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

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

5. General advice

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

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

6. Using the Representation Form

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

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

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

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

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



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

For official use:

Representation Form

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

This Form has two parts:

Part A – Personal details

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

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Miss"/>
First name(s)	<input type="text"/>	<input type="text" value="Rebecca"/>
Last name	<input type="text"/>	<input type="text" value="Collins"/>
Organisation (if you are representing that organisation)	<input type="text" value="South Devon College"/>	<input type="text" value="GVA"/>
Address – line 1	<input type="text"/>	<input type="text" value="St Catherine's Court"/>
Address – line 2	<input type="text"/>	<input type="text" value="Berkeley Place"/>
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	<input type="text" value="Bristol"/>
Postcode	<input type="text"/>	<input type="text" value="BS8 1BQ"/>
Telephone number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail address	<input type="text"/>	<input type="text" value="REDACTED"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd 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

SS4 & SC3

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

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

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input checked="" type="checkbox"/>	<input 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.

See attached letter

(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.

See attached letter

(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:

<p style="text-align: right;">(Continue on a separate sheet if necessary)</p>

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:

<p>See attached letter</p> <p style="text-align: right;">(Continue on a separate sheet if necessary)</p>
--

Signature:

Rebecca Collins

Date:

04/04/2014



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

For official use:

Agent: 847469
 Client: 847470

Representation Form

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

This Form has two parts:

Part A – Personal details

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

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title		Miss
First name(s)		FELICITY
Last name		TOZER
Organisation (if you are representing that organisation)	SW HARP PLANNING CONSORTIUM	TETLOW KING PLANNING
Address – line 1		UNIT 2 ECLIPSE OFFICE PARK
Address – line 2		HIGH STREET
Address – line 3		STAPLE HILL
Post Town		BRISTOL
Postcode		BS16 5EL
Telephone number		
E-mail address		
Consultee ID (if known)		

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

5. General advice

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

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

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

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

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd 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	SS1, SS2, SS4, SS5, SS8, SS12,
If you have Explanation to a also include these	TA2, C1, H2, H3, H6, DE1, DE2, DE3, SC1, SC4, ER1

comments to make on the supporting text set out in the related Policy or related designations shown on the Policies Map, please within your comments to questions 2 and 3 of this form.

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

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

Please insert an X in the relevant box

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

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

see attached letter

(Continue on a separate sheet if necessary)

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

In summary:

- A more appropriately assessed housing target;
- Publication of the detailed evidence base forming the selection of the housing target;
- A Local Plan seeking to plan development over the entire plan period;
- Resolution of Duty to Cooperate matters now rather than later;
- A Viability Assessment ensuring consideration of all Local Plan policies;
- Addition of a RES policy which recognises the range of affordable housing products Torbay needs;
- Ensure policies conform with the NPPF rather than presenting additional protectionist policies; and
- Recognition that delivery of affordable housing is a key objective of the Council, and ensuring that this is represented throughout the Local Plan policies.

(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:

In line with recent Examinations and our comments above, it is likely that the Council will be required to present additional evidence to the Local Plan Examinator, we would welcome the opportunity to comment on these.

In particular, our concerns in respect to the housing target and Duty to Cooperate, will be most appropriately addressed at the Examination stage.

(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:

See attached letter

(Continue on a separate sheet if necessary)

Signature: F Tozer

Date: 04/04/2014

A-847469 C:844470



Unit 2 Eclipse Office Park High Street Staple Hill Bristol BS16 5EL

T: 0117 956 1916
F: 0117 970 1293

E: all@tetlow-king.co.uk
W: www.tetlow-king.co.uk

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

Date: 4 April 2014
Our Ref: FT M6/0209-10
Your Ref:

By email only:
strategic.planning@torbay.gov.uk

Dear Sir or Madam

RE: TORBAY LOCAL PLAN 2012 TO 2032 – PROPOSED SUBMISSION PLAN, APRIL 2014

We represent the **South West HARP Planning Consortium** which includes all the leading Housing Association Registered Providers (HARPs) across the South West. Our clients' principal concern is to optimise the provision of social/affordable housing and to ensure the evolution and preparation of consistent policies throughout the region.

