



Monday, 7 October 2019

CABINET

A meeting of **Cabinet** will be held on

Tuesday, 15 October 2019

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Steve Darling (Chairman)

Councillor Long

Councillor Stockman

Councillor Morey

Councillor Law

Councillor Carter

Councillor Cowell

A prosperous and healthy Torbay

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Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

CABINET AGENDA (REVISED)

1. **Apologies**
To receive apologies for absence.

2. **Minutes** (Pages 4 - 14)
To confirm as a correct record the Minutes of the meetings of the Cabinet held on 26 September and 1 October 2019.

3. **Disclosure of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Communications**
To receive any communications or announcements from the Leader of the Council.

5. **Urgent Items**
To consider any other items the Chairman decides are urgent.

6. **Matters for Consideration**

7. **Adult Social Care Risk Share April 2020 - March 2023** (Pages 15 - 24)
To consider the above report.

8. **Development or disposal of land at Garfield Road (part Victoria Centre), Paignton** (Pages 25 - 45)
To consider the submitted report on the above.

- 9. De-Registration of Land at Preston Down Road, Paignton** (Pages 46 - 90)
To consider the submitted report on the above.
- 10. Port Masterplan (Addendum)** (Pages 91 - 119)
To consider the submitted report on a proposed addition to the Port Masterplan (Policy Framework document).
- 11. Exclusion of Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
- 12. New Investment Opportunities** (Pages 120 - 192)
To consider potential investment opportunities.
- 13. New Economic Growth Fund Opportunities**
To consider any new Economic Growth Fund investment opportunities.
- 14. Update on Existing Investments**
To receive an update on existing investments.



Minutes of the Cabinet

26 September 2019

-: Present :-

Steve Darling (Chairman)

Councillors Long, Morey, Carter, Law and Cowell

(Also in attendance: Councillors Atiya-Alla, Brown, Doggett, Ellery, Foster and Loxton)

28. Apologies

An apology for absence was received from Councillor Stockman.

29. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

29.1 Exclusion of Press and Public

Councillor Steve Darling proposed and Councillor Long seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of the item 6 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) was likely to be disclosed.

Prior to consideration of the item in Minute 29.2, the press and public were formally excluded from the meeting.

29.2 Investment Opportunity 6/9/19

Chairman

Record of Decision

Investment Opportunity 6/9/19

Decision Taker

Cabinet on 26 September 2019

Decision

That Investment Opportunity 6/9/19 as set out in the Exempt Cabinet Minute 29.2/9/19, be approved.

Reason for the Decision

To enable the Council to purchase a new investment from the Council's Investment and Regeneration Fund in order to generate additional revenue for the Council.

Implementation

The decision in respect of Investment Opportunity 6/9/19 will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 3 September 2019.

Information

At its meeting held on 3 September 2019, the Cabinet deferred consideration of Investment Opportunity 6/9/19 to enable the Director of Asset Management, Investment and Housing, TDA, to obtain further financial information in respect of the tenant and future use of the site. This information has now been received and was included in the submitted exempt report.

The Cabinet considered the submitted Exempt Report on the proposed purchase of one investment on behalf of the Council in line with the Investment and Regeneration Strategy. The decision has been made, taking account of the current investment criteria and Minister of Housing Communities and Local Government Statutory guidance on Local Government Investments, and in recognition that the investment sits within Torbay's Functional Economic Market Area (FEMA).

Councillor Cowell proposed and Councillor Steve Darling seconded a motion which was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

1 October 2019

Signed: _____ Date: 1 October 2019
Leader of Torbay Council on behalf of the Cabinet

Minutes of the Cabinet

1 October 2019

-: Present :-

Steve Darling (Chairman)

Councillors Long, Morey, Carter and Law

(Also in attendance: Councillors Barrand, Bye, Douglas-Dunbar, Ellery, Kennedy and Loxton)

30. Apologies

Apologies for absence were received from Councillors Cowell and Stockman.

31. Minutes

The Minutes of the meeting of the Cabinet held on 17 September 2019 were confirmed as a correct record and signed by the Chairman.

32. Communications

The Leader of the Council provided a verbal update on a coffee morning and afternoon held with foster carers on 30 September 2019. Positive feedback had been received from the event which would be evaluated to see what improvements the Council could put in place to help support foster carers.

33. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

33.1 Land Release Fund

33.2 Torbay Economic Growth Fund Criteria

33.3 Budget Monitoring 2019/020 - Quarter One

The Cabinet noted the contents of the submitted report which provided a high level budget summary of the Council's revenue and capital income and expenditure for 2019/2020 as at quarter one. The report had also been discussed at the Overview and Scrutiny Board on 19 September 2019.

The Deputy Head of Finance outlined the salient points within the report and advised that as a consequence of quarter one performance a moratorium on spend was introduced but this has not had as much of an impact as it did on last year. The report predicted an overspend up to £4.2m by the end of the financial year and highlighted mitigating actions taken by the Senior Leadership Team, which included bringing forward savings and use of reserves. Members noted that, whilst the net balanced budget had not improved the changes coming forward for quarter two provided greater assurance that the Council would deliver a balanced budget.

(Note: Councillor Barrand arrived during discussion of this item.)

33.4 Exclusion of Press and Public

Councillor Steve Darling proposed and Councillor Morey seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of the item 11 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

Prior to consideration of the item in Minute 33.5, the press and public were formally excluded from the meeting.

33.5 CSW Group Ltd: Reforming Group Governance and Operations to Meet Future Need

(Note: Councillor Douglas-Dunbar arrived during discussion of this item.)

33.6 New Investment Opportunities

There were no new investment opportunities.

33.7 Update on Existing Investments

There was nothing new to update at this time.

Chairman

Record of Decision

Land Release Fund Recommendations from the Overview and Scrutiny Board

Decision Taker

Cabinet on 01 October 2019

Decision

- (i) that Council Directors ensure that all bids submitted for their portfolio are checked by them for accuracy;
- (ii) significant decisions made by Officers, such as the acceptance of the Land Release Fund (LRF) Grant, should have formal Record of Decisions, irrespective of whether or not the legal test for their preparation is met;
- (iii) meetings such as the one where the Mayor and Group Leaders were consulted on the LRF, should be minuted in the future;
- (iv) any information requested by Councillors for consideration by committees must be produced as requested and in a timely manner;
- (v) there is a need for clear and transparent reports. All reports must include background information and context to items for which there is a need for a decision by either Cabinet or Full Council;
- (vi) all future bids for Government money must be made and submitted in accordance with the Constitution; and
- (vii) that Officers ensure that the submission of all future bids are in accordance with Council Policies.

Reason for the Decision

To respond to the recommendations of the Overview and Scrutiny to improve governance around decision-making.

Implementation

The decision will come into force and may be implemented on Monday, 14 October 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At its meeting on 19 September 2019, Torbay Council's Overview and Scrutiny Board considered a report prepared by the Interim Director of Place, the purpose of which was to remind and advise the Overview and Scrutiny Board of the background to and progress on the use of the Land Release Fund (LRF) money awarded to the Council. The Overview and Scrutiny Board were also in receipt of a report compiled by fellow Board Member, Councillor Kennedy.

The Board made seven recommendations to the Cabinet in respect of governance and internal processes in connection with funding bids; provision of background information for reports to Council and Cabinet; and information being provided to Members in a timely manner.

The Cabinet welcomed the report of the Overview and Scrutiny Board and thanked Councillor Kennedy for her work in preparing her report to the Board.

Councillor Carter proposed and Councillor Long seconded a motion to support the seven recommendations from the Overview and Scrutiny Board which was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

4 October 2019

Signed: _____
Leader of Torbay Council on behalf of the Cabinet

Date: 4 October 2019

Record of Decision

Torbay Economic Growth Fund Criteria

Decision Taker

Cabinet on 01 October 2019

Decision

- (i) that, subject to the penultimate sentence of paragraph (f) being amended as shown in bold below, the Torbay Economic Growth Fund Criteria set out at Appendix 1 to the submitted report be approved:

The rate of interest on the loan would be consistent with the Council's Investment & Regeneration Fund i.e. **typically 2%** minimum return over borrowing costs and other relevant operating costs **in respect of borrowing for third parties.**; and

- (ii) that the Cabinet review the Torbay Economic Growth Fund Criteria in three to six months time.

Reason for the Decision

To enable the Cabinet to make decisions to release funding from the Economic Growth Fund, for the benefit of Torbay's economy.

Implementation

The decision will come into force and may be implemented on Monday, 14 October 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 18 July 2019, the Council agreed to establish a Torbay Economic Growth Fund of up to £100 million of prudential funding for the progress of a range of capital projects for economic growth and regeneration within Torbay and, to be funded from the future income from those projects. Approval of the criteria and for each project was delegated to the Cabinet (Minute 41/7/19 refers). The submitted report sets out the criteria which the Cabinet would use to assess investments under the Torbay Economic Growth Fund.

Councillor Long proposed and Councillor Steve Darling seconded a motion which was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report but not discussed at the meeting.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

4 October 2019

Signed: _____ Date: 4 October 2019
Leader of Torbay Council on behalf of the Cabinet

Record of Decision

Careers South West Group Ltd Reforming Group Governance and Operations to Meet Future Need

Decision Taker

Cabinet on 01 October 2019

Decision

- (i) that the proposed governance and operational changes outlined in the submitted report for Careers South West Group Ltd, seeking to achieve Teckal compliant status for the Company from July 2020 be approved; and
- (ii) that the Director of Corporate Services be given delegated authority to agree associated changes to the company, in conjunction with partner authorities within the Peninsula Council group.

Reason for the Decision

The Transitions Contract is currently due to expire in July 2020, having been extended as far as legally permissible. Given the value of the Contract involved, Commissioners would be required to openly re-procure the Contract over the Autumn. Career South West (CSW) would be able to compete alongside all other parties for the Contract, but there can be no guarantees over their success.

Implementation

The decision will come into force and may be implemented on Monday, 14 October 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Career South West (CSW_ Group Ltd ('CSW / The Company') is a wholly owned company of the Peninsula Group of Councils (Devon, Plymouth, Torbay and Cornwall). It currently provides the authorities' shared Post 16 Transition Service, as well as a range of other education, careers and community services. The company operates principally within the Peninsula area, though over recent years has developed a more diverse presence across the wider region / UK. The submitted exempt report provided details of proposed changes to the governance and operating arrangements in order to secure longer term sustainability of The Company.

Councillor Carter proposed and Councillor Law seconded a motion which was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

4 October 2019

Signed: _____ Date: 4 October 2019
Leader of Torbay Council on behalf of the Cabinet



Meeting: Cabinet/Council

Date: 15 October 2019/24 October 2019

Wards Affected: ALL

Report Title: Adult Social Care Risk Share April 2020 – March 2023

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately, for commencement April 2020.

Cabinet Member Contact Details: Cllr Jackie Stockman, Cabinet Member for Adult Services and Public Health, Jackie.stockman@torbay.gov.uk

Supporting Officer Contact Details: Joanna Williams, Interim Director of Adult Social Services, 01803 2017175, Joanna.williams@torbay.gov.uk

1. Proposal and Introduction

1.1 The Proposal

This report seeks Council's approval for the renewal of the integration of Adult Social Care in joint financial arrangements and a 'risk share' with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group.

1.2 Service Delivery and cost

The Council seeks to deliver Adult Social Care which is affordable to the Council, to protect the integrated arrangements and to maintain our focus on high quality services for the most vulnerable Torbay residents.

The proposed arrangements build on the well-established and successful shared services with Torbay and South Devon NHS Foundation Trust, acknowledging increasing need and demand for all partners. Practically, this means that Torbay and South Devon NHS Foundation Trust will continue to provide Adult Social Care for Torbay Council, via integrated locality community teams and, in the case of Mental Health, via the Devon Partnership Trust.

1.3 The NHS and Council's powers to pool health and social care budgets

Section 75 partnership agreements are legally provided by the NHS Act 2006. They allow budgets to be pooled between local health and social care organisations and Local Authorities.

Resources and management structures can be integrated and functions can be reallocated between partners. The legal flexibility allows a strategic and arguably more efficient approach to commissioning local services across organisations and a basis to form new organisational structures that integrate health and social care.

The current integrated arrangements, under Section 75, have been recognised as national best practice.

2. Reason for Proposal

2.1 Current Arrangements

Health and social care have been integrated in Torbay since 2005; with a long standing commitment to join staff and monies to do the best for patients and the system. The integrated services are embedded in joint locality teams in Torquay, Paignton and Brixham. With other joint back office functions to maximise efficiencies.

Most importantly, Torbay residents experience a good service. This can be evidenced by the fact that Torbay performs well in the following key NHS metrics, for example in Delayed Transfers of Care (DTC) - Torbay's DTC performance in June 2019 was second best in the South West, and 8.5 delays per day per 100,000, well under the England average of 10.1.

Torbay also does well in several key Adult Social Care performance indicators, particularly with regards to older people being supported to live independently for longer and the amount of people receiving integrated health and social care reablement.

2.2 Joint Services with the NHS

Our arrangements are atypical of most Local Authority arrangements for Adult Social Care and it is acknowledged that Adult Social Care appears to cost more in our system – but this has always been the intention with this system. This is because we behave differently, focussing on what's best for the person and what is the most efficient way of delivering services. Certain tasks and services are better for vulnerable people, cheaper and more convenient, when undertaken by Social Care rather than Health. For example, domestic carers are supported to safely undertake some tasks (such as putting cream on an older person's legs) which would be undertaken by a nurse elsewhere in the country. This means that the older person only sees one person, whom they trust, and the nurses are freed up to see more complex patients.

Under a joint arrangement with the NHS, general Adult Social Care behaviour and activity is broader than in a traditional local authority. Social Work establishment levels are higher, costs of Adult Social Care packages are higher than comparators due to earlier hospital discharge; our domestic care bill is higher and 'rapid response' in house domestic carers concentrate on very high acuity people.

In order to account for this, the Risk Share includes a contribution from the NHS, to cover the 'health premium' in Adult Social Care, which has been assessed as being at least £3m per year.

2.3 Understanding Adult Social Care Spend

Partly due to the reasons as outlined in 2.2 above Torbay's Adult Social Care spend benchmarks high in our CIPFA family group and there is a pressing need to manage and reduce the spend and control the risk to the Council.

In order to fully define costs, it's crucial to understand that both back office and operational functions have been integrated for a substantial period of time, and it is difficult to definitively categorise a substantial number of posts. In addition, there is an acknowledgement that the Integrated Care Organisation uses social care funding innovatively as outlined above; and future separation of these functions would not necessarily replicate this model and spend.

The Council has arranged for an LGA nominated expert to validate the ICO's accounting for Adult Social Care spend, and to make recommendations on benchmarking and improved governance of this area going forwards.

2.4 Managing cost

The first priority is to focus on maximising people's independence and quality of life, which will reduce the Adult Social Care spend and demand. This is particularly pressing in key areas where costs are high and we benchmark poorly – volume of people in the 18 to 64 age group.

The Council intends to commission Newton Europe to undertake a diagnostic, focussing on the 18-64 age group. It is anticipated that this will identify and release further savings, whilst protecting the support for these vulnerable people.

3. Recommendation(s)/Proposed Decision

That Cabinet recommend to Council:

- 3.1. That the continued integration of Torbay's Adult Social Care with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group be approved for the period 1 April 2020 to 31 March 2023 and that the Chief Executive be given delegated authority to finalise the arrangements for the same in consultation with the Leader of the Council and Cabinet Member for Adult Social Care on the following basis:

- 3.1.1. The Torbay Adult Social Care Risk Share 2020 to 2023 agreement will be under the powers outlined in S.75 NHS Act 2006. Under these arrangements, the Council retains legal responsibilities for the provision of Adult Social Care in accordance with the Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983, but these be delegated to Torbay and South Devon NHS Foundation Trust; and

- 3.1.2 The agreement to be based upon the following conditions;

- A capped financial commitment from Torbay Council per year of £45 million for core spend, plus £2 million additional funding to acknowledge the spend is currently unacceptably over this level for the period of the agreement;

- A non-recurrent additional payment of £1 million in 2020/2021;
- An acknowledgement of the Torbay 'Health Premium' being at least £3 million per annum;
- An understanding that all parties need to work together to deliver savings of £2 million per year in respect of the costs of Adult Social Care; and
- That partners prioritise working together on an Adult Social Care Improvement Plan, and that the same is overseen by senior officers from all partners, which includes a review of governance so as to ensure the Council's appropriate involvement, and includes a joint approach to maximising estates and economic development opportunities in Torbay.

Background documents:

NHS Act 2006, Section 75

Adult Social Care Outcomes Framework (ASCOF) – including Adult Social Care survey results.

Adult Social Care benchmarking information (Local Government Association)

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The Council seeks to deliver adult social care which is affordable to the Council, protects the integrated arrangements and maintains our focus on high quality and joined up, services for the most vulnerable Torbay residents.</p> <p>The proposals are to continue the joint arrangements for a further three years, commencing 1st April 2020. This will build on the successful shared services with Torbay and South Devon NHS Foundation Trust, acknowledging increasing cost, while delivering Torbay Council's continued commitment to vulnerable adults in Torbay.</p>
2.	<p>What is the current situation?</p> <p>Adult Social Care in Torbay is provided by Torbay and South Devon NHS Foundation trust. Social Workers are based in integrated locality teams and all management and back office functions are shared.</p> <p>These successful arrangements have been in place since 2005 in the community, underpinned more latterly by a financial risk share arrangement which allows the Trust to be flexible and innovative with resources.</p>
3.	<p>What options have been considered?</p> <p>The alternative option would be to return the services to Council provision, which is not currently being proposed as an option.</p> <p>If these proposals are not endorsed by Council, a full options appraisal for alternatives will be developed.</p>
4.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</p> <p>The shared arrangements for Adult Social Care support the council's priorities in terms of:</p> <p>Priorities:</p> <ul style="list-style-type: none">• Thriving People and Communities – these proposals aim to deliver high quality services for people, maximise people's independence and support communities.• A Council Fit for the Future – these proposals are underpinned by a commitment to work with partners in order to address key priorities such as maximising support and independence for people of working age, developing the local care market and maximising the efficiencies of working together.

