TORBAY COUNCIL

Monday, 16 November 2026

CABINET

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

Tuesday, 24 November 2026

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor David Thomas (Chair)

Councillor Billings
Councillor Bye
Councillor Chris Lewis
Councillor Jacqueline Thomas
Councillor Tranter
Councillor Tyerman

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

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

CABINET
AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 5 - 20)

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 20 October 2026.

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. Urgent Items

To consider any other items the Chair decides are urgent.

5. Matters for Consideration

6. Public question time (Pages 21 - 22)

To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24.

7. Revenue and Capital Budget Launch for Consultation (To Follow)

To consider a report on the above.

8. Review of Council Tax Support Scheme 2027/28 (Pages 23 - 138)

To consider a report that seeks approval of the Council Tax Support Scheme 2027/28.

9. **Budget Monitoring - Revenue and Capital Outturn 2026/27 Quarter 2** (Pages 139 - 152)

To consider a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2026/27, reviewing budgets and considering year-end forecasts.

10. **Regeneration Programme Funding**

To consider a report on the above.

11. **Torbay Local Plan 2025-45 Regulation 22 Submission to Secretary of State for Examination** (Pages 153 - 922)

To consider a report that recommends to Council approval to submit the Torbay Local Plan 2025-45 to the Secretary of State for examination.

12. **Torbay Creates: Culture & Community - A Revised Cultural Strategy for Torbay, 2027-2036** (Pages 923 - 954)

To consider a report that seeks approval to launch the formal consultation on the revised Cultural Strategy for Torbay 2027-2036.

13. **Local Outcome Framework - Homelessness and Rough Sleeping Action Plan 2026- 2028** (Pages 955 - 1018)

To consider a report that seeks approval of the Homelessness and Rough Sleeping Action Plan 2026- 2028.

14. **Torbay Area SEND Strategy 2026-2029** (Pages 1019 - 1050)

To consider a report that seeks approval of the Torbay Area SEND Strategy 2026–2029, which sets out a shared vision and priorities for SEND across Torbay.

15. **Torbay Together - Education Strategy 2026 - 2030** (Pages 1051 - 1084)

To consider a report that seeks approval of the Torbay Together – Education Strategy 2026 – 2030, which sets out a shared vision and priorities for education across Torbay.

16. **Drug and Alcohol Treatment Contract** (Pages 1085 - 1104)

To consider a report that seeks approval for the procurement and subsequent award of a contract for adults (18+) integrated drug and alcohol treatment services, including harm reduction, treatment, medication provision, rehabilitation, inpatient and recovery services.

17. **Notice of Motion - Stoma Care** (Pages 1105 - 1106)

To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated.

Live Streaming and Hybrid Arrangements

To encourage more people to engage in our public meetings the Council is live streaming our Cabinet meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit https://www.youtube.com/user/torbaycouncil.

We are also using hybrid meeting arrangements to enable officers and Councillors who are not members of the Cabinet to either attend the meeting in person or to attend the meeting remotely via Zoom. Anyone attending the meeting remotely must use their raise hand function when they wish to speak and to declare any interests at the appropriate time. If anyone attending the meeting remotely loses connection the meeting will continue and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Cabinet

20 October 2026

-: Present :-

Councillor David Thomas (Chair)

Councillors Billings, Bye, Chris Lewis, Jacqueline Thomas and Tyerman

(Also in attendance: Councillors Amil (virtual), Cowell (virtual), Mandy Darling (virtual), Johns (virtual), Law (virtual), Barbara Lewis (virtual) and Long)

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38. Apologies

An apology for absence was received from Councillor Tranter.

39. Minutes

The Minutes of the meeting of the Cabinet held on 15 September 2026 were confirmed as a correct record and signed by the Chair.

40. Matters for Consideration

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

41. Torbay Placement Sufficiency Strategy for Children in Care and Care Experienced Young People 2026-2029

42. Torbay Young Futures Hub and Local Youth Transformation Programme

43. Hackney Carriage Tariff Increase

44. Destination Management Plan Review

45. Updated Torbay Heritage Strategy for Adoption

46. Amendment to Boundary of Occombe Farm and Scadson Woods Local Nature Reserve

47. Disposal of Surplus Assets Phase 2

Chair

Record of Decisions

Torbay Placement Sufficiency Strategy for Children in Care and Care Experienced Young People 2026-2029

Decision Taker

Cabinet on 20 October 2026

Decision

1. that the Torbay Placement Sufficiency Strategy for Children in Care and Care Experienced Young People 2026-2029 be approved;

2. that the Director of Children's Services, in consultation with the Cabinet Member for Children's Services, be authorised to make minor amendments to the Strategy that do not materially change its direction or commitments; and

3. that delivery be progressed through the Placement Sufficiency Delivery Action Plan and the Budget Sustainability Plan for Placements, with progress and exceptions reported through existing governance arrangements.

Reason for the Decision

The Strategy provided a clear framework for meeting the Council's statutory sufficiency responsibilities, improving local placement provision, supporting permanence planning, reducing reliance on high-cost external placements and strengthening accommodation pathways for care experienced young people.

Implementation

This decision may be implemented on 2 November 2026 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Torbay Placement Sufficiency Strategy for Children in Care and Care Experienced Young People 2026–2029 provided a whole-system framework to support more children safely within their families and networks, increase the range and quality of local homes and accommodation, secure permanence without avoidable delay, and improve accommodation pathways for care experienced young people.

At the meeting Councillor Bye proposed and Councillor Tyerman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

An alternative option would be to defer approval of the Strategy, this option was discounted as it would have delayed implementation and weakened the Council's response to current sufficiency pressures. Not approving the Strategy was rejected as it would have left the Council without an up-to-date framework for meeting its sufficiency duty.

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

23 October 2026

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

Record of Decisions

Torbay Young Futures Hub and Local Youth Transformation Programme

Decision Taker

Cabinet on 20 October 2026

Decision

1. that the Torbay Young Futures Hub and Local Youth Transformation Programme overview be noted;

2. that the proposed strategic direction, including development of a multi-venue Young Futures Hub model and co-production of Torbay's first Youth Strategy with children and young people, be endorsed; and

3. that the Director of Children's Services, in consultation with the Cabinet Member for Children's Services, be authorised to progress programme mobilisation, governance and co-production arrangements and bring forward the resulting Youth Strategy and any further decisions through the appropriate governance route.

Reason for the Decision

The programme responds to the current absence of a Torbay Youth Strategy and creates an opportunity to develop a new and innovative approach with children and young people. It will also support the Council to strengthen delivery of its statutory duty under section 507B of the Education Act 1996 and align local arrangements with the National Youth Strategy, Families First Partnership expectations and the Young Futures programme.

Implementation

This decision may be implemented on 2 November 2026 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay had been selected to take part in the national Young Futures Hubs and Local Youth Transformation programme. The opportunity provided funding and support to strengthen Torbay's youth offer and to co-produce the area's first long-term Youth Strategy with children and young people. The programme overview set out the proposed strategic framework, governance, workstreams, indicative timetable and funding profile.

At the meeting Councillor Bye proposed and Councillor Tyerman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Developing a Youth Strategy outside of the programme was rejected as it would not have attracted the same level of support and investment. Maintaining existing arrangements was also rejected as it would have left the strategic gap unresolved and risked losing external funding opportunities.

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

23 October 2026

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

Record of Decisions

Hackney Carriage Tariff Increase

Decision Taker

Cabinet on 20 October 2026

Decision

1. that, in accordance with Standing Order D11, the statutory requirements, the timetable for implementation and the practical arrangements necessary to introduce any revised tariff, it is considered that delay arising from the call-in process could prejudice the Council's ability to conclude the statutory process within the prescribed timeframe, it is therefore necessary for the decision to be implemented immediately.

