

**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
Agent: 844903 Consultee: 365896	S1	Sainsbury's (WYG for)
Agent: 845691 Consultee: 845688	S2	Tescos (Amethyst Properties for)

ID: Agent: 844903
Consultee: 365896

WYG



Ref: V001504/RR/rr

Date: 03 April 2014

Torbay Local Plan

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

Dear Sir/Madam

**SAINSBURY'S SUPERMARKETS LTD
TORBAY DISTRICT COUNCIL
TORBAY LOCAL PLAN PROPOSED SUBMISSION**

We write concerning the recently published Local Plan Proposed Submission document. Our client, Sainsbury's Supermarkets Ltd, is an important retailer and employer in Torbay and wishes to be involved in the shaping of this important document. You will note that we have previously made representations on the Local Plan on behalf of our client. Please find below our representations in respect of the Proposed Submission document.

Policy TC1

Policy TC1 supports the need for *"New or enhanced district, local and neighbourhood centres, that complement town centre facilities, provide a range of goods and services that meet the day to day needs of local communities...."*

We welcome the recognition that defined centres may need to be enhanced to meet the day to day needs of their local communities. In our view, however, Policy TC1 should also recognise the roles of, and where possible and appropriate build upon, other existing retail facilities in the area.

Policy TC3

Policy TC3 recognises the need for development in defined District, Local and Neighbourhood Centres to *"provide for and sustain a range of services and facilities which contributes to the long term vitality and viability of the Centre and the ability of people to meet their needs locally"*.

However, the Willows District Centre is specifically excluded from this element of the policy, despite it being identified as a District Centre in Policy TC2. It is instead subject to the same restrictions that are imposed on retail development in out of centre locations. This element of Policy TC3 confuses the retail hierarchy and in our view does not provide a clear and deliverable policy to guide decision makers and developers. Therefore, as drafted Policy TC3 does not accord with the requirements of the National Planning Policy Framework (NPPF), in that it does not meet the requirement that *"only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan"* (paragraph 154). The NPPF also requires local planning authorities to apply a sequential test to planning application for main town centres uses, with such uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centres sites be considered.

creative minds safe hands

WYG, Ropemaker Court, 11-12 Lower Park Row, Bristol, BS1 5BN
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WYG Environment Planning Transport Ltd Registered in England Number: 3050297
Registered office: Arndale Court, Otley Road, Headingley, Leeds, LS6 2UJ



In addition, given the extensive population growth and planned strategic development for the area west of Torquay, The Willows District Centre is well placed to provide an enhanced level of services to its catchment population. Therefore, an appropriate level of growth at the district centre should not be constrained by policy TC3, rather it should be encouraged.

For the reasons given above, we propose that Policy TC3 should be amended so that the restrictions on retail development at the Willows District Centre are removed and the district centre treated in the same way as other district centres in terms of future development. Only such an approach accords with the NPPF.

We trust that these representations are of assistance.

Yours faithfully



Rachel Robinson
Senior Planner

Pickhaver, David

From: rachel.robinson2 (Bristol) [REDACTED]
Sent: 03 April 2014 13:28
To: Planning, Strategic
Subject: Torbay Local Plan Proposed Submission
Attachments: Representations 03.04.14.pdf

Sir/Madam

Please find attached representations on behalf of our client, Sainsbury's Supermarkets Ltd, to the Torbay Local Plan Proposed Submission document.

Rachel Robinson
Senior Planner

Please [Click Here](#) for our March edition of the Planning & Environment newsletter.

WYG

Ropemaker Court, 11-12 Lower Park Row, Bristol, BS1 5BN
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www.wyg.com

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AWARDS



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ID: Agent: 845691
Consultee: 845688

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 208904.



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="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Mark"/>
Last name	<input type="text"/>	<input type="text" value="Scoot"/>
Organisation (if you are representing that organisation)	<input type="text" value="Tesco Stores Ltd"/>	<input type="text" value="Amethyst Planning"/>
Address – line 1	<input type="text" value="c/o agent."/>	<input type="text" value="Maypool House"/>
Address – line 2	<input type="text"/>	<input type="text" value="Maypool"/>
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	<input type="text" value="Brixham"/>
Postcode	<input type="text"/>	<input type="text" value="TQ5 0ET"/>
Telephone number	<input type="text"/>	<input type="text"/>
E-mail address	<input type="text"/>	<input type="text"/>
Consultee ID (if known)	<input type="text"/>	<input type="text" value="-"/>

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

SS2

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 checked="" type="checkbox"/>	<input 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.

N/A.

(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 worded, the Policy is not sound as there is no evidence to prove that it is deliverable. There has been a long held aspiration to deliver new B1 office uses at Edginswell Business Park and indeed the site was allocated for such uses in the adopted Torbay Local Plan.