	<p>Principles:</p> <ul style="list-style-type: none"> • Use reducing resources to best effect – the proposals are supported by a shared delivery plan which will focus on key areas where we can improve services and efficiency. • Reduce demand through prevention and innovation – the Adult Social Care model embedded in this approach is one of co-design with local communities and looks to innovate across health and social care. • Integrated and joined up approach – these proposals are an exemplar of integration with health and social care, and seek to extend the partnership further with the community and voluntary sector (via the delivery plan).
5.	<p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>N/A</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>N/A</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>Services for people with learning disabilities, mental health issues and autism are included in the risk share arrangements. Via the existing services and delivery plan, there is a focus on quality of life, independence and support for people affected by these issues, including carers.</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>People who may be eligible for care and support via The Care Act 2014 are affected. There is no requirement to consult because no changes to service delivery are being proposed.</p>

Section 2: Implications and Impact Assessment

9.	<p>What are the financial and legal implications?</p> <p>Torbay Council is proposing the arrangements are from 1 April 2020 to 31 March 2023. The agreement includes the following pre-requisite conditions:</p> <ul style="list-style-type: none">• A capped financial commitment from Torbay Council of £45 million core spend, plus £2 million additional to acknowledge the spend is currently unacceptably over this level.• A non-recurrent additional payment of £1million in 20/21 to acknowledge the spend is over the funding envelope. <p>This will be governed by a full legal agreement, under the powers outlined in the NHS Act 2006, Section 75.</p> <p>Under these arrangements, the Council retains legal responsibilities for the provision of Adult Social Care. Services delegated are to meet the Council's statutory duties as outlined by The Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983.</p> <p>The delivery of these functions will be delegated to Torbay and South Devon NHS Foundation Trust as outlined in the agreement. Torbay and South Devon NHS Foundation Trust may choose to sub contract some services as agreed with Torbay Council. For example, mental health services are currently provided in Torbay by Devon Partnership Trust.</p>
10.	<p>What are the risks?</p> <p>The Adult Social Care Risk Share caps the financial risk for Torbay Council for the next three years.</p> <p>Without this the potential for increased cost to the Council is higher. Torbay and South Devon NHS Foundation Trust report that Adult Social Care spend is higher than the financial arrangements outlined in this document, but this can be accounted for by a 'health premium' – described fully in the body of the report above. To disaggregate joint arrangements would be complex, high risk and could impact negatively on the services received by vulnerable Torbay residents.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>N/A</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Adult Social Care Outcomes Framework (ASCOF) – including Adult Social Care survey results.</p>

	Adult Social Care benchmarking information (Local Government Association)
13.	<p>What are key findings from the consultation you have carried out?</p> <p>Torbay and South Devon NHS Foundation Trust and Torbay Council engage and co-design services on an ongoing basis.</p> <p>In addition, good relationships with Torbay Healthwatch mean that that organisation is able to provide constructive challenge and feedback and is a partner in developing and co-designing services.</p>
14.	<p>Amendments to Proposal / Mitigating Actions</p> <p>N/A</p>

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Vulnerable people will receive joined up services		
People with caring Responsibilities	Support and information will continue to be available to people with caring responsibilities		
People with a disability	Vulnerable people will receive joined up services		
Women or men			N/A Adult Social Care is available equally to the whole population, dependent on eligibility.
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			N/A Adult Social Care is available equally to the whole population, dependent on eligibility.
Religion or belief (including lack of belief)			N/A Adult Social Care is available equally to the whole population, dependent on eligibility.
People who are lesbian, gay or bisexual			N/A Adult Social Care is available equally to the whole population, dependent on eligibility.
People who are transgendered			N/A Adult Social Care is available equally to the whole population, dependent on eligibility.

	People who are in a marriage or civil partnership			N/A Adult Social Care is available equally to the whole population, dependent on eligibility.
	Women who are pregnant / on maternity leave			N/A Adult Social Care is available equally to the whole population, dependent on eligibility.
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			N/A
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			N/A
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	NONE		
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	These joint arrangements are supported by TSDFT & Devon CCG with an acknowledgement that they benefit the NHS locally.		



Meeting: Cabinet

Date: 15 October 2019

Wards Affected: Roundham with Hyde

Report Title: Development or disposal of land at Garfield Road (part Victoria Centre), Paignton

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately following Council decision.

Cabinet Member Contact Details: Councillor Swithin Long - Cabinet Member for Economic Regeneration, Tourism and Housing, Swithin.Long@torbay.gov.uk

Supporting Officer Contact Details: Kevin Mowat – Interim Director of Place, (01803) 208433, Kevin.Mowat@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The redevelopment of land on Garfield Rd (the site), currently occupied by one of the two multi-storey car parks at Victoria Centre, is supported by the Local Plan, Neighbourhood Plan, Paignton Town Centre Masterplan and the Council's Transformation Strategy for Torbay's Town Centres. Land Release Funding (LRF) (£900,000) has been secured and is being used to unlock the site for housing related development, with a target 'release' date of 31 March 2020.
- 1.2 Approval is sought for release of the site to, and delivery of a scheme by, a development partner. It is proposed that the Council will dispose of its freehold interest in the land at Garfield Road by way of entering into a development agreement with a housing delivery partner. The proposed procurement route will be an open OJEU compliant process and will include a requirement to offer the Council's Housing Company at least 20% of the resultant homes on site. This option is subject to procurement of the development partner, and signing of a development agreement, to meet the LRF timescales for release of the site. If the Council is unable to secure a delivery partner within the timescale prescribed by LRF conditions, the Council will offer the site to the market, as a freehold sale.
- 1.3 The intended outcomes are to ensure the Council complies with the conditions of the LRF grant funding, with a contract in place for development by the end of March 2020, and thereafter to deliver a fully planning policy compliant development, at pace.

1.4 The proposed development or disposal route will :

- (a) Ensure that the Council's strategic policies are fully adhered to.
- (b) Ensure that the Council's statutory requirements are fully adhered to.
- (c) Provide the Council with an opportunity to shape the development and its outputs.
- (d) Enable the Council to influence affordable housing provision.
- (e) Support the Council's aspiration for apprenticeships and other local employment benefits.
- (f) Provide the Council with a capital receipt.

2. Reason for Proposal and associated financial commitments

- 2.1 The site is identified in the Paignton Town Centre Masterplan, which was adopted by the Council as a Supplementary Planning Document (SPD) in June 2015. Development of the site is supported by the Torbay Local Plan (adopted in December 2015). The Council identified, in its Transformation Strategy for Torbay's Town Centres, dated April 2017, that various options were being considered for Victoria Centre, including re-use of the site of the older of the two car parks and demolition of the older car park, to be replaced by a residential development. The Paignton Neighbourhood Plan provides qualified support for development.
- 2.2 Torbay Council (the Council) was awarded £900,000 of Land Release Fund (LRF) grant aid by the Ministry of Housing, Communities and Local Government (MHCLG) on 8 March 2018 for the purposes of securing early release of the land at Garfield Road for residential development. The funding allocated to the Garfield Road site was part of a wider award of £3,976,000 to Torbay Council and constituted the highest award in the country to any Local Authority.
- 2.3 Upon receipt of the LRF award, the Council considered whether to accept the award and by doing so considered whether the release of the land was deliverable within required timescales. The grant award was accepted by the Chief Finance Officer I on 14 March 2018 following consultation with the Elected Mayor and Group Leaders.
- 2.4 The LRF grant requires that the sites are 'released' for development. . The definition of 'release' is as follows:
- (a) An unconditional contract, development agreement or building licence with private sector partner is signed or freehold transfer takes place (whichever is sooner);
 - (b) It has transferred the site to a development vehicle owned, or partly owned by the local authority, this could be a Local Authority wholly owned housing delivery vehicle or a public-private Joint Venture (JV);
 - (c) If (a) or (b) have not happened, the point at which development begins on site (which may include demolition).
- 2.5 Cabinet agreed, on 17 September 2019, to proceed with demolition of the car park on the site. A planning application for demolition will be submitted prior to Christmas 2019, with the intention of undertaking demolition work before the end of March 2020.

- 2.6 The Council has instructed the TDA on the following activities, using the LRF to unlock, add pace and enhance the value to the site:
- (a) Legal advice to map out and timetable what it is that needs to be done to secure vacant possession and meet LRF timescales;
 - (b) Undertake surveys, re ecology, contaminations, asbestos, ground conditions, topography and flood risk;
 - (c) Preparation of a development brief, which is proposed to form the basis of a Supplementary Planning Document, to guide development and improve value;
 - (d) Consider development options and secured valuation advice, so that the Council is better informed about whether to develop, sell or lease the land; and
 - (e) Negotiate terms with existing tenants and occupiers to obtain vacant possession, in order to meet LRF deadlines.
-

3. Recommendation(s) / Proposed Decision

That the Cabinet recommend to Council:

- 3.1 That the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1 to the submitted report), be approved and the Chief Executive be given delegated authority to agree and finalise any Heads of Terms in consultation with the Cabinet and the Section 151 Officer.
- 3.2 That delegated authority be given to the Chief Executive to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme.
- 3.2 Alternatively if (3.1) above is not achieved within timescales required for the Land Release Fund, the Chief Executive be given delegated authority to dispose of the site at Garfield Road on the open market, as a straightforward freehold sale.

Appendices

Appendix 1: Site location plan - Garfield Road, Victoria Centre, Paignton

Appendix 2: Summary of Identified Delivery and Development Options

Background Documents

Torbay Local Plan: <https://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Paignton Neighbourhood Plan: <http://www.paigtonneighbourhoodplan.org.uk/>

Paignton Town Centre Masterplan:
<https://www.torbay.gov.uk/media/6895/ptcmasterplan.pdf>

Transformation Strategy for Torbay's Town Centres:
<https://www.torbay.gov.uk/media/10450/transformation-project-town-centre-regeneration.pdf>

Section 1: Background Information

1.

What is the proposal / issue?

The Council owns the freehold of the 0.39 hectares (1 acre) site, and the multi-storey car park that sits on it, at Garfield Road, Paignton. This is part of the Victoria Centre complex, also owned by the Council, which includes Victoria Square, Lidl, smaller unit shops and another multi-storey car park.

The Victoria Centre is included in the Adopted Local Plan (A Landscape for Success) 2012-30, as a housing site.

The Victoria Centre is included, for redevelopment, in the Paignton Town Centre Masterplan, which was adopted by the Council as a Supplementary Planning Document (June 2015). The production of that masterplan included significant community engagement.

The Council has identified, in its Transformation Strategy for Torbay's Town Centres, dated April 2017, that various options were being considered for Victoria Centre, including re-use of the site of the older of the two car parks and demolition of the older car park, to be replaced by residential development.

The Paignton Neighbourhood Plan supports housing and jobs growth, supports town centre regeneration and supports development of the Paignton Square Area (including the site) if it improves the area.

The Council was awarded a total of £3,976,000 of LRF grant aid by the Ministry for Housing, Communities and Local Government (MHCLG) on 8 March 2018 for the purposes of securing early release of three sites, including the site at Garfield Road, Victoria Centre. £900,000 of the grant aid was awarded to unlocking the Garfield Road site. A requirement of the funding is that sites are 'released' for development by end March 2020.

A site is considered as released when:

- a) An unconditional contract, development agreement or building licence with a private sector partner is signed or freehold transfer takes place (whichever is sooner);
- b) It has transferred to a development vehicle owned, or partly owned by the local authority, this could be a Local Authority wholly owned housing delivery vehicle or a public-private JV;
- c) If (a) or (b) have not happened, the point at which development (which may include demolition) begins on site.

Prior to the acceptance of the LRF Grant, the Elected Mayor and the Group Leaders were consulted and briefed on the outcomes expected from the LRF Grant. Following this consultation the Chief Financial Officer accepted the Grant.

	<p>There is a clear policy expectation in the Torbay Local Plan, augmented by the Town Centre Masterplan, the Council’s Transformation Strategy for Torbay’s Town Centres and the Paignton Neighbourhood Plan that the site will come forward for development.</p> <p>Good progress is being made to secure vacant possession of the site. This has been facilitated by having the LRF funding in place and the Council’s commitment to demolish the older car park. A planning application for demolition will be submitted in the near future and a demolition contractor is being procured.</p> <p>Approval is now sought for disposal of the site.</p> <ul style="list-style-type: none"> (a) To ensure that the site can be released in accordance with timescales set out by MHCLG for the LRF funding. (b) To ensure that any scheme brought forwards will be fully compliant with the Council’s housing and planning policies. (c) To facilitate the early release of the site for residential development, thereby assisting the Council in meeting its 5-year residential land supply targets and helping to protect more sensitive sites from development. (d) To provide a financial return for the Council. (e) To provide the Council’s proposed new housing company with an opportunity to develop the site or to acquire the S106 affordable housing stock at a market rate and reduce the number of households on the housing waiting list whilst providing critical mass to the housing company. <p>A tangible benefit of progressing via the development partner route is that the Council will be able to influence the scheme to be delivered to a greater extent than if the site were just sold on the open market. It is possible that any straight forward land disposal could see the developer apply to reduce their planning contributions and affordable housing obligations as part of their planning application.</p>
<p>2.</p>	<p>What is the current situation?</p> <p>The Government has repeatedly stated that increasing housing supply is a high priority.</p> <p>The National Planning Policy Framework (paragraph 73) requires the Council to maintain a supply of specific, deliverable sites sufficient to provide 5 years’ worth of housing to meet housing requirements set out in Local Plans. The Council currently has less than 3 years’ worth of supply. The Council is now required, by law, to take urgent action to deliver new homes.</p>

	<p>The Council is now in a position whereby, under the terms of the National Planning Policy Framework, it may have to accept development proposals on unallocated sites in poor / sensitive locations. The Council is no longer in a plan-led position (i.e. decisions led by the Local or Neighbourhood Plans), but in a development led position based on housing numbers and national policy. This could present a significant risk to Torbay’s natural environment,</p> <p>As such, it is important that sites with LRF funding are released for housing development.</p> <p>It is projected that the site at Garfield Road would deliver in the region of 75-100 new homes, enabling the Council to deliver housing growth in Torbay.</p> <p>The sale of the site and its development will provide capital and revenue funding to the Council, helping the Council to meet its corporate priorities.</p> <p>The site is currently occupied by 8 tenants, but work is well underway to secure vacant possession.</p> <p>All necessary site investigation and survey work (ecology, contamination, asbestos, ground conditions, tree, topographical and flood risk etc.) has been completed.</p> <p>Preparation of a development brief is well advanced, which will be given teeth as a Supplementary Planning Document, to guide development and improve value. The emerging development brief, which community leaders have already been involved in, will be the subject of public engagement event later this year and thereafter presented to Council for adoption.</p> <p>A parking capacity and needs study has been commissioned, focused on Paignton Town Centre, covering a range of regeneration sites, and the impact of development on current and future parking provision.</p> <p>Development options have been assessed and valuation advice received.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The development and disposal options available to the Council have been identified as:</p> <p><u>Disposal Options</u></p> <ul style="list-style-type: none"> • Option 1: Direct Development by Torbay Council • Option 2: Delivery by the Council’s Housing Company • Option 3: Public Private Partnership (Development Agreement) • Option 4: Straightforward Freehold Sale

	<p><u>Development Options</u></p> <ul style="list-style-type: none"> • Option A: Student accommodation • Option B: Care home, sheltered accommodation, extra care • Option C: 15 Town houses • Option D: 70 – 100 Apartments <p>An analysis of these options is provided at Appendix 2.</p> <p>Based upon the evidence available we conclude that the best delivery route for the Council, in order to fully meet its aims and objectives, is as follows:</p> <ul style="list-style-type: none"> a) Disposal of the site as per Option 3 entering into a development agreement with a private sector partner to deliver the development Option D. b) The development partner option could be or could include the Council’s Housing Company. c) If (a) is not secured - Open market freehold disposal of the site should be pursued – Option 4
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>The proposals meet the following Corporate Plan objectives:</p> <p>Ambitions: Prosperous and Healthy Torbay</p> <p>Principles:</p> <ul style="list-style-type: none"> • Use reducing resources to best effect • Reduce demand through prevention and innovation • Integrated and joined up approach <p>Targeted actions:</p> <ul style="list-style-type: none"> • Working towards a more prosperous Torbay • Promoting healthy lifestyles across Torbay • Ensuring Torbay remains an attractive and safe place to live and visit
<p>5.</p>	<p>How does this proposal tackle deprivation?</p> <p>The site is within Paignton Town Centre and within Roundham with Hyde, one of the most deprived wards / areas in Torbay.</p> <p>Delivery by the Council’s Housing Company or a public/ private partnership will allow the use of contracts, such as has been used for the delivery of a hotel at the Terrace Car Park, Torquay, to ensure delivery of socio-economic</p>

	<p>benefits, such as skills development, apprenticeships, local employment and targeted recruitment.</p> <p>The proposal will result in bringing forward the early delivery of 70 -100 new homes, 20% of which will be affordable housing for local people. At least 5% of the affordable provision will be adapted accommodation for households with mobility difficulties.</p> <p>A greater housing supply within the local market will help limit future house price growth.</p> <p>The proposals will help ensure a mixed and balanced community, supplying housing of the right type, size and design in the right locations.</p>
<p>6.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>There has been extensive consultation, with residents and businesses, as part of production of the Local Plan, Paignton Neighbourhood Plan and Paignton Town Centre Masterplan. The Transformation Strategy for Torbay's Town Centres is based on these plans and strategies.</p> <p>The community is and will continue to be engaged in the production of a development brief for the site.</p> <p>As part of the planning process the community will be fully consulted on the detail of any development proposed. There will be a benefit to the local community in terms of additional supply of good quality housing and an improved mix of units.</p>
<p>7.</p>	<p>How will you propose to consult?</p> <p>Briefings have been held with members and senior officers. The Cabinet and Group leaders will be briefed throughout the process. As part of the planning process the community will be fully consulted on the detail of any development proposed.</p>

Section 2: Implications and Impact Assessment

8.

What are the financial and legal implications?

There are 968 parking spaces at Victoria Centre, 441 spaces within the newer of the two car parks (alongside the railway line / behind Lidl) and, in theory, 527 spaces within the older car park. In reality only 183 spaces are available for the majority of the year within the old car park, expanding to 210 spaces over the summer. There are, as such, 624 available parking spaces within the two car parks, expanding to 651 in summer. Demolition of the older car park would result in the loss of 19% of total spaces and 29% of available spaces.

The car parks have a mean occupancy of 117 spaces and are over 75% full on just 2 days a year. If there was a 20% growth in demand for parking (which is very unlikely) the car parks would have a mean occupancy of 163 spaces and would be more than 90% full on just 8 days per annum. Both car parks are at capacity during good events in Paignton. This shows that, for around 44 - 46 weeks of the year, there is significant spare capacity at present and also under a 20% growth scenario.

In 2017/18 the parking income to the Council, for the old car park, was £29,305. This figure is from ticket sales only. Permit holders may also have used the car park and there may have been Paybyphone transactions. Consequently it is not considered that loss of the old car park would have a significant financial impact on the Council. Parking related income is more likely to be displaced rather than lost. A capital receipt is expected to result from the disposal and redevelopment of the site.

The costs of obtaining vacant possession of the site and in undertaking additional site release activities, such as demolition, surveys and production of a development brief, have to date been covered, and will continue to be covered, by the LRF grant monies. There has been no financial impact on the Council from these activities.

Development and / or disposal of the site is expected to result in net capital receipt for the Council and revenue income from Council Tax, etc.

9.

What are the risks?

If there is not ongoing support for the actions required to dispose of the site then the following risks apply:

- (a) The Council may have to repay the LRF monies received.