   Cabinet approved the statutory process to vary Hackney Carriage fares on 21 July 2026. Following the conclusion of the call-in period, applied at that time, the proposals were advertised as required, two objections were received by the closing date.

   Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, Cabinet must consider the objections before determining whether to implement a revised tariff. Any new tariff must come into force by 4 November 2026.

   Due to the timing of the consultation and Cabinet meeting cycle, 20 October 2026 is the earliest opportunity for the objections to be considered. Given the statutory deadline and the time required to produce and install updated fare stickers in licensed vehicles, it is recommended that call-in be waived.

   Delay arising from call-in could prevent implementation of the revised tariff within the required timescale, potentially prejudicing both the Council's ability to complete the statutory process and the public interest.

   Accordingly, the Cabinet's decision is deemed to be urgent. Therefore, Cabinet determines that call-in shall be waived as any delay likely to be caused by the call-in process would prejudice the publics and the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 5 October 2026, who expressed concern regarding the extent to which the views of the Overview and Scrutiny Co-ordinator influence the outcome of requests for a waiver of call-in; and

2. that the Table of Fares (Hackney Carriage Tariff) as advertised, be approved and come into force on 4 November 2026.

Reason for the Decision

The revised tariff would support a sustainable and viable taxi trade, assist drivers in meeting increased operating costs and encourage continued investment in vehicles while maintaining a regulated and transparent fare structure.

Implementation

The decision in respect of the Hackney Carriage Tariff Increase 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 publics and the Council's interest. The Overview and Scrutiny Co-

ordinator was consulted on 5 October 2026.

Information

On 21 July 2026, Cabinet considered the suggested increase to the Hackney Carriage Tariff and resolved to commence the public consultation on the proposed Table of Fares. The consultation was undertaken in accordance with the statutory process set out in section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA76). The notice invited objections to be submitted by 4 September 2026. Any objections received must be duly considered before the revised Table of Fares can come into effect, either as originally advertised or with such amendments as may be considered appropriate. Two objections were received during the consultation period. Whilst neither objection proposed an alternative fare structure, both objectors expressed opposition to any increase in taxi fares.

At the meeting Councillor David Thomas proposed and Councillor Chris Lewis seconded a motion that was unanimously agreed by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Maintaining the existing tariff was rejected as rising vehicle, maintenance, insurance and fuel costs were no longer adequately reflected in the current fare structure and could negatively impact service availability.

Is this a Key Decision?

Yes – Reference Number: I115836

Does the call-in procedure apply?

No

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

None

Published

23 October 2026

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

Record of Decisions

Torbay Destination Management Plan (DMP) Review

Decision Taker

Cabinet on 20 October 2026

Decision

That the Cabinet recommends to Council:

that the refreshed Destination Management Plan (DMP) 2026-2036, as set out in Appendix 1 to the submitted report, be approved and implemented through the proposed partnership-led delivery, governance and monitoring arrangements.

Reason for the Decision

The refreshed Plan provided an up-to-date strategic framework for Torbay's visitor economy, reflected consultation feedback and set out improved delivery, governance and partnership arrangements to support sustainable growth.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 10 December 2026.

Information

The DMP 2026-2036 had been refreshed following consultation with stakeholders and partners. The DMP outlined the vision, priorities and delivery arrangements for the visitor economy over the next ten years and identified the contribution that tourism makes to Torbay's economy, employment and regeneration ambitions.

At the meeting Councillor Jackie Thomas proposed and Councillor Billings seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Continuing with the existing Destination Management Plan was rejected as it no longer fully reflected current market conditions, evidence, consultation feedback or the proposed governance arrangements.

Is this a Key Decision?

Yes – Reference Number: I115986

Does the call-in procedure apply?

No

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

None

Published

23 October 2026

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

Record of Decisions

Torbay Heritage Strategy 2026-2031

Decision Taker

Cabinet on 20 October 2026

Decision

1. that, the Heritage Strategy (2026-2031), as set out in Appendices 1 and 2 to the submitted report, be approved; and

2. that delegated authority be given to the Director of Pride in Place in consultation with the Cabinet Member for Place Development and Economic Growth to approve any necessary minor amendments or typographical corrections to the documents.

Reason for the Decision

The updated Strategy provided a clear framework for the management and enhancement of Torbay's heritage assets, supported the delivery of the Heritage Place Programme and strengthened opportunities to attract external funding while contributing to economic growth, community wellbeing and place-shaping.

Implementation

This decision may be implemented on 2 November 2026 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The updated Torbay Heritage Strategy sets out the Council's approach to heritage, enables the Council to confirm and develop plans for specific locations, sets out statutory requirements (e.g. Listed Buildings, Conservation Area Appraisals, Scheduled Ancient Monuments and non-designated heritage assets). The Torbay Heritage Strategy also reflects the progress made since 2021 and reaffirms the Council's commitment to putting Torbay's fascinating history and rich heritage at the heart of the area's economic, cultural and social life.

At the meeting Councillor Chris Lewis proposed and Councillor Jackie Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Not updating the existing Heritage Strategy was rejected as it would have left the Council with an outdated document that did not reflect current circumstances or priorities for heritage management through to 2031.

Is this a Key Decision?

Yes – Reference Number: I116513

Does the call-in procedure apply?

No

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

None

Published

23 October 2026

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

Record of Decisions

Amendment to Boundary of Occombe Farm and Scadson Woods Local Nature Reserve

Decision Taker

Cabinet on 20 October 2026

Decision

That the amendment to the Occombe Farm and Scadson Woods Local Nature Reserve boundary, as set out in Appendix 2 to the submitted report, be approved with any necessary declaration and associated requirements being made.

Reason for the Decision

The Council sold the land at Occombe Farm in July 2026 and committed to use reasonable efforts to secure re-designation of the Local Nature Reserve (LNR) regarding the land sold, in order to meet the expectation that the land forming LNR should be under the control of the party who designated it. The proposed amendment to the boundary reflects the change in ownership and has been informed by an independent ecological assessment and consultation with Natural England. The majority of the LNR will remain in place and will continue to be managed for wildlife, education and recreation.

Implementation

This decision may be implemented on 2 November 2026 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council sold Occombe Farm and associated land in July 2026 – this land forms part of the Occombe Farm and Scadson Woods Local Nature Reserve (LNR). It is understood that the designation as a Local Nature Reserve was originally sought in order for the previous Torbay Coast and Countryside Trust to more easily access grant funding. There is an expectation that the land forming Local Nature Reserves needs to be under control of the party who designated it as such. Therefore, it was proposed to amend the boundary of the LNR. The amendment reflects the change in land ownership for which the new owner intends to invest in the farm site, supporting regeneration, tourism and economic activity.

At the meeting, Councillor Chris Lewis proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The alternative option would be for Occombe Farm to remain designated as an LNR. If the LNR designation were to remain, agreement would need to be reached with the landowner and the land would need to be managed as a LNR alongside the new landowners' aspirations for the site.

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

23 October 2026

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

Record of Decisions

Disposal of Surplus Assets Phase 2

Decision Taker

Cabinet on 20 October 2026

Decision

1. that the Director of Finance be authorised to dispose of the freehold interest of the land and buildings listed in Appendix 1 to the submitted report on suitably agreed terms, adopting the most appropriate methods of disposal, to be determined by the Strategic Head of Asset Management, following an adequate period of marketing on each individual asset; and

2. that 20% of the sale proceeds from assets that achieve over £100k, and 100% of proceeds from assets that achieve a value of less than £100k, is allocated to the Council's Capital Repair Fund (to improve the condition of retained assets).

Reason for the Decision

The disposal of surplus assets would reduce holding and maintenance costs, generate capital receipts, support investment in the retained estate and enable properties to be brought back into beneficial use.

