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No 2 ID: 494352

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

Our reference: 974

12 February 2015

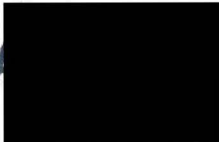
Dear Sir/Madam,

Re: Consultation on Torbay Local Plan proposed modifications, Community Infrastructure Levy and Local Validation List

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultations. I can confirm that the MMO has no comments to submit in relation to these consultations.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website www.gov.uk/mmo

Yours sincerely



Angela Gemmill
Relationship Manager

E stakeholder@marinemanagement.org.uk



INVESTORS
IN PEOPLE

Pickhaver, David

From: [REDACTED]
Sent: 18 March 2015 13:16
To: Planning, Strategic
Subject: FAO Steve Turner - re: Consultation on Torbay Council Spatial Planning documents - Proposed Mods to Local Plan, CIL and Local Validation List (9 Feb - 23 March)

Good afternoon,

Thank you for your email and for providing the opportunity to comment on the Strategic Planning Documents as follows:-

PROPOSED MODIFICATIONS TO THE SUBMISSION TORBAY LOCAL PLAN

I would like to express how pleasing and reassuring it is that representations previously made with regard to crime and disorder and the role of the Police Architectural Liaison Officer (ALO) are being considered as 'Proposed Additional Modifications' to policy of the Torbay Local Plan.

Crime, the fear of crime, antisocial behaviour (ASB), disorder and conflict creates an adverse impact on our communities and greatly affects quality of life. It is therefore respectfully requested that the Council considers retaining all the additional modifications when finalising The Plan. By minimising opportunities for crime and disorder to occur through appropriate advice, design, management and location of developments will ensure the creation of more sustainable, safe, secure and pleasant places for the future.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

It is unfortunate but Devon and Cornwall Police are not able to demonstrate a need for infrastructure growth and will not be progressing CILs in the Torbay area at this time.

LOCAL VALIDATION LIST

It is respectfully requested that under Design and Access Statements (DAS) there is a requirement for the applicant to incorporate an explanation in the DAS of how they have considered crime prevention and designing out crime. As all too often this does not happen and there is no way of knowing what the applicants intentions are around these important matters.

Section 17 of the Crime and Disorder Act provides a legal requirement for planning to consider preventing crime, antisocial behaviour, disorder and conflict and therefore this should be addressed in DAS.

To assist please note below the type of planning applications that sit within my remit of work.

Police Architectural Liaison Officer Protocol with Planning Authority:-

- Major housing schemes of 10+ dwellings
- Major commercial office, industrial, retail or leisure schemes
- New neighbourhood or district community facilities
- Shop front improvements
- Proposals which include significant areas of open space/landscaping as part of a development, including linkage footpaths
- Proposals incorporating significant off street car parking provisions
- Proposals involving transport interchanges or other significant highway infrastructure

- Improvements such as cycle lanes and new or improved footpaths
- All applications for Class A3, A4 and A5 food and drink uses
- New or redeveloped schools/education premises
- Where the intended occupants are particularly vulnerable and require higher standards of security to ensure their person safety (this would include Gypsy and Traveller sites, care homes and drug rehabilitation centres)
- ATM's
- Solar Farms
- Any planning policy documents where community safety is relevant. This will include the Core strategy and Supplementary Planning Guidance documents

Thank you

Kind regards

Sarah-Jane

Sarah-Jane Barr
Police Architectural Liaison Officer - West Devon, Torbay & South Hams,
Totnes Police Station, Ashburton Road,
Totnes, Devon. TQ95JY

Telephone 01803 860456



Devon & Cornwall Police
Building safer communities together

From: Planning, Strategic [<mailto:Strategic.Planning@torbay.gov.uk>]

Sent: 09 February 2015 09:03

To: BARR Sarah-Jane 56305

Subject: Consultation on Torbay Council Spatial Planning document - Proposed Mods to Local Plan, CIL and Local Validation List (9 Feb - 23 March)

Dear Ms Sarah-Jane Barr

Consultee ID: 425628

Your Organisation/Company (if applicable): Devon & Cornwall Constabulary

I am writing to inform you that three Torbay Council spatial planning documents, namely the Proposed Modifications to the Submission Torbay Local Plan, the Community Infrastructure Levy Draft Charging Schedule Consultation Document and the Local Validation List Consultation Document have been published for consultation for a 6 week period between 09:00am Monday 9 February and 09:00am Monday 23 March.