	<p>(b) There will be a reputational risk for the Council which may impact upon the Council's ability to access future funding, such as Future High Streets capital funding, etc.</p> <p>(c) Future grant income streams may be adversely affected.</p> <p>(d) In the absence of the LRF grant aid, the Council would need to fund all of the exploratory and enabling works required to bring the sites forward for development, much of which has already been spent.</p> <p>(e) If the sites are not brought forward for development they will not be able to contribute towards the Council's 5-year housing land supply. Consequently this increases the risk to the Council of unwelcome planning applications from sites not identified in the local plan.</p> <p>All risks are reported to and discussed by the OPE/LRF Board on a monthly basis.</p> <p>In making this decision the following risks have been identified, and mitigation strategies put in place accordingly:</p> <p>(a) If the Council is not in contract with a development partner by March 2020 there is a risk that unspent monies may have to be repaid to MHCLG. However, open dialogue has been maintained with MHCLG throughout the development process whom are supportive of the Council's aspirations and its progress achieved to date.</p>
<p>10.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>The Council's procurement team has been involved to date, and will be further involved if the Council decides to dispose of the site, to ensure that all works undertaken are in accordance with the Council's financial regulations and standing orders.</p> <p>Legal advice has been procured in accordance with the Council's financial regulations and standing orders.</p>
<p>11.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Evidence collected during production of the Local Plan, Neighbourhood Plan and Town Centre Masterplan – showing support for development of the site.</p> <p>Evidence was gained from soft market testing, before production of the Council's Transformation Strategy for Torbay's Town Centres.</p> <p>Evidence was provided to MHCLG to help secure the Land Release Fund grant.</p> <p>Testing of development options as part of the emerging development brief for the site.</p> <p>Assessment of values from commissioning Jones Lang Lasalle.</p>

	<p>The proposal will facilitate the delivery of 75 to 100 new homes. The project will help protect more sensitive sites from development, make a valuable contribution to the Council's 5 year land supply and will support town centre regeneration in Paignton.</p>
12.	<p>What are key findings from the consultation you have carried out?</p> <p>There is extensive support for delivery of housing on this site and, longer term, for delivery of a mixed use redevelopment at Victoria Centre.</p> <p>There is demand and need for good quality, affordable new homes in the area.</p> <p>The proposed development will be compliant with Torbay's Housing Strategy 2015 – 2020 and the Planning Contributions and Affordable Housing SPD.</p>
13.	<p>Amendments to Proposal / Mitigating Actions</p> <p>N/A</p>

Equality Impacts

14.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The proposal shall result in the provision of better quality housing in Paignton town centre and shall deliver housing stock for all age groups. As per Council policy 20% of the development will be affordable housing thus helping to deliver housing stock for local people and serving to reduce the numbers of those on the waiting list.	Loss of public parking provision, but there is sufficient capacity in remaining car parks.	
	People with caring Responsibilities			There is no differential impact
	People with a disability	As per Council policy a percentage of affordable housing provided will be wheelchair adapted units.		
	Women or men			There is no differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
	Religion or belief (including lack of belief)			There is no differential impact

People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)	<p>The proposal is consistent with the Local Plan policies for planning for sustainable development in the Torbay area. This takes into account the overall level of housing and jobs growth to represent a balanced and sustainable approach to future growth. The local planning authority is required to maintain a 5 year land supply in order to deliver the strategy and policies contained in the Local Plan. Without a 5 year housing land supply, the local authority is subject to increased risk of development occurring in unsuitable locations, or being of a lower quality than that which might have otherwise been required through local policies.</p> <p>Significant socio-economic benefits will result from construction of the development and will be generated by the provision of a mix of dwelling types and tenures which will encourage mixed communities and provide a range of local facilities. It is envisaged that the new development will offer the opportunity to design out crime within residential layouts and will support the vibrancy of the town centre.</p>		

	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	<p>The scheme shall include provision of affordable housing which is likely to reduce poverty in the area and improve health.</p> <p>There is potential to incorporate energy efficiency and micro renewable measures. The location will encourage sustainable modes of travel.</p>		
15	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None		
16	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None		

Appendix 1

Site Location Plan



Appendix 2

Summary of Development and Disposal Options

Disposal options considered when analysing the future development and disposal options for Garfield Road are set out as follows. These have been informed by valuation work by Jones Lang Lasalle.

Disposal Option 1: Direct Development by the Council

Advantages

- Council remains in control of the site and development;
- Council can ensure delivery at pace
- Council retains revenue income from operator

Disadvantages

- Council has to secure an operator (a pre-let), without which a development will not be possible
- Finding an operator, who wants to lease the space, has proven extremely difficult and is unlikely to be successful before the 'release' date of end March 2020.
- Council takes the risk of development, including securing planning permission and the construction cost borrowing risk
- The Council does not have the skills and capacity to deliver and sell residential units on the open market (as per a house builder)

Conclusion:

This is normally the preferred route for delivery, according to the Council's Transformation Strategy for Torbay's Town Centres, and it makes financial sense for the Council if this can be achieved. However, in practice it has not been possible to find a tenant / operator for any future development.

Disposal Option 2: Delivery by the Council's Housing Company

Advantages:

- Meets LRF criteria and release date
- Council Housing Co remains in control of the site and development;
- Council Housing Co can ensure delivery at pace

Appendix 2

Summary of Development and Disposal Options

- Council Housing Co retains income
- Council Housing Co can determine level of affordable housing to be provided (20% or above)
- Helps secure Registered Provider status for the Housing Co

Disadvantages:

- Likely small capital receipt for the Council
- Capacity of the Housing Company to deliver a development
- Housing Co takes on risk of development, including planning permission, construction cost, ability to sell units
- There are significant risks to the Housing Company in terms of attracting Homes England funding, ability to sell homes on the open market and provision of more affordable units than the market can sustain.

Conclusion:

This provides a good delivery option for the Council, in terms pace, momentum for town centre regeneration, retention of control of development and release of the site in LRF terms. But it is unlikely to secure a significant capital receipt for the Council. There are advantages for the Council's Housing Company, for example in relation to Registered Provider status, but also puts significant pressure on the Company in terms of resources and risks. The Council's Housing Company could in any event take on or deliver the affordable housing element of any scheme by working alongside a development partner.

Disposal Option 3: Public Private Partnership (Development Agreement)

Advantages:

- Maximises capital return to the Council
 - Achieves optimal Value for Money (VfM) in accordance with the principles set out in HM Treasury's Green Book.
 - Council can influence the scheme to be delivered, at pace
 - Benefits from optimum LRF funding.
 - The Council can enhance value of the site by offering to take the 20% affordable housing element.
- An open OJEU compliant procurement process will take around 4 months, allowing a contract to be signed before end March 2020 in accordance with LRF requirements.

Appendix 2

Summary of Development and Disposal Options

- The Council can include conditions in the agreement, covering for example pace of delivery, affordable housing mix and price per unit, affordable housing element to be offered first to the Council's Housing Company.

Disadvantages:

- A restricted OJEU compliant procurement process will take around 5 ½ months, which is unlikely to be completed within the timeframe required by LRF.
- The Council is reliant upon a 3rd party to sign a contract to satisfy LRF requirements.

Conclusion:

Delivers a reasonable financial return for the Council and fully meets the Council's strategic objectives and statutory requirements. The Council's Housing Company could still take on or deliver the affordable housing element of any scheme by working alongside a development partner. However, timeframe for delivery is tight.

Disposal Option 4: Freehold sale

Advantages:

- Straight forward and speedy disposal route.
- Complies with LRF funding.

Disadvantages:

- Reduced profitability.
- Loss of control over nature and design of final scheme
- Probable loss of control over pace of delivery

Conclusion:

Whilst a freehold sale might provide a faster, easier route and provide some good town centre regeneration benefits, it is unlikely to provide a sufficiently good financial return, even with a development brief in place. In addition, contract requirements on pace of delivery are likely to reduce the number of interested parties and the financial returns to the Council.

Appendix 2

Summary of Development and Disposal Options

Development Option 1: Student accommodation

Advantages

- Likely direct delivery by the Council, maximising revenue income
- Boost to the town centre
- Support for South Devon College's growth plans

Disadvantages

- No formal commitment yet (and likely delays) from South Devon College, so no operator sign up
- Would need commitment to a long site procurement process, that the Council may not win
- 120 student rooms would equate to 30 residential units, which may not be acceptable to MHCLG / OPE / LGA in terms of return on investment
- Long procurement process would extend well beyond the 'release' date of end March 2020, as defined by LRF funding.

Conclusion:

Student accommodation is an attractive option, and has been explored extensively with South Devon College, but a potentially long procurement period, the competitive nature of procurement and lack of commitment from SDC outweigh the benefits.

Development Option 2: Care home, sheltered accommodation, extra care

Jones Lang Lasalle have advised that 45 retirement flats, with vacant possession and cleared site, could generate a site value of £1.05m to £1.46m. However JLL have cautioned against this form of development as retirement operators are committed to other sites in Paignton. This was confirmed by a relatively low level of interest during soft market testing. But it does indicate the level of capital receipt should the Council chose to dispose of the site to a development partner that could deliver this form of development.

Advantages

- Likely direct delivery by the Council, maximising revenue income
- Boost to the town centre

Appendix 2

Summary of Development and Disposal Options

- Satisfy local demand for such accommodation

Disadvantages

- Council has to secure an operator (a pre-let), without which a development will not be possible
- Finding an operator, who wants to lease the space, has proven extremely difficult and is unlikely to be successful before the 'release' date of end March 2020.
- Council takes the risk of development, including securing planning permission and the construction cost borrowing risk

Conclusion:

This form of accommodation is an attractive option for the Council, and has been explored with partners, but there has been no formal commitment from partners / operators / tenants. The timescale for achieving this form of development, delivered by the Council, is highly likely to extend well beyond end March 2020. A development partner may well be able to deliver this form of development, thereby satisfying LRF requirements and delivering a good capital receipt for the Council.

Development Option 3: 15 town houses

Advantages

- Low key development that would fit, generally, with the style / nature of the immediate locality

Disadvantages

- Under-development of the site
- Low housing numbers in relation to meeting need generally and affordable housing specifically, and in relation to meeting 5 year land supply
- Lower financial return to Council
- May not secure planning permission for reasons given above
- Return (of 15 units) on investment (£900,000) may not be acceptable to MHCLG, OPE and LGA.

Conclusion:

This option has been tested in design terms, as a benchmark, but has no substantial benefits.

Appendix 2

Summary of Development and Disposal Options

Development Option 4: 70 – 100 apartments

Jones Lang Lasalle have advised that 100 apartments, with vacant possession and cleared site, could generate a value of £400,000 to £860,000. They have also advised that 100 apartments, with vacant possession, a cleared site and planning permission could generation a value of £650,000 to £1.15m. A Supplementary Planning Document will provide the equivalent of an outline planning permission.

Advantages

- Delivers a good number of units, on a brownfield site in the town centre
- Provides a good return on investment for MHCLG / OPE and LGA
- Likely to provide the Council with a greater capital receipt than other options
- Supports the Council's 5 year land supply, helps meet housing demand and affordable housing needs
- It is similar, in design terms, to the scale of building currently on the site

Disadvantages

- It may be more difficult to secure planning consent than other options (hence the production of a development brief to support a future planning application)
- Prospective purchasers of the site may be concerned about construction and sale of this number of units,

Conclusion:

This option has substantial benefits and, with input from the community on the development brief, should secure planning permission. It should also provide a good financial return to the Council and represents a good return on LRF investment.



Meeting: Cabinet

Date: 15 October 2019

Wards Affected: Preston and Blatchcombe

Report Title: De-Registration of Land at Preston Down Road, Paignton

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Cabinet Member Contact Details: Councillor Swithin Long - Cabinet Member for Economic Regeneration, Tourism and Housing, Swithin.Long@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Director of Corporate Services, anne-marie.bond@torbay.gov.uk, 01803 207160, and Kevin Mowat – Interim Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

1. Proposal and Introduction

- 1.1 Preston Down Road (PDR) was designated as part of the Ocombe Farm Local Nature Reserve (LNR) at the request of the then tenants, Torbay Coast and Countryside Trust (TCCT), at a meeting of the Executive on 22 February 2005 (Appendix 2).
- 1.2 The reason for requesting designation of PDR as a LNR was that TCCT hoped that these designations would, in the longer-term, allow it to attract further funding for conservation work in these areas.
- 1.3 The Executive consented to TCCT's request on the basis that the designations would not add any additional conservation burden on the Council and the TCCT would remain entirely responsible for their management (Appendix 4).
- 1.4 TCCT's Lease was terminated on 28 February 2019. They currently occupy the land under a Licence which shall expire on, or before, 31 March 2020 (Appendix 5). After this date the Council shall be responsible for the management of PDR.
- 1.5 A suite of ecological surveys has been undertaken by the Council's advisers, Tor Ecology, whom have confirmed that in their professional opinion none of the habitats or species present at the site warrant categorisation as a Local Nature Reserve (Appendix 6).
- 1.6 As TCCT no longer manages PDR as a LNR; there are no species or habitats present that warrant its designation as a LNR; and responsibility for management is soon to transfer back to the Council, approval is sought to de-register PDR as a LNR.

2. Reason for Proposal and associated financial commitments

- 2.1 Preston Down Road (PDR) was designated as a Local Nature Reserve (LNR) at the request of TCCT in order to support it in applying for additional grant funding to improve the site. It is not evident whether this funding was ever forthcoming, however, as is evidenced at Appendix 6 none of the species or habitats present at the site warrant its designation on ecology grounds as a LNR.
 - 2.2 Consent to designation of PDR as a LNR was granted on the basis that there would be no financial or conservation burden on the Council and that TCCT would be responsible for its management. This situation has since changed. As from 31 March 2020 the Council will be responsible for management of the site.
 - 2.3 PDR is identified for future housing need in the Local Plan and the Council is in receipt of a £1,100,000 grant from the Ministry of Housing Communities and Local Government's (MHCLG) Land Release Fund (LRF) to bring it forwards for residential development by March 2020. The de-registration of the site is required to bring the site forwards for residential development.
 - 2.4 The National Planning Policy Framework (NPPF) requires that local authorities maintain a supply of specific, deliverable sites sufficient to provide 5 years' worth of housing to meet their housing requirements. The Council can only demonstrate 3.3 year's supply of deliverable housing land (as published in the July consultation document) and therefore applications for new housing in Torbay must be considered against the Presumption in Favour of Sustainable Development.
 - 2.5 If PDR remains designated as a LNR the Council may be in breach of the terms of the LRF grant from MHCLG and will struggle to achieve NPPF targets putting it at risk of unfavourable developments being brought forwards on alternative sites.
 - 2.6 There are no grounds to support the ongoing designation of PDR as a LNR.
 - 2.7 The proposals contained in this report will not result in any financial commitments for the Council.
-

3. Recommendation(s) / Proposed Decision

- 3.1 That the land at Preston Down Road, shown on Plan EM3172 attached at Appendix 1 to the submitted report, be de-registered as a Local Planning Reserve (LNR) as the land no longer meets the requirements to be designated as a LNR and to enable housing to be developed on the site.

Appendices

Appendix 1: Plan of land at Preston Down Road

Appendix 2: Council Paper, dated 22 February 2005, detailing Proposal for Designation of Occombe Farm and Preston Down Road as a Local Nature Reserve

Appendix 3: Plan of Occombe Farm Proposed Local Nature Reserve (22 February 2005)

Appendix 4: Minutes of the Executive, dated 22 February 2005.

Appendix 5: Licence to Occupy Preston Down Road on a Short Term Basis granted by (1) Torbay Council, to (2) Torbay Coast and Countryside Trust, dated 28 February 2019.

Appendix 6: Evidence to support de-registration of the site as a Local Nature Reserve

Appendix 7: Preston Down Road Planning Statement, dated 25 June 2019

Background Documents

Torbay Local Plan: <https://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Section 1: Background Information

<p>1.</p>	<p>What is the proposal / issue?</p> <p>The Council owns the freehold of 4.06 hectares (10.03 acres) of land at PDR as shown verged red at Appendix 1.</p> <p>PDR is identified for future housing need in the Council's Adopted Local Plan (A Landscape for Success) 2012-30.</p> <p>The Council was awarded £1,100,000 of Land Release Fund (LRF) grant aid by the Ministry of Housing Communities and Local Government on 8 March 2018 for the purposes of securing early release of the land at PDR for residential development.</p> <p>Prior to the acceptance of the LRF Grant, the Elected Mayor and the Group Leaders were consulted on proposals for PDR and it was agreed to accept the grant to assist with bringing PDR forward for development.</p> <p>During the course of undertaking its due diligence to bring PDR forwards for development, the Council identified that PDR was designated as a LNR at TCCT's request on 22 February 2005 to assist it in applying for future grant aid to improve the site.</p> <p>The criteria for designation of a Local Nature Reserve within Torbay are outlined by Devon Wildlife Trust and are based on scientific criteria such as the size, species diversity and rarity of communities represented and the presence of rare or notable species. Local Nature Reserve sites may also have particularly important social, educational, recreational, landscape, aesthetic or potential values.</p> <p>The Council commissioned a comprehensive suite of ecology surveys in 2018 / 2019 which have confirmed that, in the Council's consultants' professional opinion, none of the habitats or species present at the site warrant designation as a LNR.</p> <p>Consent is now sought to de-register PDR as a LNR in order to release it for residential development in accordance with the Local Plan and the terms of the LRF grant.</p>
<p>2.</p>	<p>What is the current situation?</p> <p>The former lease to Torbay Coast and Countryside Trust (TCCT) was terminated in February 2019 and TCCT currently occupies the site under licence expiring in March 2020. After this date the Council will be responsible for the control and management of PDR.</p> <p>PDR is identified for future housing need in the Council's Adopted Local Plan and the Council is in receipt of £1,100,000 of Land Release Fund (LRF) grant aid to bring the site forwards for residential development.</p>

	In order to bring the site forwards for development PDR needs to be de-registered as a LNR.
3.	<p>What options have been considered?</p> <p>If PDR remains designated as a LNR the Council may be in breach of the terms of the LRF grant from MHCLG and will struggle to achieve NPPF targets putting it at risk of unfavourable developments being brought forwards on alternative sites.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>Ambitions: Prosperous and Healthy Torbay</p> <p>Principles:</p> <ul style="list-style-type: none"> • Use reducing resources to best effect • Reduce demand through prevention and innovation • Integrated and joined up approach <p>Targeted actions:</p> <ul style="list-style-type: none"> • Working towards a more prosperous Torbay • Ensuring Torbay remains an attractive and safe place to live and visit
5.	<p>How does this proposal tackle deprivation?</p> <p>N/A</p>
6.	<p>How does this proposal tackle inequalities?</p> <p>N/A</p>
7.	<p>How does the proposal impact on people with learning disabilities?</p> <p>N/A</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>As part of the planning process the community will be fully consulted on the detail of any development proposed, however, there will be a benefit to the local community in terms of additional supply of good quality housing and an improved mix of units.</p>
9.	<p>How will you propose to consult?</p> <p>Briefings on proposals for PDR have been held with the Cabinet and Group leaders and briefings with all political groups will take place throughout the process.</p>

