**TORBAY LOCAL PLAN**

A landscape for success

The Plan for Torbay – 2012 to 2032 and beyond

PROPOSED SUBMISSION PLAN (FEBRUARY 2014)

**SCHEDULE OF PROPOSED CHANGES TO THE SUSTAINABILITY APPRAISAL REPORT (FEBRUARY 2014)**

Torbay Council - February 2015

**Note**

The black text represents changes to the SA in response to the public consultation in April 2014

The red text represents changes to the SA in response to the Examination Inspector’s request for clarification, the Inspector’s ‘Initial Findings’, the Inspector’s ‘Further Findings’ and the need for other editorial clarification (November 2014 to February 2015)

| **Page No.** | **Section/ Appendix** | **Paragraph** | **Policy** | **Proposed Editorial Changes** | **Reason for Change** |
| --- | --- | --- | --- | --- | --- |
| N/A | N/A | N/A | N/A | Sustainability Appraisal Addendum. | To assess the new allocated sites. |
| N/A | N/A | N/A | N/A | Replace *8,000 -10,000* with *10,000* throughout the document | Local Plan Proposed Main Modification |
| 3 | 2 | 2.1.5 (New) | N/A | The Sustainability Appraisal process uses 31 sustainability objectives to assess the likely effects of a policy or proposal within the Local Plan. This Sustainability Appraisal Framework has been subject to consultation and agreement at the scoping stage and reflects the NPPF as well as local circumstances in Torbay. The three aspects of sustainable development (social, economic and environment) have been treated evenly i.e. the weight given to different sustainability objectives is equal. The possibility of attaching different weightings to sustainability objectives would favour one aspect of sustainable development over others, which would be contrary to the NPPF principle of achieving sustainable development (paragraph 7). Consistency in judgement on the significance of impacts of different policies and proposals against sustainability objectives is particularly important to provide a balanced assessment. | Editorial clarification |
| 25 | 4 | 4.6.2 | N/A | Replace *master planning* with *masterplanning* | Typing error |
| 25 | 4 | 4.6.4 | N/A | Replace *Totnes Road, Paignton* with *Paignton North and West including Collaton St Mary, Paignton*.  And  Replace *Wall Park* with *Land South of White Rock.* | Editorial clarification  and  Local Plan Proposed Main Modification |
| 25 | 4 | 4.6.6, Table 4.3 | N/A | *Replace Potential to Accommodate Development* with *Potential as Future Growth Area*. | Editorial clarification |
| 25 - 27 | 4 | Table 4.3 | N/A | Replace *Area of Search* with *Future Growth Area* | Editorial clarification |
| 35 | 6 | 6.1.3 | SS1 | Delete *of* from the first line | Typing error |
| 35 | 6 | 6.1.5 | SS1 | Delete *of* from the second line | Typing error |
| 36 | 6 | N/A | SS2 | Replace the subtitle *Land around Collaton St Mary, Paignton* with *Paignton North and West Area including Collaton St Mary, Paignton* | Editorial clarification |
| 36 | 6 | 6.2.6 | SS2 | Replace *Area of Search* with *Future Growth Area* | Editorial clarification |
| 36 & 37 | 6 | 6.2.7 & 6.2.10 | SS2 | Replace Countryside Zone with Countryside Area | Editorial clarification |
| 37 | 6 | N/A | SS2 | Replace *Wall Park Future Growth Area* with *Land South of White Rock Future Growth Area* | Local Plan Proposed Main Modification |
| 37 | 6 | 6.2.12 | SS2 | Replace the existing text with the following text with regards to *Land South of White Rock Future Growth Area*:    The site is fairly accessible and will provide affordable housing. It lies within GHB sustenance zone. Manor Farm OSWI is adjacent to the south west edge of the site. The northern part of the site is designated as Long-term Environmental Monitoring Program (LEMP). Development of the site could result in loss of large areas of Grade 1, 2 and 3a agricultural land. Most of the site is open to views from the AONB to the west and south. The southern area slightly less sensitive due to visual contaminant.  **Recommendations**   * GHB survey will be required and mitigation measures to reduce negative impact on bats should be implemented; * A survey would be required to ascertain the presence of cirl buntings and to inform suitable mitigations; * High quality agricultural land should be excluded from the development site; * Proposed development should be achieved through a combination of careful sitting with strong screen planting and the reinforcement of existing field hedgerow boundaries; * Development and associated infrastructure should not increase run off to Galmpton watercourse. Introduction of SUDS in new development should help to minimise the risk of flooding. | Local Plan Proposed Main Modification |
| 40 | 6 | 6.6.4 | SS6 | At the end of the paragraph, add the following sentences:  Transport proposals have been fully assessed in the LTP3 SEA and HRA[[1]](#footnote-1). The ferry service has been subject to a detailed environmental assessment hence mitigation measures have been identified and implemented[[2]](#footnote-2). | Clarification in response to Natural England objection |