Despite this, and taking account of the fact that the allocation was made during the most favourable and supportive commercial funding environment available in living memory and the site was widely marketed (as it is still being), B1 employment uses remained unviable and the only office uses that came forward on site were as a result of the landowner (Tesco Stores Ltd) gap funding the development.

The Council has long recognised that the site is not viable for employment uses in granting consents that allowed non B class uses to come forward as a departure from the plan. Despite this, the sole focus on B1 uses as promoted in the emerging plan is contrary to the NPPF (specifically paragraph 173 in terms of ensuring deliverability and paragraph 22 in avoiding the long term protection of sites allocated for employment uses where there is no reasonable prospect of the site being used for the allocated employment use). in terms of reviewing unviable employment allocations and will not in anyway assist the development of the site.

The draft policy should be ammended to reflect the reality of the fact that retail development class uses may be permitted (subject to the satisfaction of other policies) in order to ensure the delivery of employment uses. This will also make the draft policy consistent with draft policy SS5.

(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:

We have made similar representations during earlier stages of the development plan preparation process and through the submission of two planning applications to Torbay Council in respect of the future use of land at Edginswell Business Park, Torquay. Despite this, there is no evidence that the Council accepts the arguments put forward, particularly that B1 office development is not commercially viable on the site and therefore we would seek to address this in more detail during the Examination.

(Continue on a separate sheet if necessary)

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

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

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

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

The Adoption of the Torbay Local Plan by the Council?



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:

N/A.

(Continue on a separate sheet if necessary)

Signature:

signed electronically

M. Scoot

Date:

6.4.14



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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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Proposed Submission Plan

For official use:

Representation Form

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Part A – Personal details

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

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title		Mr
First name(s)		Mark
Last name		Scout
Organisation (if you are representing that organisation)	Tesco Stores Ltd	Amethyst Planning
Address – line 1	c/o agent.	Maypool House
Address – line 2		Maypool
Address – line 3		
Post Town		Brixham
Postcode		TQ5 0ET
Telephone number		
E-mail address		
Consultee ID (if known)		-

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

SS6

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 checked="" type="checkbox"/>	<input 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.

N/A.

(Continue on a separate sheet if necessary)

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

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

The future use of land at Edginswell Business Park is fundamental to the delivery of the emerging plan and as landowners we are keen to ensure that the representations are fully considered.

(Continue on a separate sheet if necessary)

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

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

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

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

Please insert an X in the relevant box

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

(Continue on a separate sheet if necessary)

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.

Whilst Tesco does not express an opinion on the need or economic case to develop a new train station at Edginswell, provision for such a use has been made as part of the Tesco masterplan for the site. However, we would note that if this scheme does not come forward then the current consent for the site would prevent the development of the station due to the arrangements of that scheme. The draft policy needs to specify in detail how the scheme is proposed to be delivered.

(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

Signature:

signed electronically M. Scoot

Date:

6.4.14

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?

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- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

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

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

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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		Mr
First name(s)		Mark
Last name		Scout
Organisation (if you are representing that organisation)	Tesco Stores Ltd	Amethyst Planning
Address – line 1	c/o agent.	Maypool House
Address – line 2		Maypool
Address – line 3		
Post Town		Brixham
Postcode		TQ5 0ET
Telephone number		
E-mail address		
Consultee ID (if known)		-

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

SDT1

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 checked="" type="checkbox"/>	<input 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.

N/A.

(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 per our representations in respect of draft policy SS2, the draft policy should be amended to include reference to the potential for retail development within the Torquay Gateway.

(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 another chance to make further representations based on the original representation made at publication stage.

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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:

We have made similar representations during earlier stages of the development plan preparation process and through the submission of two planning applications to Torbay Council in respect of the future use of land at Edginswell Business Park, Torquay. Despite this, there is no evidence that the Council accepts the arguments put forward, particularly that B1 office development is not commercially viable on the site and therefore we would seek to address this in more detail during the Examination.

(Continue on a separate sheet if necessary)

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

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

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

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

Please insert an X in the relevant box

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

N/A.

(Continue on a separate sheet if necessary)

Signature:

signed electronically M. Scoot

Date:

6.4.14

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

For official use:

Representation Form

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

This Form has two parts:

Part A – Personal details

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

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title		Mr
First name(s)		Mark
Last name		Scout
Organisation (if you are representing that organisation)	Tesco Stores Ltd	Amethyst Planning
Address – line 1	c/o agent.	Maypool House
Address – line 2		Maypool
Address – line 3		
Post Town		Brixham
Postcode		TQ5 0ET
Telephone number		
E-mail address		
Consultee ID (if known)		-

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

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

Please state which policy this representation relates to?