Plan Period

We reiterate our previous concerns expressed in our representation to the Issues and Options Plan (November 2012) in respect to the reference to "2032 and beyond". Whilst the Local Plan will form an important basis for the future of Torbay post 2032, the reference creates uncertainty in respect to the plan period and should be amended.

Short-Term Approach

It is entirely inappropriate that the Council is seeking to rely on regular major plan reviews to bring forward the development required over the plan period. As noted in the pba Report (Local Plan Evidence Study 2013) the "Local Plan needs to be found sound on the basis of what it contains, not what it 'commits' to do in the future" (paragraph 4.4.8). Whilst noting that review is a necessary part of the Local Plan process, it is not a sound basis upon which to proceed with the Local Plan, with the objectively assessed housing need and policy aspirations providing the basis for the soundness of the Local Plan.

Reliance on a 'major' plan review every five years provides no developer certainty and secondly the timelines associated with Local Plan preparation and review, particularly in Torbay, are not conducive to this approach: with the initial scoping for the Local Plan (was Core Strategy) beginning in September 2005 (Torbay's LDS, January 2014); thus taking nearly nine years to come forward.

An additional factor when considering the role of the Local Plan in Torbay is its unique position in respect to the delivery of Neighbourhood Development Plans (NDP), with 100% coverage across the Borough. The NDP's are coming forward in line with the Local Plan, with all three having reached some version of a 'draft plan'. It is questionable that the neighbourhood forums will have the capacity or will to undertake review of NDP's in line with Council Reviews of the Local Plan.

"Predict, Provide and Hope"

The Council's reference to 'Predict, Provide and Hope' (paragraph 3.2.9) is incorrect. The use of an objectively assessed evidence base should provide an appropriate basis upon which to 'predict' the Local Plan and its policies. 'Predict, Provide and Monitor' would be the correct approach.

This section outlines the inappropriateness of the Council's approach to its Local Plan.

Duty to Cooperate

The NPPF is clear - Where a LPA does not propose in its Local Plan to meet the housing requirement in full, it should look to other planning authorities to address the unmet housing requirement under the Duty to Cooperate (paragraph 179). The objectively assessed housing need for Torbay is 12,300. The Council is proposing to deliver 8-10,000 homes (2,000 in the next five years) (policy SS1).

At the outset the Local Plan will deliver a shortfall of 4,300-2,300, including a shortfall of some 1,075 in the initial five years. The Council notes that in the future it will seek to undertake strategic land reviews with neighbouring Councils to understand the potential for neighbouring districts to deliver some of Torbay's housing needs (paragraph 7.5.16). However, it is not appropriate that this is delayed. The Council is currently in a position which indicates that it is unable to deliver its currently objectively assessed housing need. As such these discussions need to occur at this stage of the Local Plan rather than at a subsequent review.

In particular, it is noted that Teignbridge District Council objected to the housing numbers in the previous Local Plan Consultation and that South Hams raised the matter as an issue to be discussed.

Objectively Assessed Housing Need

The NPPF and PPG are clear - The starting point for a housing target is the full, objectively assessed housing need.

In line with other recent Local Plan Examinations it is clear that the SHMA (2007) is now out of date – see for example East Devon – *"the 2007 SHMA is 6 years old and cannot be considered to be up to date"* (Inspector's Comments to Hearing 3 (Housing)).

The SHMA 2011 Update is as its name suggests an update only. Given the SHMA 2007 has already been identified as out of date, it is not possible to rely upon an update which does not update the entire evidence base of the original document.

We agree with pba's Reports (Local Plan Evidence Summary and Housing Requirements Review) that the most appropriate objectively assessed need is in line with Economic Scenario 3, which matches the Council's and Torbay Development Agency's future employment growth aspirations.

We disagree on the appropriateness of the following comments in paragraph 4.5.12 where the Council goes on to state that *"if economic recovery and growth does not occur, the housing requirement is estimated to be around 8,500 homes"*. This is not evidenced. Presumably this reference is made to scenario E1 of the pba Report, which indicates a low job growth scenario (of 1,998) and 8,480 homes. However the Report itself notes that this is inaccurate and fails to reflect *"local factors such as the South Devon Link Road. In addition it is a do nothing approach which does not recognise the economic objectives and initiatives (both in place and proposed) which are expected to realise the economic potential and create more jobs"* (paragraph 3.6.3). The reference to economic recovery and 8,500 jobs should be removed. The Local Plan should be aspirational, and it presents job targets which the Council and development partners are working towards, the Local Plan should not undermine this. Nationally, the economic recovery is taking effect with increasing employment and recovery of the housing market, should this not materialise in Torbay, it will be picked up in a Local Plan Review, however at the outset the Local Plan must reflect growth aspirations.