| 44 | 6 | 7.1.2 | SDT1 | Replace *3,800* with *4,250* | Local Plan Proposed Main Modification |
| 44 | 6 | 7.1.3 | SDT1 | Replace *37,000 m3* with *37,200 sq m* | Typing error |
| 45 | 7 | 7.2.4 | SDT2 | Replace *water quality* with *bathing water quality,* after cumulative negative impact. | Clarification in response to the Environment Agency objection |
| 45 | 7 | 7.3.1 | SDT3 | Add positive in the fourth sentence | Editorial clarification |
| 46 | 7 | 7.3.6 | SDT3 | Replace *no net loss* with *net gain* in the second bullet point | Editorial clarification |
| 47 | 7 | 7.5.1 | SDP1 | Add *positive* in line 6 after the word significant | Editorial clarification |
| 47 | 7 | 7.5.2 | SDP1 | Replace *4,585* with *4,375* | Local Plan Proposed Main Modification |
| 47 | 7 | 7.5.4 | SDP1 | Replace *30,100 m3* with *30,100 sq m* | Typing error |
| 48 | 7 | 7.6.6 | SDP2 | Add the following text after the second sentence development in this area could have negative impact on bathing water quality. | Clarification in response to the Environment Agency objection |
| 50 | 7 | 7.8.6 | SDP4 | Replace *no net loss* with *net gain* in the second bullet point | Editorial clarification |
| 51 | 7 | 7.9.2 | SDB1 | Replace *800* with *1,325* | Local Plan Proposed Main Modification |
| 51 | 7 | 7.9.3 & 7.9.4 | SDB1 | Replace *800* with *1,325* and 2,700 m3 with 2,700 sq m | Local Plan Proposed Main Modification  and  Typing error |
| 57 | 8 | 8.2.8 | TO3 | Replace the existing text with the following paragraph:  The proposed development is located within Torbay Harbours and outside the Marine cSAC (with exception of part of Torquay Harbour extension and small part of Paignton Harbour improvements). They are also within the newly designated Marine Conservation Zone. There are areas of seagrass adjacent to Torquay and Brixham Harbours; Seahorses (protected under the Wildlife and Countryside Act) have been observed in the three harbours; Cetaceans (whales, porpoises and dolphins) are European protected species; could be affected by noise emitted during piling. Other protected mammals such as seals are known to be present. | Clarification in response to Natural England objection |
| 57 | 8 | 8.2.9 | TO3 | Replace the existing text with the following:  Development within Torbay Harbours should not adversely affect existing habitats and species. The MMO, NE and EA should be consulted on any work in the three harbours. | Clarification in response to Natural England objection |
| 69 | 8 | 8.12.8 | ER2 | Delete CSH and BREEAM from the first line | Factual clarification |
| 69 | 8 | 8.12.9 | ER2 | Replace *blue space* with *bathing water quality* | Clarification in response to the Environment Agency objection |
| 69 | 8 | 8.12.10 | ER2 | At the end add: Addressed as a response to the SA recommendations | Editorial clarification |
| 75 | 9 | 9.2.5 | N/A | Delete the word *arising* from the last sentence. | Typing error |
| 77 | 9 | Table 9.1 | TO3 | Change the score for objective 5.1 to minor negative - | Clarification in response to Natural England objection |
| 42 | Appendix 2 | see the Table below | N/A | Add the Marine and Coastal Access Act 2009 to the list of policies (see Page 1 below). | Clarification in response to Natural England objection |
| 174 | Appendix 7 | Sub-objective 5.1 | N/A | Replace *Countryside Zone* with *Countryside Area.* | Editorial clarification |
| 180 | Appendix 7 | N/A | SS2 | Replace the Wall Park Future Growth Area’s SA matrix and summary with Land South of White Rock Park Future Growth Area’s SA matrix and summary. | Local Plan Proposed Main Modification |
| 206 | Appendix 8 | Sub-objective 5.1 | TO3 | Change the score in the third column to minor negative ‘-‘ | Clarification in response to Natural England objection |
| 206 | Appendix 8 | Sub-objective 5.1 | TO3 | Replace the text in column 4 with the following text:  The proposed development is located within Torbay Harbours and outside the Marine cSAC (with exception of part of Torquay Harbour extension and small part of Paignton Harbour improvements). They are also within the newly designated Marine Conservation Zone. There are areas of seagrass adjacent to Torquay and Brixham Harbours; Seahorses (protected under the Wildlife and Countryside Act) have been observed in the three harbours; Cetaceans (whales, porpoises and dolphins) are European protected species; could be affected by noise emitted during piling. Other protected mammals such as seals are known to be present. | Clarification in response to Natural England objection |
| 206 | Appendix 8 | Sub-objective 5.1 | TO3 | Replace the existing text in column 5 with the following:  Development within Torbay Harbours should not adversely affect existing habitats and species. The MMO, NE and EA should be consulted on any works in the three harbours. | Clarification in response to Natural England objection |