Section 2: Implications and Impact Assessment

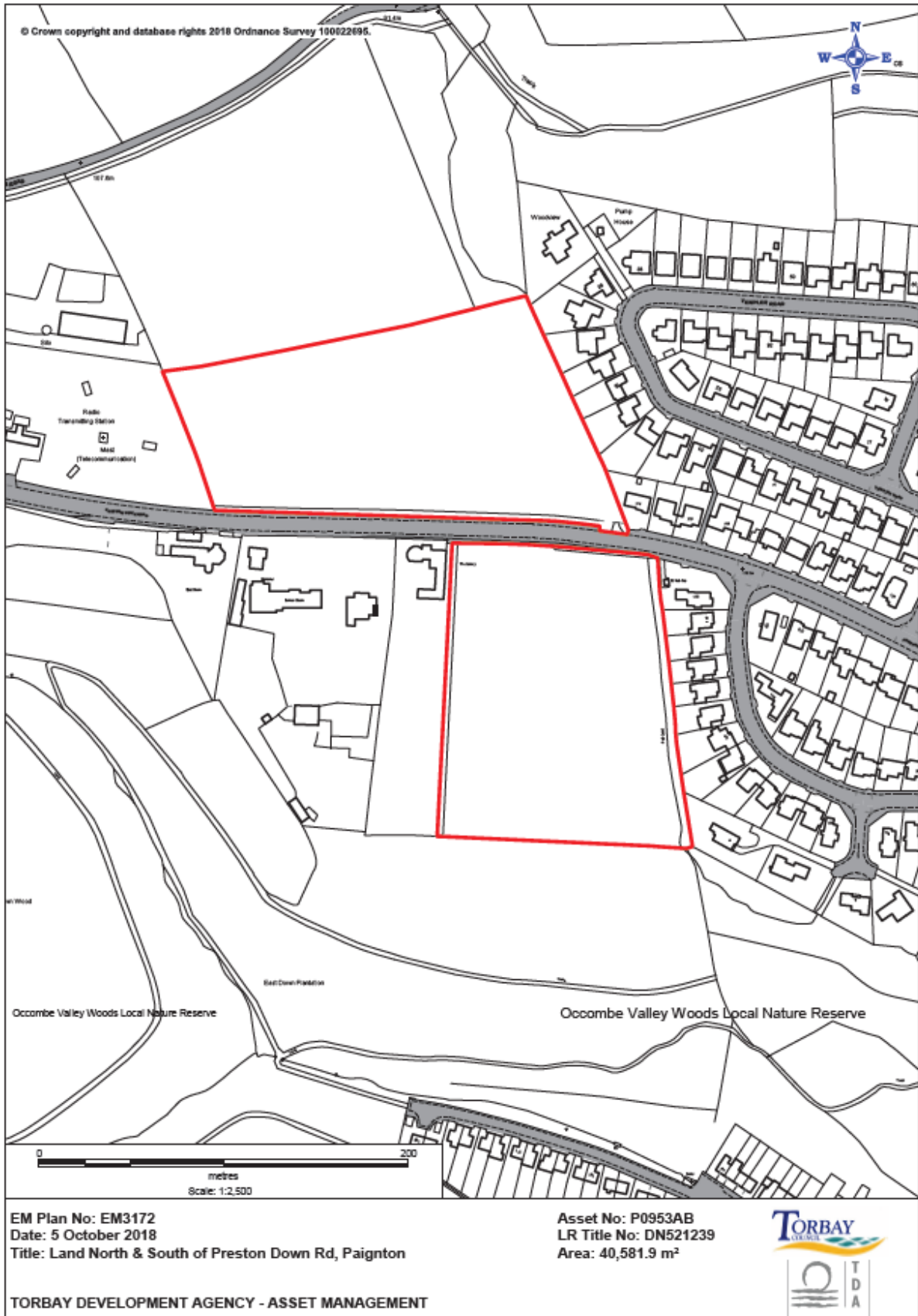
10.	<p>What are the financial and legal implications?</p> <p>There are no financial and legal implications of de-registration of PDR as a LNR.</p>
11.	<p>What are the risks?</p> <p>If PDR remains designated as a LNR the Council may be in breach of the terms of the LRF grant from MHCLG and will struggle to achieve NPPF targets putting it at risk of unfavourable developments being brought forwards on alternative sites.</p>
12.	<p>Public Services Value (Social Value) Act 2012</p> <p>All works undertaken are in accordance with the Council's financial regulations and standing orders.</p> <p>Legal advice has been procured in accordance with the Council's protocol.</p>
13.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Bringing PDR forwards for residential development will help protect more sensitive sites from development and will enable the Council to influence the location for growth of the Collaton St Mary and Paignton areas.</p>
14.	<p>What are key findings from the consultation you have carried out?</p> <p>The proposed development is fully compliant with Torbay's Housing Strategy 2015 – 2020 and the Planning Contributions and Affordable Housing SPD.</p>
15.	<p>Amendments to Proposal / Mitigating Actions</p> <p>N/A</p>

Equality Impacts

16.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact
	People with caring Responsibilities			There is no differential impact
	People with a disability			There is no differential impact
	Women or men			There is no differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
	Religion or belief (including lack of belief)			There is no differential impact
	People who are lesbian, gay or bisexual			There is no differential impact
	People who are transgendered			There is no differential impact
	People who are in a marriage or civil partnership			There is no differential impact
	Women who are pregnant / on maternity leave			There is no differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact
17	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None	
18	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None	

Appendix 1: Plan of land at Preston Down Road



Appendix 2
Council Paper Detailing Proposal for Designation of Occombe Farm and Preston Down
Road as a Local Nature Reserve

TORBAY COUNCIL

Report No: 11/2005

Title: Designation of Local Nature Reserves

To: Executive on 22nd February 2005

1. Purpose

1.1 The purpose of this report is to seek a declaration from the Executive that Occombe Farm and Scadson Woods be designated as Local Nature Reserves

2. Relationship to Corporate Priorities

2.1 One of the main themes within Torbay's Community Plan is that of valuing our environment which includes the priority to protect and improve the built, natural and marine environment and this proposal will help to deliver that aim.

3. Recommendation(s)

3.1 That Occombe Farm and Scadson Woods be designated as Local Nature Reserves.

4. Reason for Recommendation(s)

4.1 Torbay Coast and Countryside Trust has requested that Occombe Farm and Scadson Woods (as shown at Appendices 1 and 2) be designated as Local Nature Reserves. These will then complement the nearby Occombe Woods Local Nature Reserve which was so designated in 2003. The designations would not add any additional conservation burden on the Council and the Trust would remain entirely responsible for their management. The designations would, in the longer-term, allow it to attract further funding for work in these areas.

5. Key Risks associated with the Recommendation(s)

5.1 No specific risks have been identified as a result of this recommendation. The Occombe Farm site is already leased to the Trust and both sites are managed by the Torbay Coast and Countryside Trust whose initiative in seeking the designations has the support of English Nature. The Trust has prepared Management Plans for each of these sites that have been endorsed by English Nature. Clearly, the extent to which these Management Plans can be implemented will depend, to some extent, on the funding that the Trust is able to attract.

Likelihood	6	6	12	18	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	X	2	3	4
	1	2	3	4	

	Impact
--	---------------

Low risk
 Intermediate risk
 High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

6. Alternative Options (if any)

6.1 Members could decide not to support this recommendation and in that situation the sites would not be designated as Local Nature Reserves.

7. Background

7.1 Torbay Coast and Countryside Trust was established in 1999 with one of its aims being to safeguard and enhance areas of natural beauty and importance within Torbay. As part of this work Occombe Valley Woods was declared a Local Nature Reserve in 2003 and the Trust are now seeking a similar declaration for Occombe Farm and Scadson Woods.

Michael J Yeo
Strategic Director for Environment

Contact Officer: Michael J Yeo
 Telephone no. 7810

IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources and Property Divisions.

Does the proposal have implications for the following issues? If "Yes" - give details.		Name of responsible officer
<i>delete as appropriate</i>		
Legal	Yes – Legal documentation required	Tony Chidlow
Financial – Revenue	No	Adrian O'Rourke
Financial – Capital Plan	No	Lynette Royce
Human resources	No	Sue Draper
Property	No	Sam Partridge

Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively:		
<i>delete as appropriate</i>		
(i)	promote environmental sustainability?	No
(ii)	reduce crime and disorder?	No
(iii)	promote good community relations?	No
(iv)	promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?	No
(v)	reduce (or eliminate) unlawful discrimination (including indirect discrimination)?	No

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

Part 3

The author of the report must complete this section.

	<i>delete as appropriate</i>	If "Yes", give details
Does the proposal have implications for any other Directorates?	Yes	The Assistant Director, Cultural Services, also has a role in this area and she has been consulted and has confirmed her support for the recommendation.

Part 4

Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework?		<i>delete as appropriate</i>
		Yes
1.	If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.	
2.	If "Yes" - details and outcome of consultation, if appropriate.	

Part 5

Is the proposal a Key Decision in relation to an Executive function?	<i>delete as appropriate</i>	If "Yes" - give Reference Number
	No	

Part 6

Wards

Preston

Cockington with Chelston

Appendices

Appendix 1 - Ocombe Farm

Appendix 2 - Scadson Woods

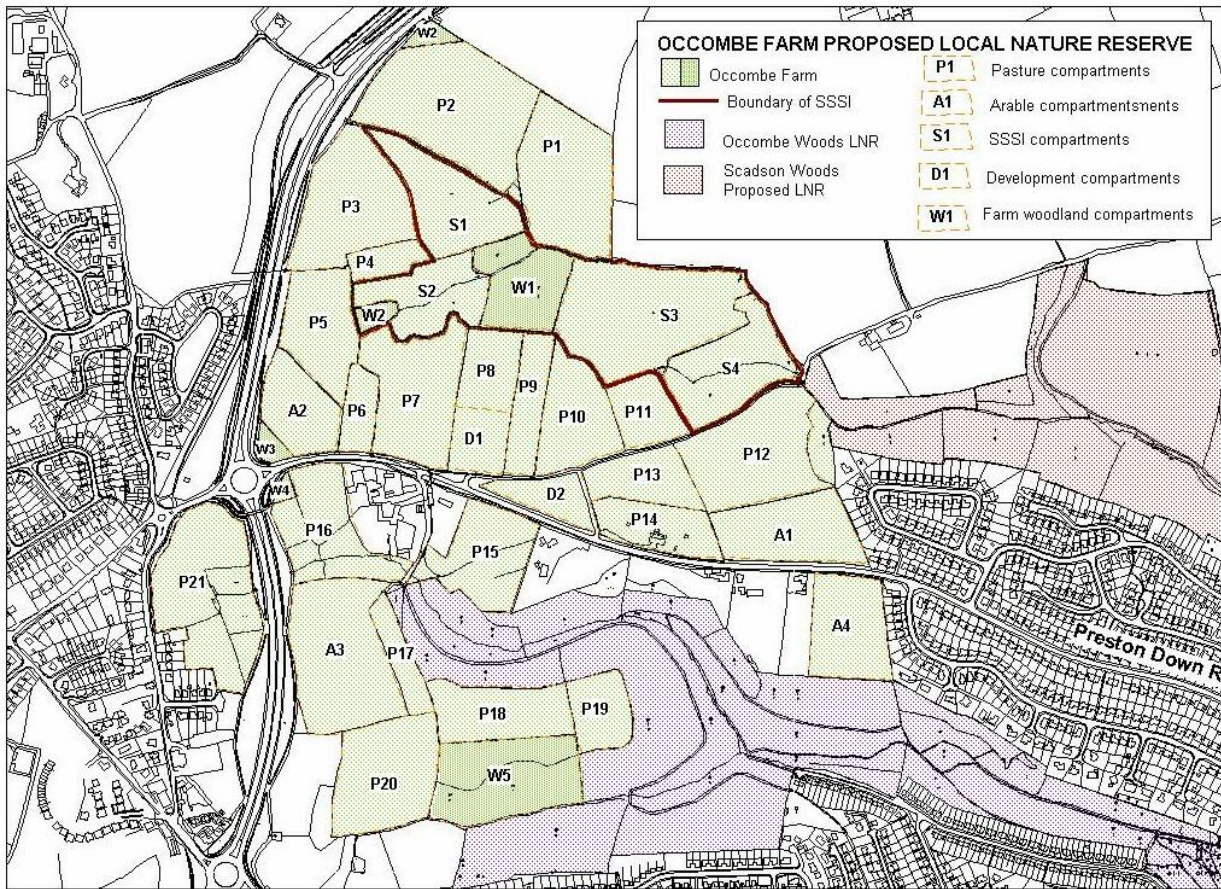
Documents available in Members' Room

Background Papers:

The following documents/files were used to compile this report:

Appendix 3

Plan of Occombe Farm Proposed Local Nature Reserve (2005)



The Council's ownership at Preston Down Road is shown as arable compartments A1 and A4 on the above plan.

Appendix 4
Minutes of the Executive

22nd February 2005

-: Present :-

Councillor Harris Chairman

Councillors Carter, Charlwood, Jennings, Lomas and McHugh

(Also in attendance: Councillors Brennan, Browne, Cope, Dunn, Faulkner (Mr A), Faulkner (Mrs J), Hytche, Stocks and Turnbull)

527. Minutes. The Minutes of the meeting of the Executive held on 11th January 2005 were confirmed as a correct record and signed by the Leader of the Council.

528. Urgent Items. The Executive considered the items in Minute 529.11 and not included on the agenda, the Leader being of the opinion that they were urgent by reason of special circumstances i.e. the matters having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

529. Matters for Consideration. The Executive considered the following matters, full details of which (including the decisions of the Executive) are set out in the Record of Decisions in Appendix 1 to these Minutes.

529.1 Budget Monitoring.

529.2 Revenue Budget 2005/2006.

529.3 Council Tax 2005/2006.

529.4 Capital Plan Budget 2005/2006 to 2008/2009 – Annual Review.

529.5 Torbay Retail Study 2005 – Contract in Excess of £25,000.

529.6 Land Transfer to Torbay Coast and Countryside Trust – Ansteys Cove and Redgate Beach, Torquay.

529.7 Designation of Local Nature Reserves.

529.8 Declaration of Air Quality Management Area.

(Note: Prior to consideration of the items in Minutes 529.9, 529.10 and 529.11 the press and public were formally excluded from the meeting on the grounds that the items involved the likely disclosure of exempt information as defined in paragraphs 3, 4, 7 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.)

529.9 Grant in Lieu of Rent – 10th Torbay (Babbacombe) Sea Scout Group – Walls Hill Quarry, Torquay.

529.10 Children's Care Package in Excess of £25,000.

529.11 Adult Care Packages in Excess of £25,000.

Leader of the Council

APPENDIX 1

to the Minutes of the meeting of the Executive
held on 22nd January 2005

RECORD OF DECISION

BUDGET MONITORING

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the management actions set out in Report 6/2005 be endorsed.

Reason for Decision

To enable appropriate action to be taken to ensure the Council contains expenditure within its overall budget.

Information

Report 6/2005 provided Members of the Executive with a summary of the projections of income and expenditure for the year compared with the approved budgets for 2004/2005.

The report identified a net projected overspend of 803,000 at the end of the year. However, it was noted that confirmation had been received from the Office of the Deputy Prime Minister that the over or underspends on Supporting People could be carried forward to 2005/2006. It was also noted that if the Supporting People overspend (£680,000) was excluded, a balanced budget at the end of the year was likely to be achieved.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)
RECORD OF DECISION
REVENUE BUDGET 2005/2006

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

- (i) That the outcome of the Final Local Government Finance Settlement be noted;**
- (ii) that it be recommended to Council:**
 - a) that an estimate of £1.5m be earmarked to cover redundancy costs arising from the budget reductions and falling school rolls and redundancies arising from the merging of the Adult Social Services in 2005/2006;**
 - b) that the costs of redundancy be capitalised and that the approval of the Secretary of State be sought to charge these costs to capital;**
 - c) that due to a projected overspend within the Housing budget for 2004/2005, an additional £0.3m be added to the Housing budget target for 2005/2006;**
 - d) that due to the additional costs which will be incurred in the establishment of the Adults Care Trust, £0.150m be earmarked to fund these costs;**
 - e) that a contingency of £0.2 be established and held at the discretion of the Director of Finance and the Leader of the Council for the costs of demographic pressures;**
 - f) that a provision of £0.250m be established to meet any other costs which arise from other savings;**
 - g) that an annual contribution should form part of the Councils Medium Term Financial Plan to increase the balance to at least 1.8% over the medium term of net expenditure; and**
 - h) that the Director of Finance, following consultation with the Leader of the Council, be authorised to approve any items of expenditure to be funded from the earmarked reserves, providing that the expenditure accords with the conditions of the Reserve as laid out in Report Com/2/04 to the Executive on 7th December 2004 and that the Council's Financial Regulations are amended to enable this decision to be made in perpetuity.**
- (iii) that Council be recommended to include the following in the 2005/2006 budget:**
 - a) that a provision of £31,000 be made to meet ongoing costs of redundancies arising from the budget exercise;**
 - b) that £130,000 be added to the Cultural Services budget to reflect the shortfall in the target previously identified;**
 - c) that £40,000 be added to the Legal Services budget in respect of the post of Head of Legal Services;**

APPENDIX 1 (continued)

- d) that £25,000 be added to the Children's Services budget to meet priority spending requirements;
 - e) that £55,000 be added to the appropriate budgets to support the Torbay Strategic Partnership and Ward Partnerships and to meet the funding of the Partnerships Team;
 - f) that £35,000 be added to the appropriate budgets for the continued development of internal and external communications and general consultation;
 - g) that £60,000 be added to the IT services budget to help meet service development and national E-Government programmes; and
 - h) that the balance of funding be added to the general contingency.
- (iv) that the Director of Finance be requested to prepare appropriate documentation to reflect the recommendations in (ii) and (iii) above for presentation to Council;
- (v) that a Best Value review of the mayoralty be undertaken following the elected Mayor referendum (on the assumption that Council decides to call a referendum);
- (vi) that Council be requested to note:
- a) the major and unfair impact that successive Council Tax increases have had on citizens;
 - b) that since Labour come into office in 1997, the average Band D Council Tax bill has risen by £521, a rise of 81%;
 - c) that most of the Council Tax increases were caused by unfunded and increased duties placed on local authorities and increased ring-fencing of grants by central Government;
 - d) that Council Tax fails to take account of ability to pay and as such places an unfairly high burden on residents with fixed and low incomes, such as pensioners;
 - e) that English and Scottish Council Tax revaluation is due and will increase many people's Council Tax bills where house prices have risen fast since the last valuation in 1991;
 - f) that Council Tax revaluation in Wales has now happened, and has seen 33% of homes move up one or more bands and only 8% move down. In Cardiff for example 64% moved up, only 2% moved down;
 - g) that in Cardiff some of the poorest areas were hardest hit by revaluation, showing that revaluation will be random and arbitrary and will not make Council Tax any fairer;
 - h) that by replacing Council Tax with a Local Income Tax, revaluation could be stopped, saving a one-off £200 million, and then saving over £300 million each year on reduced bureaucracy; and
 - i) that replacing Council Tax with a Local Income Tax would mean taxpayers paying according to their ability to pay, and would be a tax cut for the majority.