Implementation

This decision may be implemented on 2 November 2026 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council's Asset Management Strategy provides an overview of the Council's land and property estate and identifies the main priorities for managing and developing the estate, including the disposal of surplus assets. The Strategy defines surplus assets as those assets that have been declared surplus to the Council's commercial and/or operational requirement. Often these assets are close to or beyond useful economic life and should be considered for disposal to release the value so the capital can be re-invested elsewhere across the estate.

At the meeting Councillor Chris Lewis proposed and Councillor Bye seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Retaining the assets was rejected as they were surplus to operational requirements and continuing ownership would have resulted in ongoing management costs, maintenance liabilities and lost opportunities to generate capital receipts.

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

23 October 2026

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

Meeting of the Cabinet, Tuesday, 24 November 2026
Public Question Under Standing Order A24

Public Question 1

Jake Star to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

Is the council aware of the damage that pesticides are causing in Torbay and what efforts are being made to reduce them?

Public Question 2

Hugh Malyon to the Cabinet Member for Adult and Community Services (Councillor Tranter)

What are Torbay Council doing for the provision of showers for the homeless in Torbay?

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TORBAY COUNCIL

Report title: Review of Council Tax Support Scheme 2027/28

Report to:	Cabinet
Date:	24 November 2026
Lead Cabinet Member:	Councillor Alan Tyerman, Cabinet Member for Housing and Finance
Email:	alan.tyerman@torbay.gov.uk
Lead Director:	Malcolm Coe, Director of Finance
Email:	malcolm.coe@torbay.gov.uk
Wards affected:	All

1. Summary of Report:

1.1 The Council is required to approve its Council Tax Support (CTS) Scheme annually. The current income-banded CTS Scheme has been in operation since 1 April 2024 and continues to provide support to working-age households on low incomes, whilst pension-age households remain protected under nationally prescribed regulations.

No changes are proposed to the structure, eligibility criteria or discount levels within the scheme for 2027/28. The report seeks approval to continue the existing scheme from 1 April 2027 and to apply the annual inflationary uprating of income bands in accordance with Schedule 1 of the approved scheme.

2. Recommendations and Proposed Decision:

2.1 That Cabinet recommends to Council:

1. That the current Council Tax Support Scheme be continued without substantive amendment from 1 April 2027 to 31 March 2028.

2. That the income bands within the working-age Council Tax Support Scheme be increased in line with the September 2026 Consumer Price Index (CPI) rate, rounded as necessary for administrative purposes.

2.2 that subject to 2.1.1 and 2.1.2 above the Cabinet notes:

3. That the Exceptional Hardship Fund continues to be available to provide additional support to households experiencing financial hardship.

3. Reasons for Recommendations/Proposed Decision:

3.1 The current Council Tax Support Scheme continues to provide a straightforward and effective means of supporting low-income households with their Council Tax liability. The scheme has operated successfully since the introduction of income bands in April 2024 and remains consistent with schemes operated by other local authorities.

No operational, legislative or financial issues have been identified that would justify a change to the scheme structure for 2027/28. Continuing the existing scheme provides certainty for residents, maintains administrative efficiency and avoids unnecessary complexity.

The proposed CPI uprating ensures that income thresholds remain aligned with wider inflationary increases and reduces the risk of households receiving less support solely as a result of benefit uprating or increases in earned income linked to inflation. In addition to the Council Tax Support Scheme, the Council continues to provide support through its Discretionary Council Tax Reduction Policy and Exceptional Hardship arrangements.

These schemes provide a safety net for vulnerable residents experiencing financial hardship or exceptional circumstances and complement the wider Council Tax Support Scheme. The recently reviewed policy and accompanying guidelines provide greater clarity regarding eligibility, vulnerability and the assessment process.

Cabinet will be considering the proposal at its meeting on 24 November 2026 and requested to make recommendations to Council as set out in paragraph 2 below. The Cabinet is also being recommended to note that the Exceptional Hardship Fund continues to be available to provide additional support to households experiencing financial hardship.

4. Background and Context:

4.1 The Local Government Finance Act 2012 requires billing authorities to maintain a Council Tax Support Scheme for working-age residents.

Torbay's current income-banded scheme was introduced from 1 April 2024 following approval by Full Council. The scheme provides varying levels of support based on household composition and net income.

Pension-age households remain protected by national regulations and continue to receive support in accordance with the prescribed national framework.

A review of the current scheme has been undertaken. No changes to eligibility rules, discount levels or scheme design are proposed for 2027/28. The existing scheme continues to meet its objectives of providing financial support to low-income households whilst remaining simple to administer. The current Council Tax Support Scheme is attached at Appendix 1. The Council's Discretionary Council Tax Reduction Policy and Guidance Notes, which provide additional support in cases of hardship and exceptional circumstances, are attached at Appendices 2 and 3.

In accordance with Schedule 1 of the Local Council Tax Support Scheme, income bands are reviewed annually and are proposed to be uprated by the September 2026 CPI rate.

Alongside the Council Tax Support Scheme, the Council operates a Discretionary Council Tax Reduction Policy under Section 13A(1)(c) of the Local Government Finance Act 1992. This provides the Council with the ability to offer additional support in cases of exceptional hardship, vulnerability, unforeseen crisis and other exceptional circumstances. Updated policy and guidance documents were approved during 2026 to provide a clearer framework for administering discretionary reductions.

5. Alternative Options Considered:

5.1 **Option 1 - Continue the Current Scheme (Recommended)**

Retain the existing Council Tax Support Scheme and uprate the income bands by CPI from 1 April 2027. This provides stability for residents and ensures support levels remain aligned with inflationary increases.

5.2 **Option 2 - Make No Changes Including No CPI Uprating**
The Council could choose not to uprate income bands. However, this would increase the likelihood of households moving into higher income bands due solely to inflationary increases in benefits or earnings, potentially reducing the level of support they receive. Whilst discretionary support remains available through the Exceptional Hardship Fund and Discretionary Council Tax Reduction Policy, these mechanisms are intended to provide targeted support for individual circumstances and are not a substitute for maintaining appropriately uprated income thresholds within the main Council Tax Support Scheme.

5.3 **Option 3 - Undertake a Fundamental Review of the Scheme**

A wider review could be undertaken to consider changes to discounts, eligibility criteria or income bands. No evidence has been identified to support such changes at this time and a review would require additional consultation and implementation costs.

6. Contribution to Council Priorities:

6.1 The Council Tax Support Scheme contributes directly to the Council's priorities by supporting residents on low incomes and helping vulnerable households meet their Council Tax liabilities.

The scheme supports financial resilience within the community, helps prevent indebtedness and contributes towards maintaining sustainable communities across Torbay.

7. Consultation and Engagement:

7.1 As no substantive changes to the scheme are proposed, a formal public consultation has not been undertaken.

The proposal is to continue the existing scheme and apply the annual inflationary uprating provision already contained within the approved scheme.

Major precepting authorities have been informed as part of the annual review process.

8. Implications:

Financial Implications:

8.1 The Council Tax Support Scheme remains jointly funded through the collection fund arrangements shared between the Council and the major precepting authorities.

Any increase in scheme expenditure resulting from the annual CPI uprating is expected to be limited and represents a continuation of existing scheme policy. These costs have been considered as part of the Council Tax Base and wider financial planning process.

The Council will continue to make provision for discretionary assistance through the Exceptional Hardship Fund and the Discretionary Council Tax Reduction Policy. These arrangements provide an additional mechanism to support residents experiencing financial hardship and exceptional circumstances where assistance cannot be provided through the main Council Tax Support Scheme.

Legal Implications:

8.2 The Council is required to approve a Council Tax Support Scheme for each financial year.

The Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012) requires a billing authority to adopt a scheme by 11 March preceding the financial year to which the scheme relates.