**Modifications to the Sustainability Appraisal Appendices**

**Appendix 2 -** page 42: Add new text relating to the Marine and Coastal Access Act 2009

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| **Marine and Coastal Access Act 2009** | | |
| **Overall aim / purpose of the document** | **Objective / target** | **Implications for Local Plan and SA** |
| The Act introduces a new system of marine management. This includes a new marine planning system, which makes provision for a statement of the Government’s general policies, and the general policies of each of the devolved administrations, for the marine environment, and also for marine plans which will set out in more detail what is to happen in the different parts of the areas to which they relate. The Act includes provision changing the system for licensing the carrying on of activities in the marine environment. It also provides for the designation of conservation zones. It changes the way marine fisheries are managed at a national and a local level and modifies the way licensing, conservation and fisheries rules are enforced. It allows for designation of an Exclusive Economic Zone for the UK, and for the creation of a Welsh Zone in the sea adjacent to Wales. The Act also amends the system for managing migratory and freshwater fish, and enables recreational access to the English and Welsh coast. | 1. Establish a new Marine Management Organisation to produce marine plans, administer marine environmental licensing, manage marine fisheries and enforce environmental protection laws. The Marine Management Organisation will be an independent non-Departmental Public Body, and will deliver marine functions for the UK Government as a whole. 2. Introduce a new system of marine planning which will include setting out long-term objectives for the marine area around the UK in a Marine Policy Statement and more detailed marine plans setting spatial policy at a more local level. 3. Introduce a streamlined, transparent and consistent system for licensing marine developments providing, as far as possible, a one-stop shop for each project. The new system will replace existing controls under Part II of the Coast Protection Act 1949 and Part II of the Food and Environment Protection Act 1985. 4. Introduce a flexible new mechanism for the designation of Marine Conservation Zones which together with European Marine Sites will form a representative network of Marine Protected Areas. This will help fulfill the UK’s European and International commitments for the establishment of coherent and representative network of Marine Protected Areas. 5. Strengthen the management of marine fisheries, including by replacing Sea Fisheries Committees with new bodies called Inshore Fisheries and Conservation Authorities and enhancing legislation underpinning sea fisheries conservation and shellfish management. 6. Reform and modernise powers for the licensing and management of migratory and freshwater fisheries. 7. Streamline and modernise enforcement powers including the introduction of a common set of powers so that officers enforcing fisheries, nature conservation and licensing legislation will have access to a core set of enforcement powers. 8. Introduce new powers to extend recreational access to the English coast and enable the creation of a continuous access route around the English coast. | The Local Plan and the SA should take into account the aims and objectives of the Act. |

1. The LTP3 SEA and HRA are available at <http://www.torbay.gov.uk/transportpolicy/transportplan> [↑](#footnote-ref-1)
2. The Torbay Frequent Ferry Service Environmental Constraints Report [↑](#footnote-ref-2)