APPENDIX 1 (continued)

(vii) that Council be recommended to call on the Deputy Prime Minister:

- a) to stop the unfair tax rises from council tax revaluation by scrapping Council Tax; and
- b) to replace the unfair Council Tax with a local tax based on an ability to pay, as many other countries already have.

Reason for Decision

The Council has a statutory obligation to set a budget each financial year and must take into account all factors when setting the budget.

Information

At its meeting held on 16th December 2004, Council considered Report Com/9/04 outlining the Provisional Local Government Finance Settlement and its impact upon the Council. Having taken into account the contents of the report, Council resolved to set provisional spending targets for services and requested Directors to prepare reports outlining the implications and consequences of such targets for consideration by the Overview and Scrutiny Board (Minute 417/12/04 refers). Report 7/2205 advised Members of the outcome of the final Local Government Finance Settlement and explained its effect on the Council's overall financial position.

In accordance with the decision reached by Council, the Overview and Scrutiny Board held a number of meetings to which the Executive Members and officers were invited to outline the implications for their services of the budget proposals that had been developed to meet the targets set by the Council. A wide range of stakeholders were also invited to attend the meetings and give their views on the proposals. The Board and the Stakeholders were provided with details of the implications of the budget proposals in respect of each of the Council's Business Units.

Report OSB/1/05 set out the views of the Overview and Scrutiny Board in relation to the Revenue Budget for 2005/2006 which Members of the Executive were asked to take in account in forming their recommendations to Council.

Members of the Executive were also asked to have regard to Report 18/2005 setting out a summary of the results of the "Have Your Say in the Bay" roadshows, which were held in Torbay, Paignton and Brixham in January and February 2005.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

Yes – reference number X55/2004

Does the call-in procedure apply? (If no, please give reason)

No – as any delay likely to be caused by the call-in process would prejudice the Council's and the public's interest. The Overview and Scrutiny Co-ordinator was consulted on 24th January 2005.

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

APPENDIX 1 (continued)

Published

25th February 2005

Implementation

The recommendations will be considered by Council on 3rd March 2005.

APPENDIX 1 (continued)

RECORD OF DECISION

COUNCIL TAX 2005/2006

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the Director of Finance be instructed to prepare a report to Council in relation to the Council Tax rates for 2005/2006 following consideration of the Revenue Budget for 2005/2006.

Reason for Decision

The Council has a statutory obligation to set a budget every financial year. In addition, in accordance with section 30 (2) of the Local Government Finance Act 1992, the Council must set the Council Tax for each of the eight valuation bands for the coming year.

Information

The Executive was requested to instruct the Director of Finance to prepare a report for submission to the next meeting of Council in relation to the Council Tax rates for 2005/2006.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

No – the decision is linked to the recommendation to Council in relation to the Revenue Budget.

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

CAPITAL PLAN BUDGET 2005/2006 TO 2008/2009 – ANNUAL REVIEW

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That Council be recommended:

- (i) to endorse the principles for setting the Capital Budget presented in paragraph 8.1 of Report 8/2005;
- (ii) to approve a revised 4-year Capital Plan Budget for the period 2005/2006 – 2008/2009 based upon the allocation of resources presented in Appendix 2b to Report 8/2005; and
- (iii) to authorise the Director of Finance, in consultation with the Leader of the Council and the Strategic Directors, to determine the allocation of the capitalised costs of cross-service IT and redundancies across the Strategic Directorates when the final costs are more certain.

Reason for Decision

The endorsement of the Capital Plan over a 4-year period within reasonably predictable resources enables forward planning of investment to be undertaken with some degree of certainty.

It was considered that the proposed amendments to the Capital Plan present the best allocation of resources to enable the development of new capital projects in line with the Council's priorities.

Information

Report 8/2005 requested Members to consider the resources available to fund new capital projects over the next four years and to recommend amendments and additions to the Capital Plan Budget for consideration by Council at its meeting to be held on 3rd March 2005.

At its meetings held on 3rd and 8th February 2005, the Overview and Scrutiny Board considered the options for addressing the demands for capital investment. The Board had been asked to examine the service demands for capital investment compared with the resources likely to be available over the period 2005/2006 to 2008/2009 and to identify any specific proposals it wished to raise with the Executive having particular regard to:-

- whether the basic principles used to determine the current Capital Plan budget continue to be appropriate in the light of limited resources for new schemes;
- whether alternative options for delivering or funding schemes identified in the Reserve List are available; and
- whether there was scope to defer any projects in the approved Capital Plan budget in favour of projects on the Reserve List, particularly those in Band A, and other demands arising from Revenue Budget pressures.

The recommendations of the Board were set out in its report OSB/2/05 which Members of the Executive were asked to take into account in putting forward their proposals to Council on the Capital Plan Budget.

APPENDIX 1 (continued)

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

Yes – reference number X55/2004

Does the call-in procedure apply? (If no, please give reason)

No – the decision was a recommendation to Council

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

The recommendations will be considered by Council on 3rd March 2005.

APPENDIX 1 (continued)

RECORD OF DECISION

TORBAY RETAIL STUDY 2005 – CONTRACT IN EXCESS OF £25,000

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That a contract be entered into with GUA Grimley, specialist consultants, to undertake a Torbay retail study.

Reason for Decision

To underpin the preparatory work on the Local Development Framework (LDF).

Information

Report 9/2005 requested that consideration be given to the appointment of specialist consultants to produce a retail study for Torbay for use in the preparation of the LDF. The last retail study which was compiled in 1988 (which was an update of the earlier 1994 study) was considered to be out of date.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

LAND TRANSFER TO TORBAY COAST AND COUNTRYSIDE TRUST – ANSTEYS COVE AND REDGATE BEACH, TORQUAY

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

- (i) That the Director of Finance, in consultation with the Director of Law and Support, be authorised to conclude negotiations with the Torbay Coast and Countryside Trust for the transfer, by way of a long lease, of the areas of land identified in Appendix 1 to Report 10/2005, under the terms of the existing Management Agreement with effect from 1st April 2005; and
- (ii) that any necessary budgetary transactions take place to ensure that there is no adverse financial impact on the Council as a result of the transfer.

Reason for Decision

To enable the transfer of the land to the Trust to be concluded.

Information

Report 10/2005 proposed the transfer of land at Ansteys Cove, Redgate Beach and Ansteys Cove Car Park to the Torbay Coast and Countryside Trust by way of a long lease.

Alternative options considered and rejected at the time of the decision

Not to transfer the land to the Trust.

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

DESIGNATION OF LOCAL NATURE RESERVES

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That Occombe Farm and Scadson Woods be designated as Local Nature Reserves.

Reason for Decision

The designations would not add any additional conservation burden on the Council and the Torbay Coast and Countryside Trust would remain entirely responsible for their management.

Information

Report 11/2005 had been prepared in response to the request of the Torbay Coast and Countryside Trust for Occombe Farm and Scadson Woods to be designated as Local Nature Reserves.

Alternative options considered and rejected at the time of the decision

Not to designate Occombe Farm and Scadson Woods as Local Nature Reserves.

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

DECLARATION OF AIR QUALITY MANAGEMENT AREA

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the Strategic Director (Environment) be given the authority to declare an area in Hele to be an Air Quality Management Area (AQMA).

Reason for Decision

The decision to declare an area in Hele as an AQMA is based on the need to manage the AQMA effectively and ensure that the needs of the residents of Hele and the delivery of other Council strategies were brought together to secure improvements at Hele Road. Owing to the timescales involved between public consultation and the declaration of the AQMA, utilising delegated powers would expedite the process, enabling government timescales to be complied with.

Information

The Environment Act 1995 gave local authorities statutory responsibilities for local air quality management. Under the legislation they must carry out regular reviews and assessments of air quality in their area against standards and those prescribed in subsequent regulations. Where the monitoring indicated that the standards could not be met, authorities must designate AQMA's and prepare and implement remedial action plans to tackle the problem.

In 2003, an area in Hele Road was monitored, over a limited sample period, for nitrogen dioxide. As a precautionary approach a further detailed monitoring programme was instigated to assess the situation. The results of this exercise were submitted to the Department for Environment Food and Rural Affairs (DEFRA). Whilst it was determined by DEFRA that the data collected was not sufficient to justify the declaration of an AQMA, they requested that further monitoring be undertaken over a 12 month period. Upon receipt of the data collected over that period, DEFRA confirmed the need for the Council to declare an AQMA.

Report 14/2005 requested that the Strategic Director (Environment) be given authority to declare an area in Hele to be an Air Quality Management Area.

Alternative options considered and rejected at the time of the decision

Not to delegate authority to the Strategic Director (Environment)

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

APPENDIX 1 (continued)

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

GRANT IN LIEU OF RENT – 10TH TORBAY (BABBACOMBE) SEA SCOUT GROUP – WALLS HILL QUARRY, TORQUAY

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the Director of Finance be authorised to give the 10th Torbay (Babbacombe) Sea Scout Group a grant of £925 per annum in lieu of rent from 4th April 2003 until 6th April 2006 to help offset the cost of the assessed market rent of the site.

Reason for Decision

To assist the Scout Group financially to continue its work with the development of young people in a safe environment.

Information

Report 12/2005 (exempt) requested that consideration be given to an application from the 10th Torbay (Babbacombe) Sea Scout Group for a grant in lieu of rent in relation to land at Walls Hill Quarry.

Alternative options considered and rejected at the time of the decision

Not to give any financial assistance to the Group or give the Group a grant to help offset only part of the rent liability.

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

CHILDREN'S CARE PACKAGE IN EXCESS OF £25,000

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the care package in respect of Case ID 49149 be approved.

Reason for Decision

As set out in Report 13/2005 (exempt).

Information

Report 13/2005 (exempt) requested that consideration be given to the funding of a care package (Case ID 49149) which would involve expenditure of over £25,000 per annum.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

ADULT CARE PACKAGES IN EXCESS OF £25,000

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

- (i) That the ongoing provision of care in respect of cases 01/02/2005 and 02/02/2005 be approved; and
- (ii) that continued funding of residential care in respect of case 03/02/2005 be approved.

Reason for Decision

As set out in Reports 33/2005 and 38/2005 (exempt).

Information

Reports 33/2005 and 38/2005 (exempt) requested that consideration be given to adult care placements which would involve expenditure in excess of £25,000 in respect of each case.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

DATED

28 FEBRUARY 2019

LICENCE TO OCCUPY ON SHORT TERM BASIS

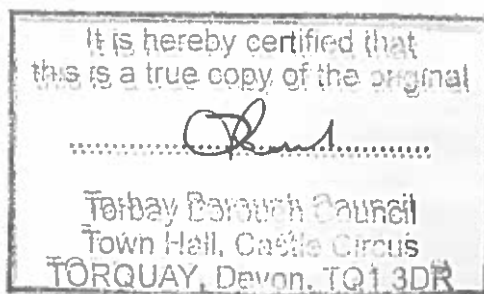
relating to the area known as land at Preston Down Road

between

The Council of the Borough of Torbay

and

Torbay Coast & Countryside Trust





Occombe Valley Woods Local Nature Reserve

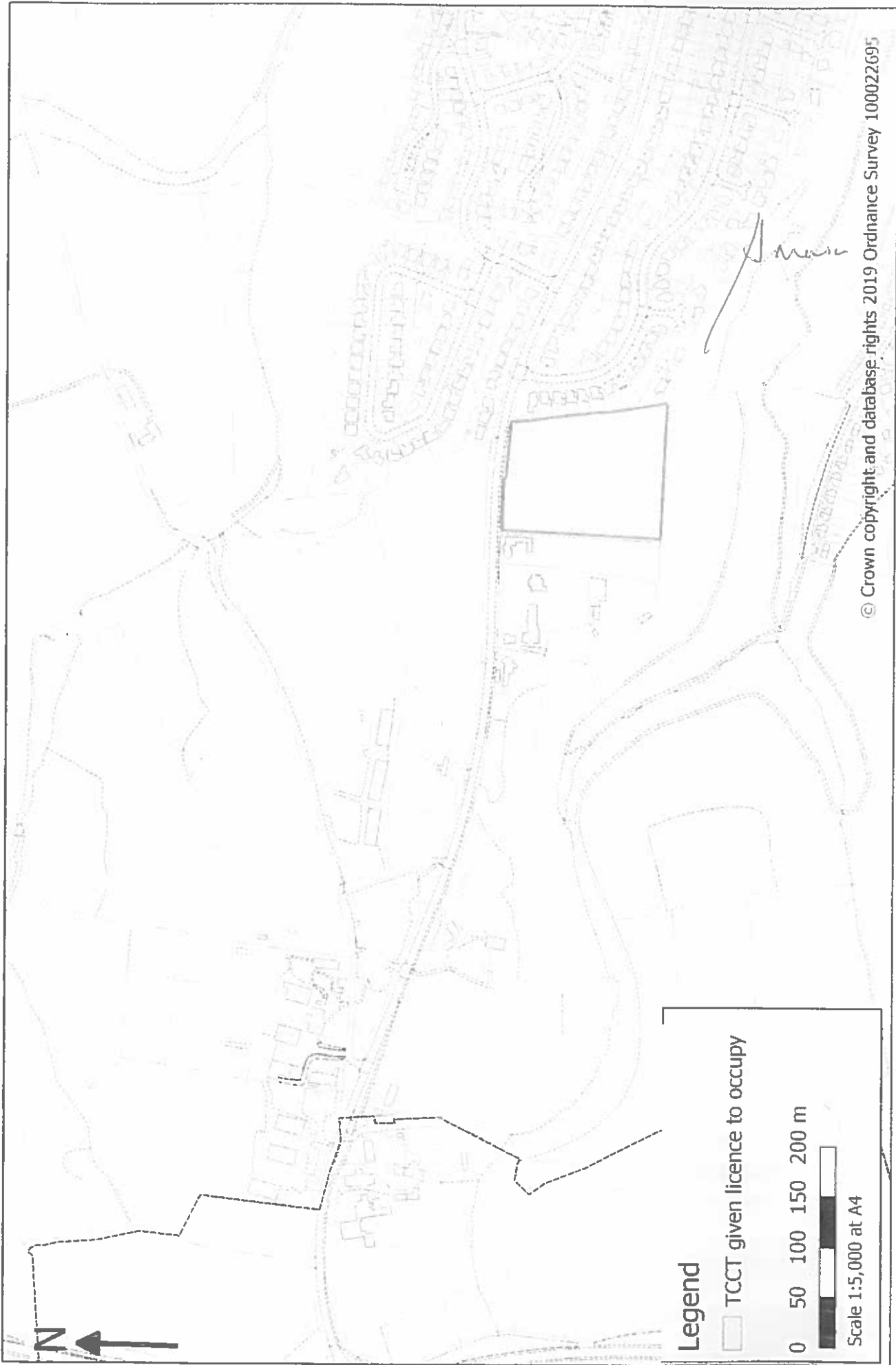
Occombe Valley Woods Local Nature Reserve



EM Plan No: EM3172
Date: 5 October 2018
Title: Land North & South of Preston Down Rd, Paignton

Asset No: P0953AB
LR Title No: DN521239
Area: 40,581.9 m²





Plan 1 - Land at Preston Down Road (PDR)

This licence is dated

28 FEBRUARY 2019

Parties

- (1) THE COUNCIL OF THE BOROUGH OF TORBAY of Town Hall, Castle Circus, Torquay TQ1 3DR (Licensor)
- (2) TORBAY COAST & COUNTRYSIDE TRUST (registered charity number 1077561) incorporated and registered in England and Wales with company number 3757410 whose registered office is at Ocombe Farm, Preston Down Road, Paignton TQ3 1RN (Licensee)

Agreed terms

1. Interpretation

The following definitions and rules of interpretation apply in this licence.

1.1 Definitions:

Common Parts: such roads, paths, entrance halls, corridors, lifts, staircases, landing and other means of access in or upon the Estate the use of which is necessary for obtaining access to and egress from the Property as designated from time to time by the Licensor.

Competent Authority: any statutory undertaker or any statutory public local or other authority or regulatory body or any court of law or government department or any of them or any of their duly authorised officers.

Designated Hours: such hours to be agreed between the Licensee and Licensor having regard to the Licensor's redevelopment of the Estate.

Estate: all that land at Preston Down Road, Paignton and shown edged red on plan EM3172 or such reduced or extended area as the Licensor may from time to time designate as comprising the Estate.

Licence Fee: a peppercorn (if demanded).

Licence Fee Commencement Date: the date of this licence.

Licence Period: the period from and including [DATE] until the date on which this licence is determined in accordance with clause 4.

Necessary Consents: all planning permissions and all other consents, licences, permissions, certificates, authorisations and approvals whether of a public or private nature which shall be required by any Competent Authority for the Permitted Use.

Permitted Use: agricultural.

1.12 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

1.13 A **working day** is any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

2. Licence to occupy

2.1 Subject to clause 3 and clause 4, the Licensor permits the Licensee to occupy the Property for the Permitted Use for the Licence Period during the Designated Hours in common with the Licensor and all others authorised by the Licensor (so far as is not inconsistent with the rights given to the Licensee to use the Property for the Permitted Use) together with the rights mentioned in the Schedule 1.

2.2 The Licensee acknowledges that:

- (a) the Licensor requires access to the Property at all times in connection with the proposed redevelopment of the Property;
- (b) the Licensor shall be carrying out intrusive surveys, investigations and highway works at the Property and the Licensee shall have no right to compensation for disruption as a result of the same;
- (c) the Licensee shall occupy the Property as a licensee and that no relationship of landlord and tenant is created between the Licensor and the Licensee by this licence;
- (d) the Licensor retains control, possession and management of the Property and the Licensee has no right to exclude the Licensor from the Property;
- (e) the licence to occupy granted by this agreement is personal to the Licensee and is not assignable and the rights given in clause 2 may only be exercised by the Licensee and its employees; and
- (f) without prejudice to its rights under clause 4, the Licensor shall be entitled at any time on giving not less than 14 days' notice to require the Licensee to transfer to alternative space elsewhere within the Estate and the Licensee shall comply with such requirement.

3. Licensee's obligations

The Licensee agrees and undertakes:

- (a) to pay:
 - (i) to the Licensor the Licence Fee on demand; and

- (n) to observe any rules and regulations the Licensor makes and notifies to the Licensee from time to time governing the Licensee's use of the Property and the Common Parts;
- (o) to leave the Property in a clean and tidy condition and to remove the Licensee's furniture equipment and goods from the Property at the end of the Licence Period;
- (p) to indemnify the Licensor and keep the Licensor indemnified against all losses, claims, demands, actions, proceedings, damages, costs, expenses or other liability in any way arising from:
 - (i) this licence;
 - (ii) any breach of the Licensee's undertakings contained in clause 3; and/or
 - (iii) the exercise of any rights given in clause 2;
- (q) to pay to the Licensor interest on the Licence Fee or other payments at the rate of 4 per cent per annum above the base rate of Barclays Bank plc from time to time calculated on a daily basis from the due date until payment if the Licensee shall fail to pay the Licence Fee or any other payments due under this licence within 14 days of the due date (whether formally demanded or not);

4. Termination

4.1 This licence shall end on the earliest of:

- (a) 31 March 2020; and
- (b) the expiry of any notice given by the Licensor to the Licensee at any time on breach of any of the Licensee's obligations contained in clause 3; and
- (c) the expiry of not less than one months' notice given by the Licensor to the Licensee or by the Licensee to the Licensor.