The proposed recommendation satisfies the Council's statutory obligations and ensures a valid scheme remains in place from 1 April 2027.

Corporate Parenting/Children and Young People:

8.3 The proposal does not introduce any changes that specifically affect children, young people, care-experienced young people or care leavers.

Maintaining support through the Council Tax Support Scheme continues to assist low-income households, including those with dependent children.

Associated Risks, Risk Tolerance Level and Mitigations:

Guidance: Risk tolerance defines the level of risk the Council is willing to accept in delivering services and achieving strategic objectives. Report authors must identify relevant risks, determine whether they fall within the Council's tolerance thresholds, and outline how any risks approaching or exceeding those thresholds will be managed or escalated. Tolerance levels range from averse to ambitious, reflecting the varying degrees of acceptable risk across different activities. Where risks exceed tolerance, stronger mitigation, adjustment, avoidance, or escalation may be required. All reports should clearly state the risk category and rating, confirm whether the risk is within tolerance, describe mitigation measures, and note any need for additional assurance or escalation. For further guidance, please refer to the following intranet page - Risk Management

A summary of key risks associated with the recommendations in this report are:

1. [Risk description] – mitigated through [control].
2. [Risk description] – monitored through [governance route].

The risks of not approving the recommendations include [briefly stated]. Overall risk exposure is assessed as acceptable within the Council's risk tolerance appetite.

Full risks are set out below:

Risk	**Risk score before mitigations (likelihood x impact)**	**Mitigations**	**Risk Score after mitigations (likelihood x impact)**	**Risk tolerance**
Failure to approve a CTS Scheme before 1 April 2027 resulting in non-compliance with statutory requirements.	4 x 4 = 16	Annual review process, Cabinet and Council approval timetable, Governance oversight.	1 x 4 = 4	Within tolerance
Inflation causes households to lose entitlement or receive reduced support if income bands are not uprated.	3 x 3 = 9	Annual CPI uprating applied to income bands and availability of discretionary support where required.	1 x 3 = 3	Within tolerance

Increased scheme expenditure due to economic conditions, increased demand or changes in claimant numbers.	3 x 4 = 12	Ongoing financial monitoring, council tax base calculations, budget planning and regular performance monitoring.	2 x 3 = 6	Within tolerance

Contributions to tackling climate change or achieving carbon neutrality:
(Council or Torbay wide)

8.4 There are no significant climate change implications arising from this proposal.

The service continues to encourage online applications and digital communication wherever appropriate.

Social Value Considerations:

8.5 The scheme provides significant social value by supporting low-income households, reducing financial hardship and helping residents meet their Council Tax obligations.

Maintaining stable support contributes to financial wellbeing and supports some of the most vulnerable households within Torbay.

Procurement Implications:

8.6 No procurement implications are anticipated.

Any system changes required to implement the annual CPI uprating will be managed through existing software support arrangements.

Other Implications:

8.7 No significant IT, HR, data protection or operational implications have been identified.

Any annual uprating will be incorporated into existing Council Tax Support administration processes.

9. Equalities Impact Assessment:

The Council has a public sector duty under the Equality Act 2010 to have 'due regard' to advancing equality of opportunity between those persons who share a relevant protected characteristic and persons who do not share it. The Act also seeks to eliminate discrimination, harassment and victimisation. It is important that you carefully and thoroughly consider the different potential impacts that the decision being taken may have on people who share protected characteristics.
It is not enough to state that a proposal will affect everyone equally. There should be thorough consideration as to whether particular groups or individuals are more likely to be affected than others by the proposals and decision. Please complete the table below. If you consider there to be no positive or negative impacts state 'there is no differential impact'.

The proposal is to continue the existing Council Tax Support Scheme for 2027/28 with an annual CPI uprating of the income bands and no substantive changes to scheme design, eligibility criteria or support levels. As a result, no adverse equality impacts have been identified. The continuation of the scheme maintains financial support for low-income households and is complemented by the Council's Discretionary Council Tax Reduction Policy, Guidance Notes and Exceptional Hardship arrangements, which provide further assistance to vulnerable residents experiencing financial hardship or exceptional circumstances.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	• 18% of Torbay residents are aged under 18 years old. • 55% of Torbay residents are aged between 18 to 64 years old.	In Torbay pensioners represent 26.7% of the population (ONS, 2021 census). A report published in July 2025 by the Work and Pensions Committee of the House of Commons highlights that in 2023/24, 1.9 million, or 16% of people of pension age are living in relative	Annual review of CTS income bands. CPI uprating applied where approved. Additional support available through the Exceptional Hardship Fund and Discretionary Council Tax Reduction	Revenues and Benefits Service. Ongoing monitoring throughout 2027/28.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	• 27% of Torbay residents are aged 65 and older. • What are the impacts of this proposal on children and young people as an age group? Reflect on impacts relating to safety, wellbeing, education, health, participation, access to services and opportunities. Where adverse impacts are identified, set out proposed mitigations.	poverty, after housing costs (below 60% of median income). This is mainly due to the increase in the cost of living and low take up of Pension Credit. In many areas of the country, local authorities, third sector and community organisations are working together to engage and provide pension age households with the support they need. 4,964 pension age households receive Council Tax Support, which is 46.3% of the total Council Tax Support caseload. A report published in April 2025 by the House of Commons, shows that in 2023/24, 7.9 million, or 19% of people of working age are living in relative poverty, after housing costs (below 60% of median income). This is mainly due to a drop in household earnings, social security benefits and changing	Policy where hardship is identified.	

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		from a working to a workless household. 5,769 working age households receive Council Tax Support, which is 53.7% of the total Council Tax Support caseload. Around 54% of all working age households receiving Council Tax Support are single people, 30% single parents, 8% couples with children and just over 8% are couples with no children. No adverse impact has been identified. Continuing the existing CTS scheme ensures ongoing support for working-age households on low incomes and continues the nationally prescribed protections for pension-age households. Households with dependent children may benefit from		

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		continued assistance towards Council Tax liability, helping to reduce financial hardship. The proposed CPI uprating of income bands helps ensure households are not disadvantaged solely as a result of inflationary increases in earnings or benefits.		
Carers	• At the time of the 2021 census there were 14,900 unpaid carers in Torbay. • 5,185 of these carers provided 50 hours or more of care.	No adverse impact has been identified. Carers are more likely to be on fixed or reduced incomes due to caring responsibilities and may therefore be more reliant on Council Tax Support. Continuing the scheme maintains existing levels of support and access to financial assistance.	Access to CTS remains unchanged. Additional discretionary support available through the DCTR Policy and Exceptional Hardship arrangements where financial hardship exists. Advice and support signposted where appropriate.	Revenues and Benefits Service. Ongoing throughout the life of the scheme.
Care experienced	• As of January 2026, there were 277 former care experienced young	No adverse impact has been identified. Young adults leaving care are recognised as a vulnerable group and	Existing CTS support maintained. Consideration of	Revenues and Benefits Service in

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	people aged 18-24 in Torbay.	may experience financial instability when transitioning to independent living. The continuation of the CTS scheme provides continued financial support to eligible care experienced residents. The DCTR Policy specifically recognises care leavers as a vulnerable group when considering discretionary support.	additional assistance through the DCTR Policy where exceptional hardship or vulnerability is demonstrated.	partnership with Children's Services. Ongoing monitoring throughout 2027/28.
Disability	• In the 2021 Census, 23.9% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	A person is considered disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. **Physical or Mental Disability** – this includes a wide range of conditions, such as hearing loss, visual impairments, mobility difficulties, mental health conditions (e.g., depression, anxiety), learning disabilities, and long-term health	Existing CTS protections continue. Access to DCTR, Exceptional Hardship Fund and welfare support services. Alternative communication methods and reasonable adjustments available where required.	Revenues and Benefits Service. Ongoing review throughout 2027/28.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		conditions like diabetes or heart disease. **Substantial Effect** – the term 'substantial' refers to the level of effect the impairment has on the individual's daily life, highlighting the significant impact it can have on carrying out everyday tasks. **Long-Term** – the effects of the impairment are considered long-term if they have lasted or are expected to last for at least twelve months or for the rest of the individual's life. This aspect of the definition acknowledges the enduring nature of many disabilities and their impact on the entire life of an individual. Disabled people are more likely to experience poverty than non-disabled people. According to the latest statistics published by the Joseph Rowntree Foundation (updated		