Housing Target

We are concerned with the Council's approach to assessing the appropriate housing target. It is a constraint-based approach which is not appropriately evidenced.

The SHLAA (2013) seemingly forms the basis for the housing target, forming the understanding of land available over the plan period. However the SHLAA (2013) clearly finds the capacity to deliver 11,550 units over the plan period. Despite this, the Council has not taken this as its housing target.

We also note that the SHLAA (2013) is not fully available on the Council's website, with Appendixes, which include individual site analysis, not being available to view. From the wording of the Local Plan, it indicates that sites have been excluded where they are/were employment sites, in the AONB and are/were tourism sites, it is unclear whether this is a blanket SHLAA designation as unsuitable or whether sites have been considered individually. Evidently, blanket protection is inappropriate.

The SHLAA (2013) should only provide an indication of the land available for development. In line with the NPPF's balancing act, consideration must be given to whether housing need outweighs a SHLAA assessment of unsuitability.

Following the selection of a housing target significantly lower than the objectively assessed housing need, the Council must undertake analysis of the impacts of this failure in order to seek to address issues which arise. In particular, the affordability of the Borough will decrease. Those in receipt of Housing Benefit could rise, young people could be priced out of the housing market, older in-migrants could dominate the housing market, an increase in in-commuting for jobs, a lack of labour force to meet projected job growth and resulting changes to demographics and housing tenure.

SS1

It is not appropriate to present a range based housing requirement. The Council have already taken the decision to decrease the housing target to significantly below the objectively assessed housing need, and as such the housing target should be presented at the highest deliverable housing target, which they assess as 11,550.

Should a range be retained, the assessment of five year housing land supply should always be based on the upper figure, given the NPPF's requirements to "*significantly boost housing supply*".

SS2

We support the Council's approach of delivering broad locations. However, given the Council is unable to meet its current housing need, we would question the Council's timelines for delivery of such broad locations. From the outset, a developer can demonstrate that any broad location will be "*required to meet demand*", given the Council is not seeking to meet its objectively assessed need.

Brownfield/Five Year Supply/Windfall

The Council is seeking to depend on high levels of windfall delivery over the plan period however, the Council's policies in respect to employment and tourism land seek to protect such land, and has a high evidence threshold when such land is disposed of. The Council has not illustrated that it has considered the role of these policies together, and as such the impact that protectionist policies may have on the delivery of windfall at the levels the Council is currently indicating across the plan period.

Paragraph 2.1.5

We would suggest rephrasing this paragraph; the use of a 'spectrum' implies some activities are 'less desirable' than others.

Big Ticket Items (page 16)

We support the Council's identification of affordable housing as an important item however it should be a distinct 'Big Ticket Item'. The Council should present a bullet addressing the issue separately.

Where reference to self-build is made, reference to custom-build should also be made. They are different products but from the Council's writing it appears that their intention is to include both products in its Local Plan.

Aspiration 4

This should include a separate reference to the delivery of affordable housing.

SS4

The Council is still seeking to delivery 5-6,000 jobs despite recognising that it is unable to deliver the housing required to match that job growth. Inevitably, this will lead to increasing in-commuting, but also an inflating housing market and an increase in unaffordability. In line with the Council's decision to decrease its housing target, the Council must consider variation of the job target.

SS5

The Council's policy in respect to loss of existing employment land does not conform to paragraph 22 of the NPPF. The policy should be reworded to recognise the NPPF's position, and remove reference to impact on the economic prosperity of Torbay and the appropriate mix of uses in the locality, in addition to a preferential approach to alternate land uses. The NPPF is clear; the loss of employment land is a market based exercise.

Whilst recognising that the Council may seek financial contributions, it is important to note that these financial contributions would have to meet CIL Regulations. It is also noted that the financial contrition should not undermine the delivery of affordable housing, given the high need in Torbay.