4.2 Termination of this licence shall not affect the rights of either party in connection with any breach of any obligation under this licence which existed at or before the date of termination.

5. Notices

5.1 Any notice given under this licence shall be in writing and shall be delivered by hand or sent by pre-paid first-class post or other next working day delivery service to the relevant party as follows:

- (a) to the Licensor at: Town Hall, Castle Circus, Torquay TQ1 3DR and marked for the attention of Director of Corporate Services; and

- (c) any losses, claims, demands, actions, proceedings, damages, costs or expenses or other liability incurred by Licensee or the Licensee's employees, customers or other invitees to the Property in the exercise or purported exercise of the rights granted by clause 2.

7.2 Nothing in clause 7.1 shall limit or exclude the Licensor's liability for:

- (a) death or personal injury or damage to property caused by negligence on the part of the Licensor or its employees or agents; or
- (b) any matter in respect of which it would be unlawful for the Licensor to exclude or restrict liability.

8. **Third party rights**

A person who is not a party to this licence shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this licence.

9. **Governing law**

This licence and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

10. **Jurisdiction**

Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this licence or its subject matter or formation (including non-contractual disputes or claims).

This licence has been entered into on the date stated at the beginning of it.

Schedule 1 Rights granted to Licensee

1. The right for the Licensee to use during the Designated Hours:
 - 1.1 Such parts of the Common Parts for the purpose of access to and egress from the Property as shall from time to time be designated by the Licensor for such purpose.
 - 1.2 The Service Media serving the Property.

Signed for and on behalf of

THE COUNCIL OF THE
BOROUGH OF TORBAY



J. Mason
.....
Authorised signatory

The Council of The 7206
Borough of Torbay S/No: ~~1468~~

Signed for and on behalf of

TORBAY COAST &
COUNTRYSIDE TRUST

.....
Director

Appendix 5

Evidence to support de-registration of the site as a Local Nature Reserve

Habitats present of the site consist of predominantly arable and species-poor improved grassland with common weed species and grasses on field margins, bramble scrub and shrub species such as hazel and blackthorn. Habitats are all considered to be common and widespread. A summary of the habitats present is provided below.

1.0 Habitats

1.1 Field to the north of Preston Down Road

Arable field with oat crop at time of survey. Southern boundary consists of fence with narrow band of scrub and very narrow field margin containing common weed species such as pineapple weed, creeping buttercup, broadleaved dock, common field speedwell, pale smartweed, scarlet pimpernel and fat hen. Field maple with grassy vegetation beneath containing cock's-foot, timothy, rough meadow grass and bramble. Divided from road verge by a post and rail fence. Western boundary consists post and barbed fence. Northern boundary consists mature outgrown hedge with wide margin at the base. Ruderal vegetation including hogweed, broad-leave dock, lesser burdock, common nettle and rank grasses. Some hazel stools present and a number of large ash trees. Hawthorn, blackthorn, sycamore also present. Eastern boundary consists barbed fence on bank. Mature Oaks noted with other woody species such as blackthorn, elder, dog rose, bramble, hazel, dense bramble, ash, holly and ivy.

1.2 Field to south of Preston Down Road

Field predominantly consists of species-poor lolium seeded grassland with white clover. Site entrance consists hardcore/rubble with disturbed ground and weedy species such as knotgrass, pineapple weed, dandelion, broadleaved dock, greater plantain, creeping buttercup, perennial sow-thistle, creeping bent and Yorkshire fog. Eastern boundary consists a mature hedge with rank grassland and ruderal vegetation including hawthorn, prunus sp. Ash, English elm, blackthorn, bramble, goat's beard ivy, black bryony, common nettle, common bent, timothy and cock's-foot. Southern boundary consists of woodland edge separated by post and rail fence with scrub patches and overhanging trees. Sycamore, oak, hazel, ash, bramble, common knapweed, creeping thistle, timothy, Yorkshire fog, enchanter's nightshade, common nettle, hawthorn, dog rose. Western boundary consists a fence. Northern boundary consists a mature hedge with post and rail fence. Species consist of oak, field maple, ash, blackthorn, ivy and bramble.

2.0 Protected species surveys

2.1 Bat activity surveys

To date the observations of activity on site consist of predominantly Common Pipistrelle and Soprano pipistrelle using the site to commute and forage (along boundaries, particularly adjacent to woodland off site). Occasional passes by Myotis, Noctule, Greater & Lesser Horseshoe (4 passes in all surveys completed during 2018/19), Long-eared sp. and one recording of a barbastelle. Please note, these surveys are still underway and automated surveys have not been included within the summary.

2.2 Dormice

No observations of dormouse or their nests have been identified at the site during surveys to date.

2.3 Reptiles

Reptile surveys are currently underway.

2.4 Bird surveys

Garden and parkland species of birds identified on site including blue tit, goldfinch, house sparrow, blackbird, robin, dunnock, wood pigeon, wren and blackcap. Foraging and nesting in site boundaries.

3.0 Designation criteria in Devon of Local Nature Reserves

Devon Wildlife Trust criteria for designation of a Local Nature Reserve are based on scientific criteria such as the size, species diversity and rarity of communities represented and the presence of rare or notable species. Local Nature Reserve sites may also have particularly important social, educational, recreational, landscape, aesthetic or potential values.

It is our professional opinion that none of the habitats present at the site warrant categorisation as a Local Nature Reserve. It is also our professional opinion that the protected species identified on site do not occur in the numbers or frequency at the site to warrant its designation as a Local Nature Reserve.

Date: 6 September 2019

Appendix 7

Preston Down Road Planning Statement

25 June 2019

This statement provides a local planning authority view of the position regarding planning policy and housing land supply in relation to the proposal contained in the report to Council.

The Torbay Local Plan 2012-2030 is a locally sustainable plan for growth which is within environmental limits. The Local Plan identifies land for the delivery of around 8,900 new homes over the plan period of 2012-2030, equating to around 495 homes per year. The overall level of housing and jobs growth, together with the locations of new development, represent a balanced and sustainable approach to growth. This strategy was subject to scrutiny by the community/stakeholders prior to being examined then approved by the Government's Planning Inspectorate. The Local Plan was then adopted by Council in December 2015.

The proposal contained in this report is in relation to the Council's ownership at Preston Down Road which is identified for new development within the Torbay Local Plan.

Preston Down Road

This site lies within an area identified in the Local Plan for a potential housing allocation. It is not part of an allocated housing site but does lie within a wider general area of Paignton agreed to be suitable for such growth. As part of the preparation of the Torbay Local Plan, the site was considered as being suitable for development as a result of a Strategic Housing Land Availability Assessment (SHLAA). A Sustainability Appraisal, which considered growth in this wider area of Paignton, also considered that the proposal would be consistent with planning for sustainable development. The Torbay Local Plan provides for the site to be considered for allocation as a housing site either within the Paignton Neighbourhood Plan or future site allocation documents, in order to contribute to the required level of growth needed in Paignton.

The Adopted Paignton Neighbourhood Plan does not allocate this site for development, nor indeed any other sites for housing development in Paignton. Notwithstanding this, the findings of the Independent Examiner who assessed the Paignton Neighbourhood Plan are that this does not detract from the housing need required by the Torbay Local Plan – the target for housing in Paignton as set out in the Local Plan remains at 4,285. The Examiner's report finds that the Paignton Neighbourhood Plan cannot be required to make housing allocations and recommends that it meets the basic conditions and that it should proceed to Referendum subject to modifications.

This means that the local planning authority would need to make further allocations for development in order to seek to meet its housing requirement and demonstrate a five year supply of deliverable housing sites. The local planning authority's approach

would be to allocate further sites for development through the review of the Local Plan in order to meet the shortfall in allocated housing sites created by the absence of a neighbourhood plan or site allocations document which fills this gap. Sites which have been identified for development within the Torbay Local Plan but have not been allocated or given planning permission (such as the site in question at Preston Down Road), will form a starting point for the consideration of new housing allocations which will be made as necessary through the Local Plan review. These allocations will need to be made in order to deliver development for the rest of the plan period through to 2030.

Housing land supply and NPPF

Torbay Council, as Local Planning Authority, is required to set out its position and understanding of its supply of future housing. The NPPF requires that local authorities maintain a supply of specific, deliverable sites sufficient to provide 5 years' worth of housing to meet their housing requirements set out in their Local Plans (para 73 of the NPPF).

The Council can demonstrate less than 5 year's supply of deliverable housing land and therefore applications for new housing in Torbay must be considered against the Presumption in Favour of Sustainable Development in Paragraph 11 of the NPPF. Under Paragraph 14 of the NPPF, the Paignton Neighbourhood Plan does not contain allocations to meet its identified housing requirement, and is accordingly less likely to be protected from the operation of the Presumption, when residential applications are considered.

The Torbay Local Plan through Policy SS13, provides for a number of ways in which the local planning authority would seek to boost housing supply under this circumstance, including bringing forward sites from later in the plan period, allocating further sites for development, etc.

It is imperative that the local planning authority maintains a 5 year land supply in order to effectively deliver the strategy and policies contained in the Local Plan and (when adopted/made) Neighbourhood Plans. Without a 5 year housing land supply, the local authority is subject to increased risk of development occurring in locations which might not be locally palatable or being of a lower quality than that which might have otherwise been required through local policies.

The new National Planning Policy Framework (NPPF) sets out a national standard methodology for the calculation of housing need. The delivery rate in the adopted Local Plan is 495 dwellings per year. The objectively assessed housing needs for Torbay (taking into account local policy added targets for employment growth) is 615 per year. The need to meet the objectively assessed figure was reduced due to environmental constraints in Torbay, which had to be justified and accepted as part of the Examination of the Torbay Local Plan. Future reviews of the Torbay Local Plan will be subject to their own Examinations and scrutiny. The new household standard methodology sets out a Local Housing Need of around 600 dwellings per year. This is a minimum figure which does not consider economic factors.

In future, looking ahead to reviews of the Torbay Local Plan, it is highly likely due to environmental constraints that the Council will need to work under the duty-to-

cooperate with its neighbouring authorities and ask them to take at least some of its housing requirement. Neighbouring authorities also face pressure for delivering enough suitable housing land and the Council is only likely to be successful in gaining the cooperation of neighbouring authorities if it can show that it is doing all it can to accommodate housing development on suitable and sustainable sites where possible within Torbay.

General comments on delivering large housing sites

The delivery of housing on large sites takes many years and it is therefore important that work to deliver sites that might not be expected to be built out for many years begins many years in advance. This steps in this process (i.e. from start to finish) have been identified in research (NLP, 2016) as:

- The lead in time
- The planning approval period
- The time of the first housing completion
- Annual build rate
- Site completion

The lead in time precedes the submission of a planning application and can involve land assembly, detailed site surveys, technical planning preparation, etc. The planning approval period is the time taken to determine a planning application (in full). There is then a period of time between granting planning permission and the time taken for construction works to achieve the delivery of the first house. From then on there will be an annual build out rate (the number of homes built on site per year). For example, this might be expected to be 40-50 homes a year for a site of between 100-350 homes. This means that large sites can take a number of years to build out in full even once planning permission is granted.

Research indicates that the time taken to begin delivering homes on a site (that can be counted in the Council's annual housing monitor) of between 100-499 dwellings takes on average 4 years from the moment a planning application is submitted. Then, applying a build out rate of 50 homes per year, it would take a 300 home development a further 6 years to be fully delivered (10 years in total). In order to deliver housing on large sites and deliver them within the period up to 2030, preparation leading up to the submission of development proposals must begin many years in advance.



Meeting: Cabinet
Council

Date: 15 October 2019
24 October 2019

Wards Affected: All wards in Torbay

Report Title: Port Masterplan (Addendum)

Is the decision a key decision? Yes

When does the decision need to be implemented? asap

Cabinet Member Contact Details: Councillor Mike Morey, Cabinet Member Infrastructure, Environment and Culture

Supporting Officer Contact Details: Adam Parnell
Head of Tor Bay Harbour Authority
Telephone: 01803 292429
Email: adam.parnell@torbay.gov.uk

1. Proposal and Introduction

1.1 This report presents the Port Masterplan (Addendum) which has been developed following extensive public consultation and sets out a practical and realistic strategy for Tor Bay Harbour from 2019-2024.

2. Reason for Proposal and associated financial commitments

2.1 The Port Masterplan (Addendum) is a policy framework document which requires it to have been considered by both Harbour Committee and Cabinet, before ultimately being approved by Full Council. This report seeks Cabinet's recommendation as part of that process to Full Council.

2.2 The proposals contained in this report does not commit the Council financially over and above the requirement to set a balanced Harbour Authority revenue budget annually (this is delegated to the Harbour Committee). It does however inter alia seek:

- grant funding from external agencies (e.g. Environment Agency and Central Government) to improve environmental protection of all three enclosed harbours e.g. further rock armouring of Victoria breakwater, Paignton's North and East Quay and Torquay's Haldon pier;
- grant funding for a northern arm floating breakwater to enhance the environmental protection of Brixham harbour, further land reclamation between the Fish Quay and Oxen Cove to provide additional landing berths; and,

- a limited dredging campaign to accommodate deeper-draught fishing vessels to be paid for from harbour revenue reserves (circa £70,000).
-

3. Recommendation(s) / Proposed Decision

- 3.1 That the Cabinet recommends to the Council that the Port Masterplan (Addendum) set out at Appendix 1 to the submitted report be approved.

Appendices

Appendix 1: Port Masterplan (Addendum)

Background Documents

Tor Bay Harbour Port Masterplan published 2013

Section 1: Background Information

1.	What is the proposal / issue? Tor Bay Harbour published its Port Masterplan in 2013 which for the first time set out a practical and long-term strategy for the future of Tor Bay Harbour for 20-25 years. It was designed as a 'living document' which was to be the subject of periodic updates to remain aligned with the evolving needs and wishes of harbour users, reinforce and build on achieved successes and to identify and react to new challenges and opportunities. Given that over 5 years have now passed, and following a number of public consultation events that took place throughout 2018, it was decided that the overall Port Masterplan had stood the test of time and required only an addendum to provide, in greater detail, the plans and intentions for the next 5 years between 2019-2024.
2.	What is the current situation? The Port Masterplan (Addendum) has been developed through extensive public consultation and Harbour Committee input, but requires Full Council adoption to become a policy framework document.
3.	What options have been considered? To continue with the original Port Masterplan and accept that it would become more out dated with time. To undertake a comprehensive review of the Port Masterplan and publish at approximately quinquennial intervals an Addendum to update the Masterplan, which would remain as a 'capstone' document.
4.	What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles? The Port Masterplan (Addendum) ensures that the Harbour Authority's strategic plans and activities remain aligned with the needs of harbour users and has been designed to dovetail into a number of other frameworks including: <ul style="list-style-type: none">- The National Policy Statement for Ports- South Inshore and South Offshore Marine Plan- The Coastal Concordat- The Torbay Local Plan- Various Neighbourhood Plans- and deliver against the Council priorities of:

	<ul style="list-style-type: none"> - Thriving people and communities: <ul style="list-style-type: none"> o the Addendum recognises the cultural and historical context of Tor Bay and its enclosed harbours including its heritage fleet and world-famous vistas as well as its Geo-Park status o It enables commercial growth through expansion of fishing industry infrastructure ashore and afloat o It delivers a better stakeholder experience o It improves the visibility and access to the water o It reinforces the Bay as a safe, vibrant and attractive destination - A climate fit for the future: <ul style="list-style-type: none"> o The Addendum explicitly seeks better environmental protection to take account of climate change and seeks to make marine activities more sustainable - A Council fit for the future: <ul style="list-style-type: none"> o It seeks greater efficiencies in staff and, through facilitating commercial growth, increases revenue returns to the Council
5.	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p> <p>Not applicable</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>The Addendum seeks to tackle poverty, deprivation and vulnerability through the facilitation of commercial growth and year-round skilled job opportunities throughout Torbay. It seeks to introduce presently lacking services through encouraging third parties to deliver them within the enclosed harbours e.g. better marine engineering facilities, greater access to the water.</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>There are no specific proposals that impact positively or negatively on people with learning disabilities.</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>Comprehensive public and stakeholder consultation events were run in each of the 3 enclosed harbours in 2018 in which attendees were invited to 'design' a future vision of Tor Bay Harbour. Many of these proposals have been incorporated into this Addendum which reflects users' evolving needs and wishes.</p>

Section 2: Implications and Impact Assessment

9.	What are the financial and legal implications? There are no financial implications over and above the annual setting of a Harbour Authority revenue budget. All plans requiring capital expenditure would be subject to a separate and stand-alone business case. There are no legal implications of this report.
10.	What are the risks There is a risk that if the climate adaptation measures contained within the Addendum are not enacted then Tor Bay harbour will more frequently and more powerfully experience significant adverse environmental changes e.g. more frequent and more powerful storms, flooding, sea-level rises. There is a risk that if the commercial growth measures contained within this report are not enacted then Tor Bay will not keep pace with future stakeholder needs.
11.	Public Services Value (Social Value) Act 2012 The Addendum seeks the delivery of several work-streams each of which will require its own procurement processes within existing Government and Council regulatory guidelines. These will be the subject of separate and stand-alone procurement processes.
12.	What evidence / data / research have you gathered in relation to this proposal? A number of public and stakeholder consultation events were held throughout 2018 to develop this Addendum. Many of the ideas and suggestions proposed have been incorporated into this document.
13.	What are key findings from the consultation you have carried out? While the Port Masterplan (2013) has broadly stood the test of time it has diverged in parts from the evolving needs of 2019 and beyond. The Addendum provides an update to the over-arching capstone document to rectify this.
14.	Amendments to Proposal / Mitigating Actions None

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Greater employment opportunities Better access to the water		
	People with caring Responsibilities			No impact
	People with a disability			No impact
	Women or men	Greater employment opportunities Better access to the water		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No impact
	Religion or belief (including lack of belief)			No impact
	People who are lesbian, gay or bisexual			No impact
	People who are transgendered			No impact
	People who are in a marriage or civil partnership			No impact
	Women who are pregnant / on maternity leave			No impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Greater well-being and greater employment opportunities	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Better access to the water and marine activities	
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No	
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No	



PORT MASTERPLAN ADDENDUM 2019-2024



EXECUTIVE SUMMARY

In 2013 The Tor Bay Harbour Authority published its Port Masterplan which set out, for the first time, a practical and realistic long-term strategy for the future of Tor Bay Harbour over the following 20-25 years. The Masterplan was designed as a 'living document' and the subject of periodic updates to remain aligned with the evolving needs and wishes of Harbour users, reinforce and build on achieved successes, and to identify and react to new challenges and opportunities.

In the 5 years since its publication much has changed. Operationally, the Bay's popularity as a working and recreational harbour has increased with greater number of marine events held every year. The fishing industry based primarily in Brixham has expanded, and the Bay remains a regular destination anchorage for cruise ships and other merchant vessels.