Brief details of these documents are as follows:

PROPOSED MODIFICATIONS TO THE SUBMISSION TORBAY LOCAL PLAN

In July 2014 the new Torbay Local Plan was submitted to the Secretary of State for Independent Examination. Hearing Sessions were conducted by the Examination Inspector in November 2014 to debate key policy issues relating to the Plan's soundness. The Proposed Modifications to the Local Plan have been prepared following the

receipt of the Inspector's subsequent 'Initial Findings' and 'Further Findings' documents, and the completion of further work by the Local Authority.

The Modifications take the form of two schedules – the '**Proposed Main Modifications**' (to do with matters that directly affect the soundness of the Plan) and the '**Proposed Additional Modifications**' (more minor changes that do not directly affect soundness). Related Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) documents have also been published.

Please note that representations should be made on the Proposed Main Modifications, Additional Modifications and related HRA and SA documents only (**not** on the remaining unchanged parts of the Submission Plan).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Following publication of a Preliminary Draft CIL Charging Schedule in December 2011, the Council is now consulting on its Proposed Draft CIL Charging Schedule. This sets out the types of development upon which CIL is proposed to be charged and the proposed charging rate. The "Regulation 123 List" that sets out projects that CIL will be spent on is also published.

LOCAL VALIDATION LIST

A Draft Local List for Validation of Planning Applications was published in September 2012. A revised Local List is now being published for consultation. The List sets out the sort of information the Council will require to support different types, scales and locations of development proposals. The document also provides the basis for pre-application discussions between applicants and the Council, in order to help secure high quality sustainable development.

Views are being invited from the public, businesses and all interested parties on each of the above documents. It is important to note that all comments should be received no later than 9.00am on Monday 23 March 2015, and will be made available for public inspection. Late comments will not be accepted.

Reference copies of all documents are available for inspection on the Council's web site www.torbay.gov.uk/newlocalplan and related links, and in paper form at Torbay Council's Spatial Planning Office (Electric House, Castle Circus, Torquay TQ1 3DR), Council Libraries and Connections Offices during normal opening hours. Documents can be downloaded from the above web site free of charge. Paper copies may be purchased from Spatial Planning - details of prices are available on request.

Comments can be submitted to the Council in writing via letter or e-mail (strategic.planning@torbay.gov.uk) using the contact details provided below. Please note that comments cannot be treated as confidential. Your comments will be published as part of a public document and made publicly available on the Council's website.

Please contact the Strategic Planning team if you have any queries. If you no longer wish to receive communications from Torbay Council regarding Strategic Planning consultation documents, please let us know.

Yours sincerely,


Steve Turner
Team Leader - Strategic Planning

Strategic Planning Team
Spatial Planning
Place and Resources
Torbay Council
Electric House (2nd Floor)

Castle Circus
Torquay TQ1 3DR

Tel: 01803 208812
Email: strategic.planning@torbay.gov.uk

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Always call 999 in an emergency

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NOS
468952

Pickhaver, David

From: [REDACTED]
Sent: 22 March 2015 22:15
To: Planning, Strategic
Subject: Torbay Local Plan A Landscape for Success Schedule of Proposed Additional Modifications

Strategic Planning
Torbay Council
strategic.planning@torbay.gov.uk

22 March 2015

Dear Sir/Madam
**Torbay Local Plan A Landscape for Success
Schedule of Proposed Additional Modifications February 2015
RSPB Comments**

The RSPB welcomes the various minor modifications that have been made to the plan in response to our comments on the Proposed Submission Plan and discussions at the Plan's Public Examination.

Modification Reference AM124, relating to Local Plan paragraph 6.3.2.5, proposes the following text: *Guidance on cirl buntings has been produced by Devon County Council in collaboration with RSPB (November 2014). Development should safeguard cirl bunting habitats, either directly or by contributing to offsetting by provision of receptor habitats.*

The RSPB welcomes this additional text, however the critical role of Torbay Council in administering and securing off-site compensatory habitat is still not recognized in the Plan. Experience has shown that without Council support and co-ordination, secure and effective off-site compensation schemes are not likely to be delivered. There cannot therefore be confidence that as proposed the Plan's allocations will avoid significant harm to the area's nationally significant cirl bunting population. Torbay Council is currently playing an active role in assisting in the identification of land that could operate as an off-site compensation scheme for a current development proposal, which we applaud. We seek reassurance, particularly in light of the additional development now proposed in the Plan that will further impact cirl buntings, that the Council will maintain this role, and recognize it through explicit text in the Local Plan. We suggested some wording to be added to Policy NC1 in our response to the Proposed Submission draft, which included the statement *Torbay Council will facilitate the strategic delivery of off-site compensation.* This text has not been added to the plan, but we still consider that it should be, in Policy NC1 or paragraph 6.3.2.5.