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		January 2026 using DWP 2023/24 data), 28% of disabled people live in poverty compared with 20% of non-disabled people. The disparity is particularly significant amongst working-age adults, where 33% of disabled working-age adults live in poverty compared with 17% of non-disabled working-age adults. Research published by disability equality charity Scope in its Disability Price Tag 2025 report found that disabled households require an additional £1,095 per month on average to achieve the same standard of living as non-disabled households. These additional costs arise from essential expenditure such as specialist equipment, therapies, care and support, higher energy usage and		

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		increased transport costs. Scope also reported that the average Personal Independence Payment (PIP) award falls significantly short of these additional costs, leaving an average shortfall of approximately £630 per month. No adverse impact has been identified. Disabled residents are disproportionately represented among CTS recipients and may have increased living costs or reduced earning capacity. Continuing the existing scheme protects current entitlement levels and the CPI uprating reduces the risk of support being eroded by inflation. Disabled residents are specifically recognised within the Council's DCTR Policy when considering additional support.		

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Gender reassignment	• In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth.	No adverse impact has been identified. Eligibility for Council Tax Support is based on household composition, income and capital rather than gender identity. The proposal continues the existing scheme without amendment and applies equally to all applicants.	Applications assessed against CTS criteria consistently and fairly. Staff continue to apply equality and data protection requirements when handling customer information.	Revenues and Benefits Service. Ongoing.
Marriage and civil partnership	• Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impact has been identified. Eligibility calculations already take account of household circumstances and income. Continuing the existing scheme maintains current arrangements for couples and households in civil partnerships.	Existing scheme rules remain unchanged. Ongoing monitoring of scheme operation and customer feedback.	Revenues and Benefits Service. Ongoing.
Pregnancy and maternity	• Between 2013 and 2024, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 56.0 per 1,000) than	No adverse impact has been identified. Households experiencing pregnancy or maternity may face increased financial pressures and may become more reliant on income-related benefits. Continuing the current CTS scheme supports low-income households	Continued access to CTS. Signposting to other welfare support, DCTR and Exceptional Hardship arrangements where appropriate.	Revenues and Benefits Service. Ongoing throughout 2027/28.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	the Southwest (53.4) and broadly in line with England (56.3). • For the period 2022 to 2024, rates in Torbay (44.6) have been significantly below England (50.0).	during these periods. The CPI uprating of income bands helps maintain support levels in real terms.		
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as the following: • 1.6% as Asian, Asian British or Asian Welsh • 0.3% as Black, Black British, Black Welsh, Caribbean or African • 1.5% as being of Mixed or Multiple ethnic groups • 96.1% as White • 0.4% described their ethnicity another way. • Black, Asian and minoritised ethnic	No adverse impact has been identified. The continuation of the existing Council Tax Support Scheme maintains support for low-income households across all ethnic groups. The Council recognises that some minority ethnic communities may be disproportionately affected by deprivation and financial hardship. Continuing the existing scheme, together with CPI uprating of income bands, will help ensure access to support is maintained and that entitlement is not reduced solely as a result of inflationary increases in income.	Maintain fair and consistent administration of the scheme. Continue to provide advice, support and signposting to discretionary assistance where appropriate. Monitor customer feedback and equality impacts through annual scheme reviews.	Revenues and Benefits Service. Ongoing throughout 2027/28 and subject to annual review.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	communities are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.			
Religion and belief	The 2021 Census showed that the residents in Torbay identify their religion and/or belief as the following; • 48.5% are Christian • 0.4% are Buddhist • 0.2% are Hindu • 0.6% are Muslim • Less than 0.1% are Sikh • 0.1% are Jewish • 0.7% have another religion • 43.2% have no religion • 6.3% did not answer	No adverse impact has been identified. Entitlement to Council Tax Support is determined by financial circumstances, household composition and eligibility criteria rather than religion or belief. The proposal is to continue the existing scheme and apply CPI uprating to the income bands. As no substantive changes are proposed, residents of all faiths, beliefs and those with no religion will continue to have equal access to support.	Continue to administer the scheme fairly and consistently. Maintain access to discretionary support through the Discretionary Council Tax Reduction Policy and Exceptional Hardship Fund where financial hardship is demonstrated.	Revenues and Benefits Service. Ongoing throughout 2027/28 with annual review of the scheme.
Sex	• 51.3% of Torbay's population are female.	The Council Tax Support Scheme does not treat people differently on the basis	Continue to monitor scheme performance and customer outcomes. Maintain	Revenues and Benefits Service. Continuous

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	• 48.7% of Torbay's population are male.	of sex and no adverse impact has been identified. The most recent locally available analysis remains applicable to the current assessment, with no evidence to suggest that the profile of Council Tax Support recipients has changed significantly since the previous Equality Impact Assessment. The latest available data shows that there is a higher percentage of working-age women receiving Council Tax Support, with 3,667 recipients (67.6% of the working-age caseload), compared to their representation within the Torbay population of 71,493 residents (51.31%). This is likely to reflect wider socio-economic factors, including the fact that women are more	access to discretionary support through the Discretionary Council Tax Reduction Policy and Exceptional Hardship arrangements where additional financial hardship is identified.	monitoring throughout the life of the scheme.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		likely to be primary carers within households. The data also shows that of working-age single-parent households receiving Council Tax Support, 1,518 (92.34%) were women and 126 (7.66%) were men. Whilst women are disproportionately represented within the Council Tax Support caseload, the scheme applies equally regardless of sex and no adverse impact has been identified. The proposed 2027/28 scheme does not introduce any changes that would affect one sex differently from another and therefore the impact is considered neutral. No adverse impact has been identified. The continuation of the existing		

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		scheme does not alter eligibility criteria or levels of support based on sex. The scheme continues to provide financial assistance to low-income households, including lone parent households and households experiencing financial hardship. The annual CPI uprating helps ensure support remains aligned with inflationary increases in income and benefits.		
Sexual orientation	In the 2021 Census, residents described their sexuality as follows; • 89% as Straight or Heterosexual • 1.7% as Gay or Lesbian • 1.1% as Bisexual • 0.1% as Pansexual • 0.1% described their sexuality another way • 7.4% of people didn't answer the question	No adverse impact has been identified. Eligibility for Council Tax Support is unrelated to sexual orientation, and no changes are proposed that would affect entitlement. All eligible residents will continue to have equal access to support under the scheme regardless of sexual orientation.	Applications will continue to be assessed fairly and consistently in accordance with approved scheme rules. Staff will continue to apply equality and diversity principles when administering the scheme.	Revenues and Benefits Service. Ongoing throughout 2027/28.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Armed Forces Community	• In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. • In Torbay, 5.9% of the population have previously served in the UK armed forces.	No adverse impact has been identified. The continuation of the scheme maintains access to financial support for eligible current and former members of the Armed Forces community on the same basis as other residents. Veterans and service families experiencing financial hardship will continue to have access to Council Tax Support and discretionary assistance where appropriate.	Continue to administer support consistently and fairly. Access to discretionary reductions and hardship support remains available where exceptional circumstances exist.	Revenues and Benefits Service. Ongoing throughout 2027/28.
Additional Considerations:				
Socio-economic impacts (Including impacts on child poverty and deprivation)	• Torbay is ranked as the 39th most deprived upper tier local authority in England in the Index of Multiple Deprivation 2025.	Positive impact identified. The primary purpose of the Council Tax Support Scheme is to reduce the financial burden of Council Tax for households on low incomes. Torbay continues to experience areas of deprivation and financial hardship. Continuing the current scheme and uprating income bands by CPI will help maintain support levels, reduce the impact of inflation on vulnerable households and	Continued administration of CTS alongside the Exceptional Hardship Fund and Discretionary Council Tax Reduction Policy. Annual monitoring of caseload, collection rates and scheme effectiveness. Signposting to wider	Revenues and Benefits Service. Ongoing monitoring throughout 2027/28 and as part of future annual