Many of the projects identified to improve

the Bay and its 3 enclosed ports of Brixham, Paignton and Torquay have been successfully delivered, including improvements to Princess Pier and Beacon Quay in Torquay, improved fendering and other infrastructure for the fishing and shell-fishing industry in Paignton and Brixham. Inevitably a lot of the Port Masterplan has yet to be delivered but this is only to be expected: we are only 5 years into a 25-year programme.

There have been many changes to the operating environment, too: reductions to central government funding of Local Authorities, combined with increased demands upon its services, have left Torbay Council (among many others) facing severe financial pressures. The consequences of the 2016 Brexit vote have yet to crystallise but could present challenges for tourism, and the marine and environmental sectors which will have to be addressed quickly if business continuity is to be maintained. It might also result in greater opportunities eg for the fishing industry. It is probable that the administrative burden will increase eg as a result of increased customs checks of non-UK vessels landing to Torquay or Brixham, and proactive steps are being taken to mitigate this.

As part of ongoing efforts to minimise the impact of human activity on Tor Bay's natural environment – while also allowing, where possible, for those activities to take place - the Harbour Authority have been closely involved in several Bay-wide initiatives to improve sustainability. These have included monitoring the recently introduced Torbay inshore Marine Conservation Zone; working alongside Living Coasts and others by contributing to the design and installation of experimental eco-moorings to hopefully reduce scouring of the seabed caused by mooring and anchor chains; and working with the Community Seagrass Initiative and Fishing for Litter projects, among others.



INTRODUCTION

In 2012 the Tor Bay Harbour Authority commissioned Royal Haskoning DHV to consult on and draft a strategic Port Masterplan for Tor Bay and the three enclosed ports of Torquay, Paignton and Brixham. This document was published in 2013 by the Harbour Authority to set out, for the first time, a practical and realistic long-term strategy for the future of Tor Bay Harbour over the following 20-25 years.

The Port Masterplan was unashamedly ambitious in its reach and undoubtedly

comprehensive in its breadth: it considered not only the physical infrastructure requirements of the Harbour's ports and the wishes of its users, but it also encompassed the wider environmental and socio-economic aspects including tourism, transport links, employment opportunities, and its contribution to the health and wellbeing of residents and visitors.

When the Port Masterplan was published, the Torbay Local Plan and the towns' Neighbourhood Plans were still being developed, and thus a key purpose of the Port Masterplan was to inform, influence and assist their development by explaining to local communities and the marine industry how they could expect to see the Harbour and its

ports develop over time.

Pleasingly, the Port Masterplan has stood the test of time: although much has changed over the intervening period, it remains a valid and actionable document, requiring only a minor update – the purpose of this Addendum, which is designed to be read in conjunction with the original publication. Objectives and projects which have already been achieved are identified; those that are ongoing are critically reviewed against the current and foreseeable operating environment and modified as necessary to ensure that they can be delivered. New opportunities are identified and incorporated into the Addendum. Similarly, those objectives described in the 2013 publication which are either undeliverable or no longer pertinent are also categorised along with an explanation of why they will no longer be pursued.

This document has been developed after extensive consultation with stakeholders and the public to reflect their evolving aspirations and requirements. Consultation events were held on a number of throughout the summer of 2018 at each of the enclosed ports to ensure that as many views as possible could be captured and considered.

THE BAY AND ITS THREE PORTS

Tor Bay

Tor Bay Harbour, the waterfront, the three enclosed ports and the coastline all form the central part of Torbay's built and natural environment. The focal point is the wide and open bay which provides substantial protection from the prevailing south-westerly weather. It is truly a community resource. It is a 'working' harbour in which cruise ships and merchant vessels frequently anchor to land passengers, change crews or undertake at-sea hull inspections. In poor weather it is a 'port of refuge' for vessels seeking shelter. The Bay accommodates inshore passenger ferries to connecting the towns of Torquay, Paignton and Brixham to Teignmouth and Dartmouth.

The absence of strong tidal currents, rip-tides or eddies, as well as its gently shelving seabed make it an ideal and popular destination for recreational and leisure vessels and hosts

many maritime races and events each year. It is a regionally-significant tourist destination and also supports a fishing industry of national importance.

Tor Bay is also visited by cruise ships which anchor off Torquay Harbour both because of its location - it neatly links the destinations of Hamburg or Southampton in the east, to Cork or Dublin in the west, and the Iberian Peninsula to the south. It is also the ideal 'gateway' to Exeter, Dartmoor and many South Devon attractions as well as a popular destination in its own right. It is also the diversionary harbour of choice for cruise vessels which cannot safely make Plymouth or Dartmouth in poor weather.

A number of merchant vessels make use of Tor Bay's sheltered deep water anchorages to temporarily lay-over, to swap crews or to conduct under-water hull inspections. Historically they also used to conduct hull cleans and propeller polishing activities but these stopped several years ago due to concerns over the potential to introduce environmental pollutants into the Bay. A number of technological advances have addressed these reservations and it is hoped that these will recommence in the near future,

hopefully increasing the number of visiting merchant vessels.

Connectivity

Since the 2013 publication of the Port Masterplan the Bay has become increasingly well connected to the South Devon hinterland and beyond: recent large-scale road network improvement projects including the A380 South Devon Expressway have reduced journey times for the 30,000 vehicles which daily travel between Torbay and Newton Abbott by up to 40 minutes. This will be further improved if the Torquay Gateway Scheme is progressed.

Ongoing road widening works along the 'western corridor' are also improving Brixham's connectivity to Paignton, Torquay and beyond. However, immediate road connectivity to each of the three ports remains single-carriageway only, and there are competing pressures between resident, tourist and commercial traffic, all of which continue to increase in volume.

Intra-port connectivity has similarly improved with regular seasonal foot-passenger ferries which operate between the three ports of Tor Bay and also to Teignmouth and Dartmouth.

However the fast ferry service which commenced in 2015 was scrapped in 2017 due to lack of customer demand.

Rail connectivity for the Bay has similarly stalled despite the line at Dawlish being rebuilt after it was washed away in 2014, as the rail improvements outlined in the Local Transport Plan have been indefinitely delayed due to funding considerations.

Brixham

Brixham remains the 4th largest fishing port in the UK and the largest in England and Wales by value of catch landed; this is illustrated in the table below:

Type	Quantity (thousand tonnes)		Value (£m)	
	2012	2017	2012	2017
Demersal	4.2	4.7	11.9	15.6
Pelagic	2.1	1.6	0.7	0.5
Shellfish	7.4	8.7	13.5	24.6
total	13.7	15	26.1	40.7

Since the Port Masterplan was published in 2013 both the quantity and value of fish and

shell-fish product have increased and the fishing port is approaching capacity in terms of vessels that it can accommodate. Similarly, the fish market is reaching capacity shore-side regarding the number and size of lorries that it can safely accommodate. An objective of this Addendum is to address these capacity issues to ensure that the fishing industry can continue to grow and evolve into the future.

Brixham’s heritage fishing fleet continues to be an active and visible presence in and around the Bay and, along with the commercial fishing fleet described above, remains a key element of Brixham’s attraction as a tourist destination particularly during the main summer season when the town can become congested with both people and traffic. Parking within the town remains at a premium and the plans within this Addendum are, where practicable, cognisant of their impact on the availability of parking.

In addition to the MDL-operated marina, Brixham also hosts approximately 200 swinging moorings in the outer harbour. There is an aspiration to replace these with a piled ‘walk ashore’ pontoon system which would reduce their footprint and enable further development of the harbour; however the 2013 Masterplan

noted that this could not be undertaken without the further environmental protection provided by a northern breakwater arm.

Paignton

Paignton Harbour is a compact and enclosed working harbour which completely dries out at low tide. It is situated within an urban and mostly residential area of Paignton, lending it a strong community feel by virtue of its active dinghy sailing, rowing and Sea Scout groups. It is surrounded by several historic buildings, vibrant restaurants and café as well as some small commercial marine units, particularly on South Quay, including crab vivier tanks. It is spatially dislocated from the town centre and experiences reduced footfall and vehicle traffic as a result. Addressing the perceived gap will unlock the unlocked potential of Paignton Harbour, and this plan seeks to achieve just that.

The busy East and North Quays are used to store many dinghy-sized craft and canoes, some fishing-related stores and seasonal passenger-ferry boarding stations.

Ample car parking behind the buildings on South Quay exists but is underused except during the high season, and the harbour’s two

slipways are popular launching sites.

The harbour walls are aging but sound, however many of the buildings on South Quay require refurbishment. Many of the businesses and clubs wish to expand but are prohibited from doing so due to lack of space or inefficient building's design or layout. In particular the demand for storage outstrips supply due to spatial constraints.

The 2013 Port Masterplan noted the need to raise, and potentially to extend, the East Quay wall to improve environmental protection as well as the possibility of building a new slipway and quay wall on its outer (seaward) side. These have not yet commenced due to cost, but remain high priorities, however other Masterplan projects are being taken forward, particularly the redevelopment of the Harbour Light building and the redevelopment of South Quay.

Torquay

Torquay Harbour is a modern enclosed harbour from which a small but significant commercial fishing industry as well as a number of passenger ferry companies operate. Visually the harbour is dominated by pontoon-style berths for recreational vessels,

split approximately evenly between MDL and Local Authority ownership, and the harbour has almost reached capacity: there is very little room afloat for further berths.

The harbour is protected by the twin arms of Haldon Pier and Princess Pier, the latter being recently refurbished (2018) when the derelict landing stage was removed. Haldon Pier was historically a popular berth for small to medium sized coasters but is unlikely to ever operate in this capacity again for several reasons: rock armouring prohibits berthing along the outer face and the harbour entrance is too narrow to allow such vessels to manoeuvre safely alongside the inner face. Furthermore Haldon Pier requires substantial refurbishment if the current vehicle weight restriction is to be revoked, which presently curtails the volume of cargo that can be discharged alongside. Instead, the visitors' pontoon is moored alongside the inner face and provides walk-ashore access to the toilets, showers, shops and cafes situated along Beacon Quay on the harbour's northern side.

The Beacon Quay slipway is an extremely popular launching point for small vessels and in summer often requires active management to prevent congestion. Further west along

Beacon Quay are the historically significant, but despite their listed status are sadly dilapidated, WWII landing craft ramps from which some of the armed forces which participated in D-Day departed. Between the ramps and slipway is the Town Dock which is used by passenger ferries and cruise vessel tenders to land and pick up passengers.

There is a fuel berth on South Pier which vends both petrol and marine diesel but this needs substantial renovation before it can be permitted to recommence trading. This Pier, along with the adjoining bridge and cill, provides further protection for vessels moored in the Inner Harbour which dovetails into the lower part of the town and is surrounded by commercial premises as a consequence.

The route from the Town Dock to the town centre has been the focus of improvements in Torquay to reflect its 'gateway' status into and out of the town from the water. The focus in this Addendum will be the less conspicuous but equally important quay walls around other parts of the harbour as part of an ongoing programme of future-proofing and renovations.

THE NEED FOR PORT MASTER- PLANNING

The Harbour Authority is continuously responsible for improvements to the harbour facilities to accommodate changes in the needs and demands of port customers, port users, stakeholders and legislation in order to ensure continuing success.

Published in 2013, the main purpose of the Port Masterplan was to provide a practical and realistic long-term strategy for the future of Tor Bay Harbour over the following 20-25 years. It was designed as a 'living document' and is the subject of periodic updates (of which this document is the first) to remain aligned with the evolving needs and wishes of Harbour users, reinforce and build on achieved successes, and to identify and react to new challenges and opportunities.

This Port Masterplan is a high level framework document that provides overall strategic

spatial development guidance on the most sustainable future for Tor Bay Harbour and its three enclosed ports. It is not meant to include detailed plans of developments for implantation but instead provides flexibility for development over the longer term.

It is also designed to communicate the Harbour Authority's aspirations to the wider community and other planning bodies to ensure that future harbour development remains coherent with change delivered through the Torbay Local Plan, Neighbourhood Plans and other regional and local strategies.



THE APPROACH FOR THIS ADDENDUM

Designed to remain relevant for up to 20 years, much of the Port Masterplan remains germane as a 'capstone' document which articulates the broader strategic setting. This Addendum, and each of those which follow will serve to update the contextual and other changes which have occurred since the 2013 publication and to provide greater levels of clarity and detail regarding priorities, proposed developments and a proposed delivery plan for the forthcoming 5-10 year timeframe.

Like the Port Masterplan, this and future Addendums are deliberately ambitious and, to a certain extent, aspirational: many of the plans are not currently funded and it may prove impossible to deliver these capabilities within the desired timeframe (or indeed at all if circumstances so dictate). However it is important to describe future plans and



projects in sufficient detail that future growth, however piecemeal, remains coherent. Each delivery plan should thus not be viewed as stand-alone project but instead a piece within a wider holistic 'jigsaw'.

The development of this Addendum followed closely to that employed for the original Port Masterplan. Stakeholder workshops were undertaken during the summer in each of the three harbours to understand what had changed since publication of the Port Masterplan and to identify future requirements and priorities. These workshops focused on 4 questions:

- What changes have taken place since publication of the Port Masterplan?

- What are the future requirements of Tor Bay Harbour that we must address?
- What are your ideas for the development of the harbour?
- What is your order of priority for future development?

Each workshop concluded with a plenary session to gauge areas of collective agreement. These were incorporated into a draft version of this document which was circulated amongst consultation attendees for feedback prior to its being presented to the Harbour Committee for endorsement and subsequent Council adoption.

THE STRATEGY FOR TOR BAY HARBOUR AUTHORITY

The overarching strategy for Tor Bay Harbour Authority remains unchanged from that published in the Port Masterplan:

‘to provide a high quality service that is committed to improve Tor Bay Harbour and provide a cleaner and safer environment by addressing the following objectives:

- Maintain Tor Bay Harbour and the three enclosed ports under the management of one Harbour Authority
- Review and use the statutory powers of the Harbour Authority to fulfil its statutory duties in a timely manner for the purpose of improving, maintaining and managing

the harbour while continuing to contribute, where possible, to the finances of the owning authority – Torbay Council;

- Develop robust partnerships with key maritime stakeholders to attract and deliver commercial port businesses, contributing to job creation and the local economy;
- Manage the harbour in a sustainable manner by supporting a variety of marine activities including fishing, shipping, marine-related businesses, heritage, eco-tourism and marine recreational activities;
- Balance the responsible stewardship of the marine environment with appropriate socio-economic development and use of Tor Bay;
- Measure and monitor the needs and wishes of harbour users, the local community and visitors through appropriate research; and,
- Improve connectivity between the enclosed ports by upgrading facilities for marine transport.’

These objectives remain unchanged from the original Port Masterplan because they were

designed with longevity in mind, and despite changes to the operating context they remain valid. That notwithstanding their priorities have undoubtedly changed: issues surrounding port governance have diminished in relative terms compared to the protection of the marine environment for example.

The plans and projects detailed later in this document each contribute towards one or more of these objectives.

WHAT HAVE WE ACHIEVED SINCE THE LAST PLAN?

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Much has been achieved since the original plan was published in 2013. These include:

The Bay

- The establishment of an inshore Marine Conservation Zone (MCZ) around the Bay in 2013 has enhanced the protection of the Bay's natural environment;
- The number of our beaches which have been granted the prestigious Blue Flag award standard has risen despite the threshold criteria for water quality having been substantially raised in 2015. This reflects the continuing improvement in our natural environment and also the facilities offered at the waterfront;
- New seasonal passenger ferry links to Teignmouth have reinforced the Bay's attractiveness as a tourist destination;

- The continuing use of the Bay as a place of refuge in inclement weather and also as a destination for cruise vessels provides an economic boost to the area.

Torquay

- The replacement of the swinging moorings in the Torquay inner harbour with walk-ashore pontoons. This has considerably improved safe access for harbour users to and from their vessels and enhanced the security of the vessels while berthed in the harbour;
- Permanent pontoons have been installed at the foot of Princess Parade for the commercial fishing fleet in Torquay, which has both increased the number of vessels which can be accommodated in the harbour and improved safe access for the fishermen;
- Seasonal pontoons have been installed along the inner face of Haldon Pier for visitors to improve the amenity and appeal of the port;
- The provision of improved pontoons and access brow for cruise ship passengers inside Haldon Pier;

- The obsolete landing stage on Princess Pier has been removed and the walkway refurbished to improve pedestrian access, particularly disabled access;

- The decking along Beacon Quay has been replaced with a composite surface, making it substantially safer especially in wet weather by improving its non-slip properties;

- The Harbour Authority has recently re-acquired the marine fuel station and investigating how best to refurbish it to ensure a future fuelling capability remains in Torquay;

- The wave screen in the outer harbour has been upgraded and is designed to better withstand any wave action during storms.

Paignton

- Refurbishment of the Harbour Light building is expected to commence in early 2019.
- Improved flood protection gates at the top of the slipway



Brixham

- Repairs to the Victoria breakwater following storm damage, the emplacement of more robust rock armouring along part of its seaward face as well as raising the breakwater's height by 50cm is expected to substantially improve its utility as a breakwater and future-proof it against rises in sea level due to climate change for up to 50 years.
- Better fendering of the Fish Quay's northern face will ensure that the more exposed landing berths remain operational in a wider range of inclement weather than at present;
- The expected installation of a shell-fish landing jetty in Oxen Cove will raise the

harbour's capacity will meet the growing demand by an increasing number of vessels to land a greater volume of stock.

Perhaps unsurprisingly (since we are only 5 years into a 25 year plan) a number of plans outlined in the Port Masterplan have yet to be delivered. While a few are no longer relevant, most are still needed although perhaps a few require modifying to reflect the changing operating environment, while other, new, requirements have emerged.

Those that will not be taken forward include:

- The extension to Haldon Pier to provide a deep water berth. This is not considered viable due to cost, the disruption to the inshore Tor Bay MCZ and also the lack of suitably deep water to attract sufficient

vessels alongside to justify the cost of construction. Moreover the fragile material state of the existing Haldon Pier would require costly and extensive maintenance works to bear the likely vehicular traffic and plant needed to make the pier a useful loading and unloading berth.

- Additional slipway on the seaward side of Paignton's East Quay and on the seaward side of Haldon Pier. Although these will be kept under review, there is sufficient launching capacity around the Bay to offset the need for the construction of additional slipways. Moreover the cost of construction is unlikely to ever be recouped from the launching fees they could generate and they would both be vulnerable to surge or flood damage in an easterly storm.
- A half-tide cill and lift bridge in Brixham. Experience from Torquay has shown that this would be very costly to build and require an increased number of harbour staff to manually lift and lower the bridge. Even if a pontoon berthing system similar to that in Torquay's inner harbour were built it is unlikely that the cost of the cill and bridge could ever be recouped.

SWOT ANALYSIS

The SWOT (strengths, weaknesses, opportunities and threats) analysis published in the Port Masterplan has been updated here to reflect the changes which have taken place over the intervening 5 years.