For accuracy, the DCC guidance is still in draft (the November 2014 document was a draft, which has subsequently been subject to further edits, and the final document has not yet been adopted). We therefore suggest replacing *November 2014* with *in draft*. The Local Plan should in our view express Torbay Council's intent to also implement this guidance, to ensure its relevance to applicants in Torbay with proposals that may affect cirl buntings is clear.

Yours faithfully

Gavin Bloomfield
Senior Conservation Officer

South West England Regional Office

Boardwalk House, Southernhay Gardens, Southernhay, Exeter

Tel 01392 453761

rspb.org.uk

Let's give nature a home



The RSPB is the country's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

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Pickhaver, David

From: [REDACTED]
Sent: 11 March 2015 17:34
To: Planning, Strategic
Subject: Local Plan Additional Modifications

Our Ref.: O/6429

Thank you for consulting The Theatres Trust on the main and additional modifications to the Local Plan.

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

We do not find the plan to be sound as it does not conform to the National Planning Policy Framework (NPPF).

Policy TO1: While we appreciate the additional modifications to the accompanying text of policies TC1 and TC5 that aim to provide and enhance cultural facilities, the plan still does not specifically protect and safeguard existing cultural facilities. Such a modification is needed to reflect item 70 in the NPPF on page 17 which states that to deliver the social, recreational and cultural facilities and services that the community needs, planning policies and decisions should plan for the use of shared space and guard against unnecessary loss of valued facilities. Also to ensure that established facilities and services are retained and able to develop for the benefit of the community.

Regards,

Ross Anthony
Planning Adviser
The Theatres Trust
22 Charing Cross Road, London WC2H 0QL
Tel: [REDACTED]
Fax: [REDACTED]
www.theatrust.org.uk

The Theatres Trust
Protecting Theatres for Everyone
National Advisory Public Body for Theatres

Consultation on Torbay Council Spatial Planning document – Proposed Modifications to Local Plan; Local Validation List

Woodland Trust response

Proposed Modifications to Local Plan

Minor Modification: AM113/para C4

We are pleased to see the additional sentence proposed - **Development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role** – but would like to see this reflect expansion of these features too. This would then match the proposed para f) addition to Policy SS9 of “Maintain existing and contribute to new tree planting and woodland creation”.

We consider that the Council has a statutory duty to promote tree planting across all forms of development. Section 197 of the Planning Act (1990) states:
197. Planning permission to include appropriate provision for preservation and planting of trees.

‘It shall be the duty of the local planning authority –

to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees’.

The National Planning Policy Framework (NPPF) also supports the need for more habitat creation across spatial planning by stating that: ‘Local planning authorities should: set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure’, (DCLG, March 2012, para 114). Also para 117 states that: ‘To minimise impacts on biodiversity and geodiversity, planning policies should:....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan’.

Widespread woodland creation also forms a significant element of the Government Forestry Policy Statement (Defra Jan 2013): ‘We believe that there is scope for increasing England’s woodland cover significantly to deliver economic, social and environmental benefits. We want to see significantly more woodland in England. We believe that in many, although not all, landscapes more trees will deliver increased environmental, social and economic benefits. We particularly want to see more trees and

woodlands in and around our towns and cities and where they can safeguard clean water, help manage flood risk or improve biodiversity’.

We therefore propose a further amendment to Minor Modification: AM113 as shown in upper case - Development proposals should seek to retain, (and) protect AND EXPAND existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

Minor Modification: AM163/para ER2

We would like to see this modification reflect the benefits that trees & woods can deliver for water management issues, particularly through SuDS.