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		assist residents in meeting their Council Tax obligations. The proposal supports the Council's wider objectives of tackling poverty, improving financial resilience and reducing hardship.	welfare and financial support services where appropriate.	scheme reviews.
Public Health impacts (including impacts on the general health of the population of Torbay)	• For the five-year period 2020 to 2024, data shows there is a 6-year life expectancy gap between males who live in Torbay's least and most deprived areas and, a 3-year gap for females.	No adverse impact has been identified. Financial hardship is recognised as a wider determinant of health and wellbeing. The continuation of the existing Council Tax Support Scheme helps low-income households meet their Council Tax liability, reducing financial pressures and supporting household stability. The proposed CPI uprating of income bands helps ensure support remains aligned with inflation and may contribute positively to wellbeing by reducing the risk of residents experiencing financial hardship due to rising living costs.	Continued provision of Council Tax Support, Exceptional Hardship Fund and Discretionary Council Tax Reduction support where appropriate. Signposting to other welfare assistance and support services where financial hardship is identified.	Revenues and Benefits Service. Ongoing throughout 2027/28 with annual monitoring and review.
Human Rights impacts		No adverse impact has been identified. The proposal supports the Council's commitment to fairness, equality and	Applications will continue to be assessed consistently	Revenues and Benefits Service.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
		access to services. The continuation of the scheme assists eligible residents in maintaining financial stability and access to public services. There are no identified impacts on the human rights of any individual or group arising from the proposal.	and fairly in line with the approved scheme, relevant legislation and Council policies. Appeals and review processes remain available where appropriate.	Ongoing throughout the lifetime of the scheme.
Child Friendly / Children's Rights Impact Assessment (CRIA) considerations: Have children's rights, voice and best interests been appropriately considered and protected? Identify any groups of children and young people who may be adversely affected, how these impacts have been assessed, any engagement undertaken with children, young people and/or their representatives, and the		No adverse impact has been identified. Children and young people do not make claims directly for Council Tax Support, however many households receiving CTS include dependent children. Continuing the current scheme helps families on low incomes meet household costs and supports financial stability within the home. Maintaining support may have a positive impact on children's wellbeing by reducing financial pressures experienced by parents and carers. The Council's Discretionary Council Tax Reduction Policy and Exceptional Hardship arrangements provide an	Continued operation of the CTS Scheme, DCTR Policy and Exceptional Hardship Fund. Ongoing support and signposting to welfare assistance where required. Monitoring of vulnerable households through existing Revenues and Benefits processes.	Revenues and Benefits Service in partnership with Children's Services where appropriate. Ongoing throughout 2027/28.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
mitigations and monitoring arrangements proposed to address identified adverse impacts.		additional safety net for vulnerable families experiencing hardship.		

10. Cumulative Council Impact:

10.1 None identified.

11. Cumulative Community Impact:

11.1 None identified beyond the continued positive impact of providing financial support to low-income households.

12. Monitoring and Evaluation:

12.1 The Council Tax Support Scheme will continue to be monitored through established performance and financial monitoring arrangements.

Caseload levels, expenditure, collection rates and demand for the Exceptional Hardship Fund will be reviewed throughout the financial year. Any significant issues identified will be reported to Members and considered as part of future annual scheme reviews.

Appendices:

Appendix 1 - Local Council Tax Support Scheme 2027/28

Background Documents:

- Office of National Statistics (ONS)
- UK Parliament (House of Commons Library)
- Joseph Rowntree Foundation (UK Poverty 2026 - Disability and poverty)
- Scope (Disability Price Tag 2025: statistical summary)

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TORBAY COUNCIL

Council Tax Reduction Scheme
S13A and Schedule 1a of the
Local Government Finance Act 1992

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1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1st April 2026.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2026 for a period of one financial year.

1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (England) (Amendment) Regulations 2017;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020:
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021:
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
- The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2025;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2026; and
- Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The scheme for pension age applicants – Central Government's scheme as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012

1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain.

(1) In this scheme—
(a) a person is a "pensioner" if—
(i) he has attained the qualifying age for state pension credit; and

(ii), he is not and, if he has a partner, his partner is not—
(aa) a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance, or
(bb) a person with an award of universal credit; and
(b) a person is a "person who is not a pensioner" if—
(i) he has not attained the qualifying age for state pension credit; or
(ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is—
(aa) a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance, or
(bb) a person with an award of universal credit.

(2) For the purposes of sub-paragraphs (a)(ii)(bb) and (b)(ii)(bb) in paragraph (1) an award of universal credit is to be disregarded during:
(a)during the relevant period; or
(b)where regulation 60A of the Universal Credit (Transitional Provisions) Regulations 2014 applies in respect of the award the relevant period.

(3) In this scheme—

"assessment period" has the same meaning as in the Universal Credit Regulations 2013;
"relevant period" means the period beginning with the day on which P and each partner of P has attained the qualifying age for state pension credit and ending with the day on which the last assessment period for universal credit ends

The three prescribed classes are as follows;

Class A: pensioners whose income is less than the applicable amount.

On any day Class A consists of any person who is a pensioner:

(a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
(b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
(c) who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
(d) whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
(e) not have capital savings above £16,000; and
(f) who has made an application for a reduction under the authority's scheme.

Class B: pensioners whose income is greater than the applicable amount.

On any day class B consists of any person who is a pensioner:

(a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
(b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
(c) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
(d) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 9 and Schedule 2 to the Local Government Finance Act 1992;
(e) in respect of whom amount A exceeds amount B where;
    (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
    (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week

and his applicable amount;

(f) not have capital savings above £16,000; and

(g) who has made an application for a reduction under the authority's scheme.

Class C: alternative maximum Council Tax Reduction

On any day class C consists of any person who is a pensioner:

(a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;

(b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day;

(c) in respect of whom a maximum Council Tax Reduction amount can be calculated;

(d) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act and excluded from the authority's scheme;

(e) who has made an application for a reduction under the authority's scheme; and

(f) in relation to whom the condition below is met.

The condition referred to in sub-paragraph (f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum Council Tax Reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.

The above applies to any other resident of the dwelling who:

(a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;

(b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);

(c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—

(i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or

(ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;

(d) is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or

(e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:

(a) a war disablement pension;

(b) a war widow's pension or war widower's pension;

(c) a pension payable to a person as a widow, widower or surviving civil partner under any power of His Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

(d) a guaranteed income payment;

(e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;

(f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;

(g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

The provisions outlined above, enhance the Central Government's scheme.

THE SCHEME FOR WORKING AGE APPLICANTS – THE COUNCIL'S LOCAL SCHEME

1.6 The adopted scheme for working age applicants is an income band scheme means test, which compares income against a range of discounts available. Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;

(a) has not attained the qualifying age for state pension credit; or
(b) has attained the qualifying age for state pension credit if he, or his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.