Policy number

SDT3

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

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

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

N/A.

(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 with our representation in respect of draft policy SS2, the draft policy should be amended through the deletion of the phrase local retail facilities in line one and replaced with retail facilities.

The text at Table 5.5 SDT3 in respect of Edginswell Business Park is also incorrect and misleading. For clarity, B1 employment uses on the site are not commercially viable and the only reason why any offices have been developed to date is because Tesco Stores Ltd has gap funded their delivery and associated infrastructure requirements.

There has been a long held aspiration to deliver new B1 office uses at Edginswell Business Park and indeed the site was allocated for such uses in the adopted Torbay Local Plan.

Despite this, and taking account of the fact that the allocation was made during the most favourable and supportive commercial funding environment available in living memory and the site was widely marketed (as it is still being), B1 employment uses remained unviable and the only office uses that came forward on site were as a result of the landowner (Tesco Stores Ltd) gap funding the development. Clearly, the landowner will not continue to be able to gap fund further office development unless they secure retail consent on the site to cross subsidise the completion of the park.

The Council has long recognised that the site is not viable for employment uses in granting consents that allowed non B class uses to come forward as a departure from the plan. Despite this, the sole focus on B1 uses as promoted in the emerging plan is contrary to the NPPF (specifically paragraph 173 in terms of ensuring deliverability and paragraph 22 in avoiding the long term protection of sites allocated for employment uses where there is no reasonable prospect of the site being used for the allocated employment use). In terms of reviewing unviable employment allocations and will not in anyway assist the development of the site.

The draft table should be amended to accurately confirm the fact that B1 uses are not viable on site.

(Continue on a separate sheet if necessary)

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

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Please insert an X in the relevant box

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

Please insert an X in the relevant box

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

(Continue on a separate sheet if necessary)

Signature:

signed electronically	M. Scoot
-----------------------	----------

Date:

6.4.14



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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		Mr
First name(s)		Mark
Last name		Scoot
Organisation (if you are representing that organisation)	Tesco Stores Ltd	Amethyst Planning
Address – line 1	c/o agent.	Maypool House
Address – line 2		Maypool
Address – line 3		
Post Town		Brixham
Postcode		TQ5 0ET
Telephone number		
E-mail address		
Consultee ID (if known)		-

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

TC1

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 checked="" type="checkbox"/>	<input 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.

N/A.

(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 worded, the draft policy could be applied to prevent new retail development that had any level of harm on the vitality and viability of existing centres.

The recent appeal decision in respect of a proposed Morrisons development in Babbacombe noted that a financial impact of around 10% on Torquay town centre would not be an issue of concern. However, applying the draft policy as worded would mean that any impact would lead to refusal.

The draft policy should be amended to be consistent with the NPPF and acknowledge that new retail development should only be refused where it has a clear significant adverse impact on defined centres.

(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:

We have made similar representations during earlier stages of the development plan preparation process and would seek to ensure that these are fully considered.

(Continue on a separate sheet if necessary)

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

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

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

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

Please insert an X in the relevant box

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

[Empty rectangular box for content]

(Continue on a separate sheet if necessary)

Signature:

signed electronically	M. Scoot
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Date:

6.4.14

- 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.
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- ***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:

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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

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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.

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For official use:

Representation Form

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

This Form has two parts:

Part A – Personal details

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

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title		Mr
First name(s)		Mark
Last name		Scoot
Organisation (if you are representing that organisation)	Tesco Stores Ltd	Amethyst Planning
Address – line 1	c/o agent.	Maypool House
Address – line 2		Maypool
Address – line 3		
Post Town		Brixham
Postcode		TQ5 0ET
Telephone number		
E-mail address		
Consultee ID (if known)		-

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

TC3

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 checked="" type="checkbox"/>	<input 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.

N/A.

(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 worded, the draft policy could be applied to prevent new retail development that had any level of harm on the vitality and viability of existing centres.

The recent appeal decision in respect of a proposed Morrisons development in Babbacombe noted that a financial impact of around 10% on Torquay town centre would not be an issue of concern. However, applying the draft policy as worded would mean that any impact would lead to refusal.

The draft policy should be amended to be consistent with the NPPF and acknowledge that new retail development should only be refused where it has a clear significant adverse impact on defined centres.

The reference at D3 should also be deleted. There is no requirement in the NPPF for new retail development to improve the spatial distribution of facilities or to achieve greater social inclusion.

(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:

We have made similar representations during earlier stages of the development plan preparation process and would seek to ensure that these are fully considered.

(Continue on a separate sheet if necessary)

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

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

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

Please insert an X in the relevant box

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

[Empty rectangular box for content]

(Continue on a separate sheet if necessary)

Signature:

signed electronically	M. Scott
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Date:

6.4.14