Paragraph 4.3.21

Recognising that the Council is seeking to increase access to sustainable transport measures, the detail in respect to 45 minutes on public transport and frequency of 30 minutes is perhaps inappropriate.

SS8

We support the Council's protection of its natural environment, however it is important that the policies remain flexible.

Bullet 2 of this policy needs rewording. It is unclear whether it applies to all land outside the AONB or land outside the AONB which is judged to impact upon the AONB. These two circumstances should be separated out, as the commensurate protection of the landscape will be different.

Paragraph 4.5.8

Reference to community support and greenfield is inappropriate. The Council must seek to meet its objectively assessed housing need. The housing target is a strategic policy, set above the level of a NDP.

SS12

As mentioned above, it is inappropriate to select the lowest number in the housing target range. The Council must seek to significantly boost housing delivery, and in line with the objectives of five year supply, to provide choice and competition, the upper target should always be selected.

No reference in the policy is made to the 20% buffer. Whilst the Council may not feel that it is currently subject to the 20% buffer, the plan is for a 20-year period, and as such should include

reference to the higher buffer at the circumstances under which the Council believe it would have to be applied.

Paragraph 4.5.41

It is entirely inappropriate that the Council indicates that failure to deliver a five year housing land supply could indicate a flexible approach to affordable housing. This is not the purpose of five year housing land supply, and undermines the purpose of the mechanism, to bring forward a broader choice in land.

TA2

The test in this policy of "*unacceptable impact*" is not correct. The NPPF indicates that the test should be severe (paragraph 32).

C1

This policy is entirely inappropriate.

Firstly, the countryside of Torbay is not the Green Belt. It is not afforded commensurate protection by the NPPF. The wording of the policy should be amended accordingly.

Secondly, the Council's application of exceptions is inappropriate. The exceptions listed in the NPPF refer to "*isolated*" dwellings in the countryside (paragraph 55), not all development outside settlement boundaries – as indicated in Policy C1.

H2

We support the Council's affordable housing targets, bar our concerns below in respect to self-build.

It is noted that there are a number of sites illustrated in the Council's Viability Appraisal listed are marginally viable with associated s106 payments. The Viability Appraisal does not include a full analysis of development viability, with it failing to recognise the Council's requirements for contributions following the loss of employment sites and the associated costs with self-build. The Viability Appraisal must be updated to ensure an appropriate understanding of the development viability context in Torbay.

We would question the Council's approach of reducing affordable housing provision if a development could be brought forward earlier, this would undermine the delivery of affordable housing across the plan period.

We have made comments in respect to self-build below, but our concern is echoed in this policy.

H3

We support the Council's intentions to offer alternative housing products in Torbay. Firstly, the Council should reference self-build and custom-build, as these are separate products.

The Viability Appraisal does not consider the viability of this policy or the implications of its delivery of site specific viability. This must be undertaken.

It is not evident, where the Council's evidence basis is, that this product is in need in the Borough, and that it is affordable to the community at which it is offered.

It is not clear whether the Council is intending the self-build homes to be affordable and secured as such in perpetuity. It is also not apparent if the housing product will only be available to those within affordable housing need and those with a local connection. It is presented as such, but it must be

affirmed in the policy. If this is not the Council's intention, reference to affordable housing should be removed from the policy and reference to self-build removed from Policy H2, recognising that they are different policy aspirations.

The marketing and associated maintenance cost of bullet 2, of advertising the plots for 18 months is excessive. Given the Council has presented no evidence base for this policy it is not evidenced how appropriate the Council's expectations are. In line with the PPG, the Council should have a register of those interesting in self/custom build, this would effectively reduce this marketing time.

Whilst supporting a RES based upon self-build in principle, this product will not be suitable for all those in affordable housing need, and as such, in line with the NPPF, the Council must recognise RES which deliver more general affordable housing products.

Adjoining a settlement is no longer a term used when referring to RESs, it is more appropriate to require a site to be well-related to the existing settlement.

The Council has not assessed the viability of self-build and as such, it is not evidenced whether the product would be viable without cross-subsidy, particularly given the Council's aspirations for developer contributions and onsite mitigations and enhancement measures. The Council must either demonstrate that the product is viable or indicate cross-subsidy may be allowed.