The Woodland Trust believes that trees and woodland can deliver a major contribution to resolving a range of water management issues, such as those resulting from climate change like flooding and also helping achieve the water quality targets of the Water Framework Directive. They offer opportunities to make positive water use change whilst also contributing to other objectives, such as biodiversity, green infrastructure and timber production - see the Woodland Trust publication Woodland actions for biodiversity and their role in water management -

<https://www.woodlandtrust.org.uk/publications/2008/03/woodland-actions-for-biodiversity-and-their-role-in-water-management/>.

In addition, a joint Environment Agency/Forestry Commission publication Woodland for Water: Woodland measures for meeting Water Framework objectives states clearly that: ‘There is strong evidence to support woodland creation in appropriate locations to achieve water management and water quality objectives’ (Environment Agency, July 2011- <http://www.forestry.gov.uk/fr/woodlandforwater>).

Whilst man-made solutions (eg flood walls and water treatment plants) will continue to play a substantial role in many schemes, it is increasingly accepted that natural approaches to water management can also offer significant benefits. What is also clear is that both approaches need to be looked at in tandem, to address both short and long term risk and to ensure that more affordable and appropriate options are considered alongside costly capital schemes see Woodland Trust report Stemming the Flow – The role of trees and woodland in flood protection - <https://www.woodlandtrust.org.uk/publications/2014/05/stemming-the-flow/>. Replying to Parliamentary Questions in March 2014, Lord De Mauley, Under Secretary of State for Natural Environment and Science, supported this approach: ‘Trees planted in the right places can do much to help with flooding before it happens’.

The Government’s Independent Panel on Forestry (Defra, Final Report, July 2012) has emphasised this natural approach by stating that: ‘One of the many benefits of woods and trees is their ability to help us respond to a changing climate, better enabling us to adapt to future temperature increases. We know that trees, in the right places, help us to adapt to climate change by reducing surface water flooding; reducing ambient temperature through direct shade and evapo-transpiration; and by reducing building heating and air-conditioning demands. This has been endorsed by the response in the Government Forestry Policy Statement (Defra Jan 2013) with the key comment (p.21) ‘We want to see significantly more woodland in England. We believe that in many, although not all, landscapes more trees will deliver increased environmental, social and economic benefits. We particularly want to see more trees and woodlands in and around our towns and cities and where they can safeguard clean water, help manage flood risk or improve biodiversity’.

This is also reinforced by the Third report to the Government’s Economic Affairs Committee The State of Natural Capital - Protecting and Improving Natural Capital for

Prosperity and Wellbeing (Jan 2015) which states in paragraph 5.15 that: "Investment in an expansion of England's woodlands could generate very substantial benefits, particularly in terms of recreation opportunities and carbon capture and storage. Gains for wildlife and improvements in water quality would also be delivered".

A joint publication by Forest Research and Confor – The Role of Productive Woodlands in Water Management (March 2015) – states that: 'Society is increasingly threatened by flooding, while the water environment remains seriously impacted by a range of human pressures, including diffuse water pollution. There is strong evidence to support woodland creation in appropriate locations to help manage these issues....There is a strong case for further investment in well-targeted woodland creation to help meet a wide range of environmental and social goals, including contributing to the Floods Directive, Water Framework Directive, Biodiversity 2020, Greenhouse Gas reduction, climate change adaptation and growing the rural economy'.

The Forestry Commission's publication, The Case for Trees in development and the urban environment (Forestry Commission, July 2010), explains how: 'the capacity of trees to attenuate water flow reduces the impact of heavy rain and floods and can improve the effectiveness of Sustainable Urban Drainage Systems'.

Trees can help reduce the likelihood of surface water flooding in urban situations, when rain water overwhelms the local drainage system, by regulating the rate at which rainfall reaches the ground and contributes to run off. Slowing the flow increases the possibility of infiltration and the ability of engineered drains to take away any excess water. This is particularly the case with large crowned trees. Research by the University of Manchester has shown that increasing tree cover in urban areas by 10 % reduces surface water run-off by almost 6%. (Using green infrastructure to alleviate flood risk, Sustainable Cities - www.sustainablecities.org.uk/water/surface-water/using-gi/). The Woodland Trust has also produced a policy paper illustrating the benefits of trees for urban flooding – Trees in Our Towns – the role of trees and woods in managing urban water quality and quantity (<https://www.woodlandtrust.org.uk/mediafile/100083915/Trees-in-our-towns.pdf>).