1.7 The Council has resolved that there will be ***one*** class of persons who will receive a reduction in line with the adopted scheme. The scheme has qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain a reduction the individual (or partner) must:

(a) have not attained the qualifying age for state pension credit; or
(b) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
(c) be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
(d) is not deemed to be absent from the dwelling;
(e) not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
(f) be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
(g) not have capital savings of £6,000 or above;
(h) not have income above the levels specified within the scheme at Schedule 1;
(i) be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income* is within a range of incomes specified within Schedule 1; and
(j) has made a valid application for reduction.

Council Tax Reduction Scheme

Details of reduction to be given for working age applicants for the financial year 2026/27

2.0 Interpretation – an explanation of the terms used within this policy.

2.1 In this policy–

'the 1992 Act' means the Local Government Finance Act 1992;

'the 2000 Act' means the Electronic Communications Act 2000;

'Abbeyfield Home' means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

'adoption leave' means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

'an AFIP' means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004

'applicant' means a person who the authority designates as able to claim Council tax reduction – for the purposes of this policy all references are in the masculine gender but apply equally to male and female;

'application' means an application for a reduction under this scheme:

'attendance allowance' means–

(a) an attendance allowance under Part 3 of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

'the authority' means a billing authority in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

'basic rate', where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act).

'board and lodging accommodation' means accommodation provided to a family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

'care home' has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services Quality Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home, within the meaning of Article 10 of that Order;

'the Caxton Foundation' means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

'child' means a person under the age of 16;

'child benefit' has the meaning given by section 141 of the SSCBA as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

'child tax credit' means a child tax credit under section 8 of the Tax Credits Act 2002;

'the Children Order' means the Children (Northern Ireland) Order 1995;

'claim' means a claim for council tax reduction;

'close relative' means a parent, parent-in-law, son, son-in-law, daughter, daughter- in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

'contributory employment and support allowance" means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

'converted employment and support allowance' means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations;
'council tax reduction (or reduction)' means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);
'couple' means;

(a) two people who are married to, or civil partners of, each other and are members of the same household; or
(b) a man and a woman who are not married to each other but are living together as if they were a married couple or civil partners;

'date of claim' means the date on which the claim is made, or treated as made, for the purposes of this policy.
'designated authority' means any of the following;
the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;
'designated office' means the office designated by the authority for the receipt of claims for council tax reduction;

(a) by notice upon or with a form approved by it for the purpose of claiming council tax reduction; or
(b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or
(c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

'disability living allowance' means a disability living allowance under section 71 of the Act;
'dwelling' has the same meaning in section 3 or 72 of the 1992 Act;
'earnings' has the meaning prescribed in section 25 or, as the case may be, 27;
'the Eileen Trust' means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;
'electronic communication' has the same meaning as in section 15(1) of the 2000 Act;
'employed earner' is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;
'Employment and Support Allowance Regulations' means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;
'Employment and Support Allowance (Existing Awards) Regulations' means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;
'family' has the meaning assigned to it by section 137(1) of the Act and Section 9 of this scheme;
'the Fund' means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;
'a guaranteed income payment' means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b);
'he, him, his' also refers to the feminine within this policy.
'housing benefit' means housing benefit under Part 7 of the Act; 'the Housing Benefit Regulations' means the Housing Benefit Regulations 2006;
'Immigration and Asylum Act' means the Immigration and Asylum Act 1999;
'an income-based jobseeker's allowance' and 'a joint-claim jobseeker's allowance' have the same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;
'income-related employment and support allowance' means an income-related allowance under Part 1 of the Welfare Reform Act 2007;
'Income Support Regulations' means the Income Support (General) Regulations 1987(a);
'independent hospital'–

(a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
(b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and

(c) in Scotland, means an independent health care service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

'the Independent Living Fund (2006)' means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

'invalid carriage or other vehicle' means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

'Jobseekers Act' means the Jobseekers Act 1995; 'Jobseeker's Allowance Regulations' means the Jobseeker's Allowance Regulations 1996 and Jobseeker's Allowance Regulations 2013 as appropriate; 'limited capability for work' has the meaning given in section 1(4) of the Welfare Reform Act;

'limited capability for work-related activity' has the meaning given in section 2(5) of the Welfare Reform Act 2007;

'the London Bombing Relief Charitable Fund' means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

'lone parent' means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

'the Macfarlane (Special Payments) Trust' means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

'the Macfarlane (Special Payments) (No.2) Trust' means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

'the Macfarlane Trust' means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

'main phase employment and support allowance' means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 1;

'maternity leave' means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

'member of a couple' means a member of a married or unmarried couple;

'member of the work-related activity group" means a claimant who has or is treated as having limited capability for work;

'MFET Limited' means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

'net earnings' means such earnings as are calculated in accordance with this scheme;

'net profit' means such profit as is calculated in accordance with this scheme;

'the New Deal options' means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

'new dwelling' means, for the purposes of the definition of 'second authority' and sections 60C, and 61C the dwelling to which an applicant has moved, or is about to move, in which the applicant is or will be resident;

'occupational pension' means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

'ordinary clothing or footwear' means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

'partner' means–

(a) where an applicant is a member of a couple, the other member of that couple; or

(b) where an applicant is polygamously married to two or more members of his household, any such member to whom he is married;

'paternity leave' means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

'payment' includes part of a payment;

'pensionable age' has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 as amended by the Public Services Pension Act 2013 and Pensions Act 2014;

'pension fund holder' means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers, or scheme administrators, as the case may be, of the scheme concerned;

'pensioner' a person who has attained the age at which pension credit can be claimed;

'person affected' shall be construed as a person to whom the authority decides is affected by any decision made by the council under this scheme;

'personal independence payment' has the meaning given by Part 4 of the Welfare Reform Act 2012 and the Social Security (Personal Independence Payments) 2013;

'person treated as not being in Great Britain' has the meaning given by section 7;

'person on income support means a person in receipt of income support;

'person on Universal Credit means a person in receipt of Universal Credit;

'personal pension scheme' means–

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

(b) an annuity contractor trust scheme approved under section 20 or 21of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

'policy of life insurance' means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

'polygamous marriage' means a marriage to which section 133(1) of the Act refers namely;

(a) a person is a husband or wife by virtue of a marriage entered into under law which permits polygamy; and

(b) either party to the marriage has for the time being any spouse additional to the other party.

'public authority' includes any person certain of whose functions are functions of a public nature;

'qualifying age for state pension credit' means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)–

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

'qualifying contributory benefit' means;

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job Seeker's Allowance Regulations 1996

'qualifying income-related benefit' means;

(a) income support;

(b) income-based jobseeker's allowance;

(c) income-related employment and support allowance;

'qualifying person' means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

'reduction week' means a period of seven consecutive days beginning with a Monday and ending with a Sunday;
'relative' means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;
'relevant authority' means an authority administering council tax reduction;
'relevant week' In relation to any particular day, means the week within which the day in question falls;
'resident' has the meaning it has in Part 1 or 2 of the 1992 Act;
'self-employed earner' is to be construed in accordance with section 2(1)(b) of the Act;
'self-employment route' means assistance in pursuing self-employed earner's employment whilst participating in–

(a) an employment zone programme;
(b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);
(c) the Employment, Skills, and Enterprise Scheme;
(d) a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
(e) Back to Work scheme.

'single applicant' means an applicant who neither has a partner nor is a lone parent;
'the Skipton Fund' means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions.
'special account' means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker's Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;
'sports award' means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 out of sums allocated to it for distribution under that section;
'the SSCBA' means the Social Security Contributions and Benefits Act 1992
'State Pension Credit Act' means the State Pension Credit Act 2002;
'student' has the meaning prescribed in section 43;
'subsistence allowance' means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;
' reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;
'the Tax Credits Act' means the Tax Credits Act 2002;
'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next;
'training allowance' means an allowance (whether by way of periodical grants or otherwise) payable–

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People's Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;
(b) to a person for his maintenance or in respect of a member of his family; and
(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

It does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Actor is training as a teacher;
'the Trusts' means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;
'Universal Credit' means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

'Uprating Act' means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating Order 2014, and the Welfare Benefits Up-rating Order 2015;
'voluntary organisation' means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;
'war disablement pension' means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;
'war pension' means a war disablement pension, a war widow's pension or a war widower's pension;
'war widow's pension' means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;
'war widower's pension' means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;
'water charges' means;
(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,
(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;
'week' means a period of seven days beginning with a Monday;
'Welfare Reform Act' means the Welfare Reform Act 2007;
'Working Tax Credit Regulations' means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended.

