

TORBAY LOCAL PLAN

A landscape for success

The Plan for Torbay – 2012 to 2032 and beyond

SUBMISSION PLAN

Parallel-tracking Local Plan and Neighbourhood Plan preparation in Torbay – Torbay Council Position Statement

Introduction

This position statement sets out the Council's approach, working in partnership with the community, to producing a Local Plan alongside neighbourhood planning activity in Torbay. The 'parallel-tracking' approach of Local Plan and Neighbourhood Plan production has been designed to be a mutually supportive process so that both sets of plan-making activities strengthen the quality of each other. The Council believes that this has provided a beneficial method of delivering a sound Local Plan with genuine and effective community influence whilst ensuring that communities (through Neighbourhood Forums) have the autonomy to produce their own Neighbourhood Plans to, in a very real way, influence and deliver development in Torbay.

Producing a Local Plan in the context of the opportunity for neighbourhood planning

The Council's objective has been to produce a Local Plan which is consistent with the principles of the National Planning Policy Framework (NPPF) and fully responds to delivering sustainable development in Torbay that reflects the vision, aspirations of and delivers positive change for Torbay's towns and the Torbay community as a whole.

The NPPF places considerable emphasis on the development of Local Plans being a genuine and positive means for local communities to shape planning and development. In addition, the NPPF encourages the view that Local Plans and Neighbourhood Plans should work together to deliver aspirational change.

Plan-making and decision-taking should *"be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of their area."* (NPPF para 17). Furthermore, during the production of Local Plans *"early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area"* (NPPF para 155).

Torbay context

Sixteen active Community Partnerships together cover the Torbay area – 9 in Torquay, 5 in Paignton and 2 in Brixham. The Community Partnerships have traditionally been very successful in providing a means for local communities in Torbay to discuss issues of common concern, influence the way in which services are provided and improve their local areas.

In September 2011, all 16 Community Partnerships agreed to come together to form Neighbourhood Forums and begin working, in partnership with the Council, on Neighbourhood Plans for Torquay, Paignton and Brixham – one for each town. The opportunity to bring the different partnerships together, produce their own statutory development plans (giving genuine community ownership

over development) and work more closely with the Council on the Local Plan was attractive to both the community and the Council.

'Interim Neighbourhood Forums' were formed prior to the release of the Neighbourhood Planning Regulations 2012 and these were formally designated as Neighbourhood Forums to produce plans for designated Neighbourhood Areas in December 2012.

(www.torbay.gov.uk/neighbourhoodapplications.htm)

It is an approach which is fairly unique in that the size of the Neighbourhood Areas in Torbay are very populous compared to many examples of neighbourhood planning in the country. Additionally, the three Neighbourhood Areas that have been designated (based on the Community Partnership boundaries within each town) cover 100% of the Torbay local authority land area. This suits the principally urban context of Torbay and how the communities are organised through the Community Partnerships. It is also helpful in terms of developing a Local Plan in parallel which also covers the whole area. Each Neighbourhood Forum has significantly broadened its base of membership outside those persons who were previously active within Community Partnerships, so that they better represent and reflect all aspects of the character of their Neighbourhood Areas (also as per the requirements of Schedule 10, 61F of the Localism Act). Taken together, the Neighbourhood Forums represent inclusive community bodies which are fully functioning across the whole Torbay area. This is something which has strengthened community participation in the Local Plan making process.

Table to indicate Community Partnerships which make-up each designated Neighbourhood Area

Torquay Neighbourhood Area	Paignton Neighbourhood Area	Brixham Peninsula Neighbourhood Area
Barton and Watcombe	Blatchcombe	Brixham
Cockington, Chelston and Livermead	Clifton and Maidenway	Churston Galmpton and Broadsands
Ellacombe	Goodrington with Roselands and Hookhills	(also Brixham Town Council)
Hele and Lower Barton	Paignton Town Centre	
Shiphay and the Willows	Preston	
St. Marychurch and District		
Torquay Town Centre		
Torre and Upton		
Wellswood and Torwood		

Relationship between emerging Local Plans and Neighbourhood Plans

The NPPF and the related online National Planning Practice Guidance (NPPG) provides some clarity on the relationship of Local Plans and Neighbourhood Plans. In particular, para 009 of the NPPG provides for the following:

- Neighbourhood plans **must be in general conformity** with the strategic policies of the development plan (Local Plan)
- Neighbourhood Plans **can be developed before or at the same time as the local planning authority is producing its Local Plan**
- *“A draft Neighbourhood Plan is not tested against the policies in an emerging Local Plan but **reasoning and evidence informing an (emerging) Local Plan may be relevant to the consideration of the basic conditions** against which a neighbourhood plan is tested”*
- The qualifying body (Neighbourhood Forum) and local planning authority **should discuss and aim to agree the relationship between policies** in emerging and adopted plans and **aim to produce complementary neighbourhood and Local Plans**

In addition, Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that any conflict between plans should be resolved in respect of the last document to become part of the development plan.