We suggest sub-paragraph 4 of Policy ER2 be amended to read (upper case amendments) - Provide appropriate sewerage disposal systems (both foul and surface water) and, particularly through sustainable URBAN drainage measures INCORPORATING NATURAL SOLUTIONS LIKE TREES, reduce water being discharged into shared sewers

Local Validation List

We are pleased to see the reference to Local Plan Policy C4 in the woodland and tree related sections below -

- Survey & Arboricultural Impact Assessment
- Tree Protection Plan & Arboricultural Method Statement

However we would like to see reference also included here to the key document Standing Advice for Ancient Woodland and Veteran Trees (April 2014) prepared specifically for Local Authorities by Natural England and the Forestry Commission – see <https://www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences> and

[http://www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/\\$FILE/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf](http://www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/$FILE/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf) .

This will also enable the Validation List to comply with NPPF paragraph 118 on protection of ancient woodland and ancient trees.

For further information please contact:

Justin Milward
Lead Government Affairs Officer - Local
Woodland Trust
Jayrise
Butcombe
Bristol BS40 7UT
Tel/Fax: [REDACTED]
Email: [REDACTED]

Pickhaver, David

From: [REDACTED]
Sent: 20 March 2015 11:50
To: Planning, Strategic
Subject: Consultation on Torbay Council Spatial Planning document – Proposed Modifications to Local Plan; Local Validation List
Attachments: 1523 (jagm) Torbay Council Local Plan Mods and Planning Validation 230315.doc

Dear Sirs

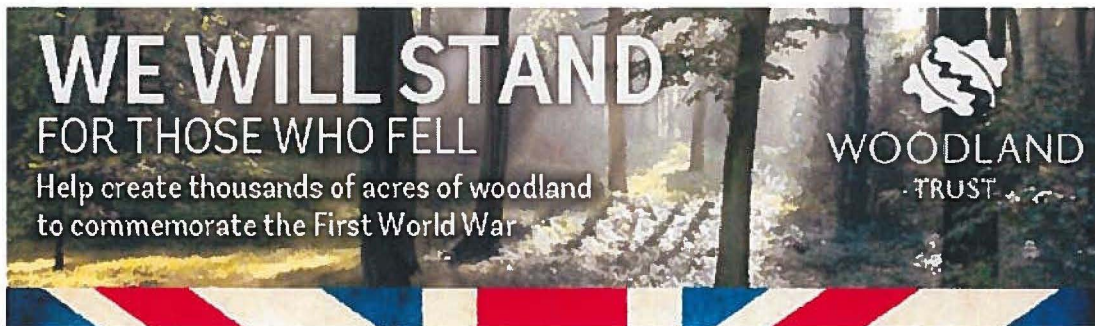
I attach the Woodland Trust's response to the above consultation. If you have any queries, please do not hesitate to contact me.

Yours sincerely,

Justin Milward

Lead Government Affairs Officer - Local

t: [REDACTED]
e: [REDACTED]
w: www.woodlandtrust.org.uk



The Woodland Trust
Kempton Way, Grantham, Lincolnshire, NG31 6LL

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11, Laura Grove, PL1
Preston, Paignton,
Devon. TQ3 2LN.
MRS. V. DEACON.

TORBAY COUNCIL PLANNING	
REC'D	16 FEB 2015
TO	

14-2-2015

¹⁰
The Planning Torbay Council.

Dear Sir:

I am writing regarding the Notice in the Herald Express about Town Planning Documents.

Last year my daughter & I went & stuck stickers on various Pictures about Paignton for the Future!

We sincerely hope you bring Paignton up to scratch, we need Good Shops & I understand Crossways Owner wanted to pull it down & the Council would not let him, which is a great pity as it is the most uninteresting Shopping Centre I have ever seen it is hideous, one I have been to is Gloucester Queens which is super & others I have seen. Perhaps you will let the owner knock it down & put something special there.

A Good clean up & Painted on All stops
to Brighten up & Victoria Park perhaps have a
Town Band play occasionally, I know they stop in
charity stops & cheap stops it's Good to see them
occupied, however people need decent Parking in the
Town to encourage people into it & Visitors which
is most important.

When I have been away to some lovely
Spots we come back & have to get waded to the
flats down areas again.

Perhaps you can get this Council to give
more money to Paignton instead of most going to
Torquay that is a disgrace.

It is a Good Place Paignton please
help it.

Yours Very Sincerely,