H6

We support this policy and the recognition that the Council will require a range of Extra Care accommodation to meet future needs.

Provision of health and social care is perhaps a more challenging criteria, with a relevant to note that the NHS and Council are under a requirement to provide services to the population. The role of the development process in addressing these services is questionable. Collection of developer contributions as a result of proposals is challenging, specifically in relation to the requirements to meet the CIL Regulations.

DE1

We support this policy but note that the Council must include an element of flexibility within any decision.

6.4.2.5

It is inappropriate to require a Design and Access Statement on all planning applications. The Government's amendments to the requirement to provide additional information do not require this.

DE2

The Council must include reference to the Housing Standards Review, to indicate that when these are published the Policy will either be revoked or replaced as appropriate.

DE3

As above, the Council must reference the Housing Standards Review. It is noted that the Council's minimum standards do not match the technical standards proposed in the Housing Standards Consultation; we would ask the Council to justify this deviation.

SC1

The Council must provide more detail in respect to the Health Impact Assessment (HIA) and the screening process. The recently published PPG indicates that a HIA will only be required where "there are expected to be significant impacts" (paragraph 004, Section 53).

SC4

The provision of food spaces should be considered flexibly based upon site viability and design considerations.

ER1

The Council should refer applicants to the Environment Agency in respect to when a Flood Risk Assessment is required, not reference it within the Local Plan.

These comments are intended to be constructive and we look forward to developing a mutually beneficial relationship as you take your Local Plan forward. Please ensure the **South West HARP Planning Consortium** is retained on the Council's consultation database with **Tetlow King Planning** listed as their agents.

Yours faithfully



FELICITY TOZER
SENIOR PLANNER
For and On Behalf Of
TETLOW KING PLANNING



Enc: Representation Form

cc: Aster Group
DCH Group
Guinness Partnership
Sanctuary Housing Group
Sovereign Housing Association
Spectrum Housing Group
Westward Housing Group

Jeannie Haycock

Pickhaver, David

From: Gina Day [REDACTED]
king.co.uk]
Sent: 07 April 2014 08:54
To: Planning, Strategic
Cc: [REDACTED]

Subject: TORBAY LOCAL PLAN 2012 TO 2032 - PROPOSED SUBMISSION PLAN, APRIL 2014
Attachments: 0209-10.M6 rep form.pdf; 0209-10.M6.pdf

Please find attached letter in respect of the above for your attention.

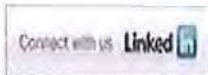
Kind regards.

Gina Day
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Pickhaver, David

From: michaelandmaggie [REDACTED]
Sent: 03 April 2014 17:16
To: Planning, Strategic; Rob Newman; Steward, Pat
Subject: Torbay Local Plan (Proposed Submission plan)

Dear Pat

I am writing to you as chair of the Torbay Business Forum about the recently published Torbay Local Plan. I am writing this through Michael Atkinson's e-mail address as I have currently lost my e-mailing facility and I know that this is required before next Monday at 9.00 a.m.

We have discussed the Torbay Local Plan within our sub group committee as well as at the Executive meeting this morning.

Having been through it in some detail we believe that it is Legally Compliant, Sound and has complied with its duty to cooperate with the local community. It has, from the Business perspective, grasped the areas that are important for the economic regeneration and moving forward of Torbay's economy. It clearly will have an important role to play in encouraging inward investors to consider the area and should provide a framework for investment decisions to be made.

Whilst we recognise that whatever investment does take place will be through individual's decision making, we would suggest that it would be helpful to say that the creation of a Science/IT Park would be welcomed of a size that would be capable of sustaining 3000 plus employees. Currently this is a very active sector in Torbay with a high value impact on the economy.

It has also been seen that there has been a demand for 4 and 5 star holiday accommodation in Torbay and we would suggest that in addition to saying an improvement to our hotel stock is sought, the growing demand for 4 and 5 star accommodation should be highlighted, particularly in the areas designated by the Plan.

Subject to that, we feel it is very comprehensive and we are pleased to support the Plan going forward.

Kind Regards

Rob Newman

Chair Torbay Business Forum