Taken together, this provides some very clear messages (in the view of the Council and the Neighbourhood Forums) as to how emerging Local Plans and Neighbourhood Plans can be developed in tandem:

- The Council and Neighbourhood Forums should aim to work together, share evidence and collaborate on policy
- Neighbourhood Plans provide the appropriate and necessary tools for the community to truly shape development - a crucial part of which is the allocation of sites
- Whilst Neighbourhood Plans could be made before the adoption of the emerging Local Plan, it is highly desirable to adopt a Neighbourhood Plan on the back of an adopted up-to-date Local Plan to ensure that its policies are effective and not short-lived
- All three Neighbourhood Forums have worked in collaboration with the Council to resolve as far as possible the differences that have arisen from time to time as progress on producing the respective Plans has informed each other

These messages have been acted on through the policy mechanisms provided as part of the Submitted Local Plan.

Allocating sites for housing growth in the development plan (Local Plan and Neighbourhood Plans)

Whilst a Local Plan must set the strategic context for Neighbourhood Plans and be sound in terms of the requirements of the NPPF, para 043 of the NPPG is clear that with regards specifically to

allocating sites, the local planning authority should “*avoid duplicating planning processes that will apply to the neighbourhood area*”.

The Submitted Local Plan allocates housing sites expected to be developed in the short-term (first 5 years + of the plan). These are made up of sites with planning permission or within the planning application process that are suitable for housing in principle. Consistent with the NPPF (para. 47), the Local Plan also identifies Future Growth Areas (broad locations) to deal with later/strategic growth in Torbay. These are sites of a strategic scale and are likely to come forward later in the plan period. They are already the subject of masterplanning as well as detailed consideration of infrastructure provision.

In addition, a range (or pool) of other developable sites, based on the SHLAA, have been identified in the Local Plan for information but not allocated as such. These sites will be further considered for their suitability through the neighbourhood planning process and allocated through each Neighbourhood Plan. Should a Neighbourhood Plan not come forward for any reason, the Submitted Local Plan provides for a site allocations document to be produced at a later date to deal with outstanding allocations. However, for the time being and without intending to ‘step on the toes’ of Neighbourhood Forums, allocated and identified sites in the Local Plan provide a very clear indication, for the Local Plan Examination, of the capacity of and location for growth to 2032 and beyond.

The Council considers that this provides a healthy and robust position to support the delivery of housing growth in Torbay. It is therefore possible to provide for a Local Plan which is NPPF (particularly para 47) compliant in terms of providing certainty of housing provision in the short and longer-term whilst also reflecting neighbourhood planning work carried out in parallel to the Local Plan it also provides the means for Neighbourhood Plans to still be able to determine and allocate a range of other sites in accordance with legislation and NPPF (para 1).

Sharing evidence and shaping the Local Plan

A major feature of the parallel-tracking process has been the Council and the Neighbourhood Forums working together to ‘share evidence’, which is supported and encouraged through para 9 of the NPPG. For example, the production of the Strategic Housing Land Availability Assessment (2013) and the Employment Land Review (2013) has had participation from each Neighbourhood Forum in proposing sites for investigation and helping to assess the suitability of sites (e.g. through workshops) by contributing local knowledge. In addition, the community has contributed information gained from work on neighbourhood planning to influence the development of numerous policy aspects in the Local Plan –for example relating to growth, greenspaces, town centre regeneration, transport, etc.

The benefit of this approach has been felt by the Council and the Neighbourhood Forums and reflects best practice guidance from the Planning Advisory Service that “*where a Local Plan is dated, or out of date, a key role for the LPA will be to assist neighbourhoods in engaging in the Local Plan*”

plan-making process, alongside the Neighbourhood Plan plan-making process to ensure greatest benefit is gained from community engagement and interest in the neighbourhood area and that the effectiveness of each plan is maximised."

Enabling and supporting Neighbourhood Planning to deliver the Local Plan

Significant Council resources have been devoted to supporting neighbourhood planning activity across Torbay having regard to the considerable voluntary input from each Forum. In addition, the Council secured Frontrunner status for each Neighbourhood Area (funding) and resource from the Prince's Foundation for Building Community to support each Neighbourhood Forum through three rounds of separate workshops held in March, June and December 2012. Each Neighbourhood Forum has also been successful in drawing down support from Locality (funds and advice) to assist the production of their plans. The neighbourhood planning process is well developed in Torbay and each Neighbourhood Forum is prepared and equipped to deal with producing plans which underpin the Submitted Local Plan and help to deliver its strategy. The Council has aimed to deliver a sound Local Plan based on community participation which also expects and provides the opportunity for Neighbourhood Plans to come forward and help deliver on aspects of the Local Plan. This is not a standard approach but is an approach which fully embraces Localism and the NPPF.