Strengths	Weaknesses
<p>Tor Bay Harbour is well protected with good anchorages for ships</p> <p>Significant Harbour Estate that makes the harbour sustainable</p> <p>English Riviera is a strong marketing and tourism brand</p> <p>Unique character of the individual ports</p> <p>Good provision of leisure and recreational boating facilities, including a number of active yacht clubs</p> <p>4th largest fishing port in UK with excellent reputation for quality</p> <p>Tor Bay is recognised as a port of refuge</p> <p>Attractive area for living and working</p> <p>All ports come under one governing Authority</p> <p>Outstanding natural environment with variety of designations eg MCZ</p> <p>Excellent water quality</p> <p>Safe road network which is continually improving</p> <p>Paignton and Torquay connected to national rail network</p>	<p>Some unused and derelict harbour facilities</p> <p>Aging critical harbour infrastructure eg piers, quays and harbour walls</p> <p>Lack of waterfront space to expand harbour businesses, particularly fishing industry</p> <p>Congested road networks, particularly in high season</p> <p>Lack of lift out/repair facilities for vessels eg MFVs</p> <p>Shortage of onshore marine leisure facilities</p> <p>Lack of cargo handling facilities</p> <p>Lack of cold storage and fish processing facilities</p> <p>No rail connections to the enclosed ports</p> <p>Tor Bay anchorages exposed to easterly weather</p> <p>Infrastructure & water depth are insufficient to accept cargo/ cruise vessels alongside</p> <p>Vulnerability to effects of climate change, particularly Paignton</p> <p>Paucity of car parking</p> <p>Shortage of maritime skills</p>

Opportunities	Threats
<p>Growth in 'green' tourism, investment and research</p> <p>Potential to run Tor Bay Harbour as an 'arm's length' company of the council similar to TDA</p> <p>Space for development in Brixham harbour</p> <p>Improvement potential for transport links</p> <p>Installation of climate change defences could enhance built environment</p> <p>Potential for further growth in visiting cruise and fishing vessel numbers</p> <p>Brexit may provide opportunities eg additional landing quota/TAC</p> <p>Introduction of electronic fish auction could increase volume/value of product landed</p> <p>Installation of a floating breakwater in Brixham would attract cargo and passenger vessels to the Bay</p> <p>Introduction of a hull-cleaning service would attract additional vessels into the Bay</p> <p>Potential for multi-storey parking</p> <p>Links to regional Higher and Further Education establishments</p> <p>External development funding opportunities</p>	<p>Climate change and coastal erosion</p> <p>Unknown consequences of Brexit on fishing and tourism industries (eg access to markets, loss of grant aid, disruption etc)</p> <p>Lack of finance to fund harbour infrastructure developments /size of financial contribution to the Council</p> <p>Risk of piecemeal development without a coherent overarching vision (eg like this document)</p> <p>Increasingly onerous legislative and regulatory environment could stifle development</p> <p>Competition from other harbours/ fishing ports/ cruise destinations</p> <p>Introduction of electronic fish market auction could result in product landed to other ports instead of Brixham</p> <p>Very lean staffing levels at each of the enclosed ports</p>

DEVELOPMENT PLANNING POLICY

This document, and the Port Masterplan which preceded it, have been developed with regard to the wider policy frameworks such as the National Planning Policy Framework (updated 2018), the National Policy Statement for Ports (2012), the Torbay Local Plan (2015) and the more recent Neighbourhood Plans. This document has also been written with reference to the DEFRA publications Coastal Concordat and the separate South Inshore and South Offshore Plan.

National Policy Statement for Ports

The Government policy for ports seeks to encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea in order to (amongst other things):

- Contribute to local employment, regeneration and development;

- Preserve, protect and where possible improve marine and terrestrial biodiversity;
- Be adapted to climate change;
- Minimise use of greenfield land;
- Enhance access to port and the jobs, services and social networks they create, including for the most disadvantaged;
- Being an engine for economic growth.

South Inshore and South Offshore Marine Plan (known as the South Marine Plan)

This DEFRA-authored document was published in 2018 to introduce a strategic approach to planning within the inshore and offshore waters between Folkstone and the River Dart. It provides an evidence-based framework for marine users and regulators to shape and inform decisions over how the area's waters are developed, protected and improved over the next 20 years. It sits alongside other regional marine plans that are (or will be) published to encompass the whole of the UK coastline.

The South Marine Plan contains a number of

objectives and policies of which those below are the most relevant.

Objective 1: To encourage effective use of space to support existing and future sustainable economic activity through co-existence, mitigation of conflicts and minimisation of development footprints

S-CO-1: Proposals will minimise their use of space and consider opportunities for co-existence

Policy aim: Enables plans to be spatially planned to maximise use of limited space

S-PS-1: Proposals that have adverse impact on current activity and future port expansion should be avoided or minimised

Policy aim: Ensures proposals do not restrict current port activity or future growth

S-AQ-1: Sustainable aquaculture ... will be supported

Policy aim: Recognises importance of aquaculture industry

Objective 2: To manage existing, and aid the provision of new, infrastructure supporting marine and terrestrial activity

S-INF-1: Support to appropriate land-based infrastructure which facilitates marine activity

Policy aim: Supports integration between marine and land-use plans

S-AQ-2: Support for proposals that enable the provision of infrastructure for sustainable fisheries & aquaculture & related industries

Policy aim: Encourages supporting infrastructure for marine industries

Objective 3: To support diversification of activities which improve socio-economic conditions in coastal communities

S-FISH-1: Proposals that support diversification of sustainable fishing industry, or enhance its resilience to climate change should be supported

Policy aim: Enables fishing industry to manage climate change risks & maximise sustainable use of marine resources

S-TR-1: Proposals supporting tourism & recreation activities...should be supported

Policy aim: Enables greater range of employment opportunities and minimises economic risks

Objective 4: To support marine activities that increase or enhance employment opportunities

S-EMP-1: Development of marine related activities will be supported

Policy aim: Enables maximum sustainable activity, prosperity and opportunities for all

Objective 5: To avoid, minimise, mitigate displacement of marine activities, particularly where of importance to marine communities

S-SOC-1: Support to proposals that promote social benefits

Policy aim: Protects against displacement of activities which provide a social benefit

S-FISH-3: Proposals that enhance access to sustainable fishing or aquaculture sites should be supported

Policy aim: Enables support for sustainable fishing and aquaculture

Objective 7: to support the reduction of environmental, social and economic impacts of climate change

S-CC-2: Proposals should demonstrate resilience to climate change throughout lifetime of proposal

Policy aim: Enables climate change resilience of developments & activities

Coastal Concordat

The Coastal Concordat is one of a suite of actions the Government and regulatory bodies (eg DEFRA, DfT, DCLG, MMO, EA, NE) are taking to achieve more efficient and coordinated regulation to enable sustainable growth in the coastal zone. Although Torbay Council is not currently a signatory to the Concordat it nevertheless benefits from the application of its principles when applying for regulatory and other permissions to undertake maintenance or development activities.

The Torbay Local Plan: a landscape for success

The Torbay Local Plan recognises the importance of the harbours and commits to investment and regeneration of harbours and harboursides, including infrastructure for the fishing industry which it identifies as “vital to success”. In particular it articulates several ‘area’ policies thus:

SDB1 (Brixham)

Mixed use harbourside development with a focus on marine related employment uses.

SDB2 (Brixham)

The provision of a northern arm breakwater is

proposed to enable the creation of additional employment and leisure opportunities.

SDP1 (Paignton)

Mixed use schemes as part of harbourside, waterfront and town centre regeneration of Paignton.

SDT1 (Torquay)

Mixed use schemes as part of harbourside, waterfront and town centre regeneration of Torquay.

Neighbourhood plans

Although the Torquay Neighbourhood Plan identifies its seafront and harbour as the primary ‘core tourist investment area’ for Torquay which “should be the main focus for investment” it also seeks to “integrate water based sports and activities into the tourism offer” through:

- Easier access to the water for all users, including the storage and launching/recovery of small craft from beaches and harbours;
- Ensuring infrastructure investment to support Blue Flag/Quality awards for beaches;

- Linking the ports along the south west coast with coastal ferry services.

The Paignton Neighbourhood Plan seeks improvements to the harbour frontage (PNP3) which retains the ‘quaintness’ of the harbour, attracts more tourists and enables more use of the harbour for water sports.

The Brixham Peninsula Neighbourhood Plan seeks to sustain a vibrant harbourside economy (J5) by further developing it as a working harbour, utilising the land in Freshwater Quarry and Oxen Cove for marine related employment (J7) including engineering and boat repair facilities, boat storage and shellfish processing and a multi-level car park along with access to a northern arm breakwater.

IMPLEMENTATION AND DELIVERY

Tor Bay Harbour

A large number of ideas were collected during the consultation events and augmented those already captured in the Port Masterplan. Over the next 5 years the Harbour Authority will consolidate our recent achievements and also lay the foundations for future success through the delivery of three broad themes: improving visibility and access to the water; reinforcing the Bay as a safe, vibrant and attractive destination; and environmental stewardship. The activities which support their delivery are listed below:

Improving visibility and access to the water

- The use of enhanced signage of the enclosed harbours, and proposals to improve their footfall will raise their visibility from landward. In tandem the Authority will champion the retention of adequate nearby car parking.

- Outside of the enclosed ports the Authority will advocate the retention and maintenance of launching sites (eg slipways) around the Bay if the Shoreline Management Plan and their importance to the local marine community would make it appropriate to so.

Reinforcing the Bay as a safe, vibrant and attractive destination

- The number of maritime events that take place annually in the Bay is increasing annually and we will continue to support and facilitate these wherever possible.
- As the popularity of open water swimming grows there are an increasing number of swimmers who throughout the year are venturing further into the Bay where swimmers have not previously been encountered. A swimmers code of practice and an education campaign to encourage vessels to keep a better lookout will be introduced to ensure everyone's safety.
- Numbers of visiting cruise vessels have halved over the previous 5 years and the Authority will seek to reverse this decline by re-launching Tor Bay as a destination in its own right and also a gateway into the

heart of the south west. We will attempt to build a stronger regional profile by collaborating with other local ports which also accommodate cruise vessels.

Environmental stewardship

- We will work proactively with other agencies to identify where future climate change adaptations may be required, for example additional or augmented sea defences, and support efforts to attract external funding for such projects.
- The introduction of an Environmental Management Plan will enable the protection of the Bay's nationally acclaimed natural environment to be sensibly balanced against the growth of the Bay's tourist, fishing and other industries.

Brixham Harbour

The outcome of a very well attended and energetic stakeholder workshop was broad agreement with the ideas set out in the Port Masterplan albeit with some important refinements. There was universal agreement that the recent and welcome growth of the fishing industry required further port

expansion to allow the increased spatial demands of the fish market, equipment storage and MFV berths to be met; improved marine engineering support, with a boat hoist/lift-out facility for at least the majority of the MFVs; the replacement of the swinging moorings with 'walk-ashore' pontoon facilities; more space to host resident and visiting maritime event activities as well as winter boat storage; and perhaps most importantly better environmental protection in the form of a northern arm floating breakwater. This last item was seen as the sine qua non to ensure the future sustainability of Brixham harbour and lower town particularly given the forecast impact of future climate change as evidenced by the damage wrought by Storm Emma earlier in 2018. The importance of tourism generally, and the heritage fishing fleet in particular, was also reaffirmed.

The following projects are those which will be prioritised over the next 5-10 years:

Improving sea defences

- Grant funding will be sought to continue the improvements to Victoria Breakwater which have already commenced with the placement of additional rock armour on

the external face and raising the height of the wall to compensate for expected sea-level rises due to climate change.

- Funding and other approvals will be sought for a northern arm floating breakwater to enhance the environmental protection to Brixham harbour. This is a significant departure from previous plans which have sought the construction of a stone breakwater. While the latter undoubtedly has greater longevity and provides even better protection it has always been prohibitively expensive (approximately 6 times the expense of a floating breakwater) and has a very large 'footprint' on the fundus (seabed) and is thus environmentally very intrusive. Consideration of a floating solution has several advantages in that it provides the necessary environmental protection at significantly reduced cost, has a much reduced environmental footprint, allows medium sized vessels (and even small cruise liners!) to berth alongside and can accommodate vehicular traffic.

Enabling commercial growth

- Further land reclamation between the Fish

Quay and Oxen Cove to provide additional MFV landing berths and to allow road access between the two sites. It would also enable further fish cold/freezer storage, offices and fish market hall, and equipment storage spaces to be built, and reduce the traffic volume along Blackball Lane and Overgang Road and thus away from the closest residential areas neighbouring the western side of the harbour.

- Development of the derelict tanker berth at the end of Victoria breakwater into a marine engineering facility, possibly with a boat hoist capability, will be investigated and if cost-effective will be pursued.
- A limited dredging campaign to deepen the fairway, and landing and fuel berths, is seen as essential to keep Brixham harbour open for the deeper-draught vessels.
- Replacement of the existing swinging moorings in the outer harbour with walk-ashore pontoon berths, including dedicated visitor berths. This will require the northern arm floating breakwater to be installed first as otherwise the pontoons would be too environmentally exposed.

Recognising Brixham's heritage

- In the inner harbour an increased focus on heritage, including the Brixham heritage trawlers and the 'Golden Hind' with better berthing facilities.
- Installation of a boardwalk along the south western side of the inner harbour to support maritime events.
- Support efforts to increase the profile of the south-eastern part of the harbour, particularly that adjacent the MDL marina and breakwater slipway, as being predominantly recreational in nature. This may include further infrastructure for dinghies, gigs and other small vessels, and supporting those who wish to move out of Oxen Cove to do so.

Progressing these projects will have the effect of creating distinct 'zones' of differing character around the harbour: the inner harbour would be focussed on heritage and tourism; the western side of the outer harbour being the most 'industrial' and the south eastern side being focussed on recreation. Such deconfliction will ensure that safety of navigation remains paramount and avoids congestion as the harbour becomes busier.

Paignton Harbour

The consultation revealed a number of issues which the stakeholders wanted to address: the port is set away from the town centre and as a result its visibility within the community is lower than that of the other two harbours. Stakeholder consultation feedback indicated that some visitors are unaware that Paignton has a harbour and even some residents rarely or never visit. Commercial activity around the harbour has reduced as a result of the low foot-fall and even though the harbour is flanked by a multi-storey car park this is rarely more than half full except in the high season. In summary, connectivity and storage space would be transformational to the harbour's future.

The harbour stakeholders are proud of the harbour's continuing commercial nature and while landings from its small but locally important fishing fleet has increased, crab processing no longer takes place on site. Commercial vehicular traffic has also reduced. There was some concern that the imminent (in 2018) redevelopment of the Harbour Light building could presage a dilution of the harbour's distinct working character and which could instead become centred more on

retail and restaurants, but many felt that if this could be achieved without detriment to the existing commercial activities then it would be welcomed.

During the consultation concerns were raised about the reduced foot-fall, the lack of space generally but specifically the availability of storage for equipment, boats and trailers and greater environmental protection especially from easterly storms. Refurbishment of South Quay was also considered, particularly if such redevelopment could address some of these issues, and while all agreed that there was now a much reduced requirement for a second slipway off East Quay, there was strong demand to infill part of the western side of the harbour to generate more space around the harbour which most wished to see converted from swinging moorings to a walk-ashore pontoon-based system if the environmental protection along East Quay was improved and potentially extended. During the period of this Addendum the following deliverables will be sought:

Improving sea defences

- Subject to obtaining the appropriate planning and other regulatory clearances

and identifying funding (including grant funding) the Authority would seek to improve environmental protection from wind and wave damage by enhancing the sea defences.

- Installing rock armour along the East Quay's outer face to absorb some of the wave energy, thereby reducing the frequency that water 'over tops' the quay wall;
- Countering future sea-level rise brought about as a result of climate change by raising the height of the East and North Quay walls by up to 50cm;
- Conducting a feasibility study of extending East Quay northwards by up to 40m to provide greater protection of the harbour mouth and reduce the swell experienced in the harbour during poor weather.

Improving the visibility of the harbour

- Audit the existing signage on vehicular and pedestrian approaches to the harbour. Where necessary, liaise with Highways to improve signage. Fencing and other street furniture will also be studied to ensure

that it is not inadvertently discouraging footfall eg by directing footfall in the wrong direction.

- Many pedestrian visitors approach the harbour through the arch under the Harbour Light building, however their vista through the arch is limited by a number of wooden kiosks. It may be possible to improve this vista through a review of their number, sizing and location.
- There was a strong desire among stakeholders to reclaim land along the western edge of the harbour to connect North and South Quays. The land reclaimed would substantially address the existing (and increasing) demands for usable quayside space in Paignton, would improve connectivity around the harbour and make the best use of an area of currently under-utilised harbourside.
- As identified in the original Port Masterplan the buildings along South Quay require refurbishment and/or redevelopment. A development partner has been sought by the Council to determine the scope of these works and to identify appropriate solutions to ensure that

the built environment surrounding the harbour remains fit-for-purpose, sustains vibrant and financially sustainable marine recreational, commercial and youth communities, and becomes an attractive visitor destination.

Torquay Harbour

All sectors of Torquay's stakeholder community were represented at the consultation event held at the end of a busy summer. It was recognised that spatial constraints precluded large-scale change in Torquay, however there are a number of small but important enhancements to the infrastructure and services which will ensure that the harbour continues to meet the needs of its users to a high standard. The items which will be progressed over the next 5-10 years include:

Improving sea defences

- Seek grant funding for the refurbishment and repair of Haldon pier. This is vital as both a sea defence and a working quay where vessels load and unload. The pier is increasingly being 'over topped' by waves in inclement weather (a situation which is likely to become more frequent as the

climate changes) and at present there is a 20 tonne weight bearing restriction which limits the size and types of vehicles that can drive onto the pier.

Enabling commercial growth

- Recommissioning of the marine fuel station, particularly for the sale of petrol: while diesel can be obtained at Brixham, the next closest ports selling petrol are Dartmouth to the west and Portland to the east. Recommissioning is given a high priority because of the safety implications of hand-filling vessels from containers at their berth.
- Refurbishing North Quay: both the quay wall and surface are in a poor state of repair and require upgrading. Reorganising the lay-out to provide further (much-needed) storage space, and the aspiration to facilitate the provision of ice (eg by installing a small ice machine), will support Torquay's small but significant commercial fishing industry.

A better stakeholder experience

- Installation of more recycling bins.
- Install visitor pontoons along the inner face

of Princess Pier.

- Investigate the feasibility of recommissioning the inner harbour slipway.
- Where possible, enable the Royal Torbay Yacht Club's aspirations to establish a waterfront presence. Although there is a paucity of operational space, innovative design solutions may create the room for a small waterfront presence.
- Increase the quantity of available dinghy parking space.
- Investigate the feasibility of installing a slipway along the outer face of Haldon Pier.

Improving the visibility of the harbour

- Audit the existing signage on vehicular and pedestrian approaches to the harbour. Where necessary, liaise with Highways to improve signage. Fencing and other street furniture will also be studied to ensure that it is not inadvertently discouraging footfall eg by directing footfall in the wrong direction.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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