2.2 In this policy, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.

2.3 For the purpose of this policy, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;

(a) in respect of which he satisfies the conditions for entitlement to an income- based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income- based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;

(c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;

(d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

2.4 For the purposes of this policy, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;

(a) in respect of which he satisfies the conditions for entitlement to an income- related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or

(b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income- related employment and support allowance is payable to him or would be payable to him but for section 18

of that Act.

2.5 For the purposes of this policy, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.6 In this policy, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Requirement to provide a National Insurance Number

3.1 No person shall be entitled to reduction unless the criteria below in 3.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming reduction.

3.2 This subsection is satisfied in relation to a person if–

(a) the claim for reduction is accompanied by;

i. a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or

ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or

(b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

3.3 Paragraph 3.2 shall not apply–

(a) in the case of a child or young person in respect of whom council tax reduction is claimed;

(b) to a person who;

i. is a person in respect of whom a claim for council tax reduction is made;

ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;

iii. is a person from abroad for the purposes of this scheme; and

iv. has not previously been allocated a national insurance number.

4.0 Persons who have attained the qualifying age for state pension credit.

4.1 This scheme applies to a person if:

(i) he has not attained the qualifying age for state pension credit; or

(ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;

(a) a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or

(b) a person with an award of universal credit.

5.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control

Persons treated as not being in Great Britain

5.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

5.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland.

5.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland unless the person has a right to reside in one of those places.

5.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—

(a) regulation 13 of the EEA Regulations;

(aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—

(i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or

(ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;

(b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

5.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

(a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021

(b) Appendix EU to the immigration rules made under section 3(2) of that Act;

(c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or

(d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.

5.4B Paragraph (4A)(b) does not apply to a person who—

(a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and

would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)

5.5 A person falls within this paragraph if the person is—

(za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—

(i)the Afghan Relocations and Assistance Policy; or

(ii)the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);

(zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;

(zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or

(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;

(zd) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon immediately before 7th October 2023, left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon in

connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or

(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;

(ze) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;

(ii)has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or

(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act

(zf) a person who—

was residing in a country or territory outside Great Britain immediately before His Majesty's Government—

(aa) provided public information to advise British nationals to leave that country or territory, or

(bb) arranged the evacuation of British nationals from that country or territory;

has left that country or territory and is present in Great Britain; and

has—

(aa) a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971(6),

(bb) no requirement of leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act(7),

(cc) leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of that Act, or

(dd) leave on a discretionary basis outside of rules made under section 3(2) of that Act; or

(zg) a person who, as part of a safe and legal humanitarian immigration route, has leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of the Immigration Act 1971 or leave on a discretionary basis outside of rules;

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

(b) a family member of a person referred to in sub-paragraph (a);

(c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;

(ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;

(cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;

(cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971

(d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971

(f) a person who has humanitarian protection granted under those rules;

(g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion, or other removal by compulsion of law from another country to the United Kingdom;

(h) in receipt of income support or on an income-related employment and support allowance;

(ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4); or

(hb) in receipt of universal credit

5.5A Paragraph 5.5 (zf) does not apply after the expiry of 6 months beginning on the day on which the public information is issued, or the evacuation is started.

5.6 A person falls within this paragraph if the person is a Crown servant or member of His Majesty's forces posted overseas.

5.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of His Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

5.8 In this section —
"claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
"Crown servant" means a person holding an office or employment under the Crown;
"EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
"EEA national" has the meaning given in regulation 2(1) of the EEA Regulations;
"family member" has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
"relevant person of Northern Ireland" has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and
"His Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

5.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

5.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 5.9.

5.11 "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

6.0 Transitional provision

6.1 The above does not apply to a person who, on 31st March 2015—

(a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A (2) of the Act; and

(b) is entitled to an income-based jobseeker's allowance, until the first of the events in

paragraph 6.2 occurs.

6.2 The events are—

(a) the person makes a new application for a reduction under an authority's scheme established under section 13A (2) of the Act; or

(b) the person ceases to be entitled to an income-based jobseeker's allowance.

6.3 In this section "the Act" means the Local Government Finance Act 1992.

7.0 Temporary Absence (period of absence)

7.1 Where a person is absent from the dwelling throughout any day then no reduction shall be payable.

7.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 7.1.

7.3 In paragraph 7.2, a 'period of temporary absence' means–

(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;

i. the person resides in that accommodation;
ii. the part of the dwelling in which he usually resided is not let or sub-let; and
iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

(b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;

i. the person intends to return to the dwelling;
ii. the part of the dwelling in which he usually resided is not let or sub-let; and
iii. that period is unlikely to exceed 13 weeks; and

(c) a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as

i. the person intends to return to the dwelling;
ii. the part of the dwelling in which he usually resided is not let or sub-let;
iii. the person is a person to whom paragraph 7.4 applies; and
iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

7.4 This paragraph applies to a person who is;

(a) detained in custody on remand pending trial or required, as a condition of bail, to reside;
i. in a dwelling, other than the dwelling referred to in paragraph 7.1, or
ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;

(b) resident in a hospital or similar institution as a patient;

(c) undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

(d) following, in the United Kingdom or elsewhere, a training course;

(e) undertaking medically approved care of a person residing in the United Kingdom or elsewhere;

(f) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;

(g) in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;

(h) a student;

(i) receiving care provided in residential accommodation other than a person to whom

paragraph 7.3a) applies; or

(j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

7.5 This paragraph applies to a person who is:

(a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013); and

(b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952.

7.6 Where paragraph 7.5 applies to a person, then, for any day when he is on temporary release–

(a) if such temporary release was immediately preceded by a period of temporary absence under paragraph 7.3 b) or c), he shall be treated, for the purposes of paragraph 7.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;

(b) for the purposes of paragraph 7.4 a), he shall be treated as if he remains in detention;

(c) If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident.

7.7 In this section;

- 'medically approved' means certified by a medical practitioner;
- 'patient' means a person who is undergoing medical or other treatment as an in- patient in any hospital or similar institution; 'residential accommodation' means accommodation which is provided;
  (a) in a care home;
  (b) in an independent hospital;
  (c) in an Abbeyfield Home; or
  (d) in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- 'training course' means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

8.0 Membership of a family

8.1 Within the reduction scheme adopted by the Council 'family' means;

(a) a married or unmarried couple;

(b) married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;

(c) two people of the same sex who are civil partners of each other and are members of the same household (with or without children);

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),

(e) and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;

(f) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person'
A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their

'extension period';

- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

8.2 Paragraph 8.1 the definition of child or young person shall not apply to a person who is;

(a) on income support;
(b) an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
(c) a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.

8.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable.

9.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.

9.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him, and this includes a child or young person.

9.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;

a. the person who is receiving child benefit in respect of him; or
b. if there is no such person;
   i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
   ii. in any other case the person who has the primary responsibility for him.

9.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

10.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household.

10.1 Subject to paragraphs 10.2 and 10.3, the applicant and any partner and, where the applicant or his partner is treated as responsible for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

10.2 A child or young person shall not be treated as a member of the applicant's household where he is;

(a) placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
(b) placed with the applicant or his partner prior to adoption; or
(c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002.

10.3 Subject to paragraph (4), paragraph (1) shall not apply to a child or young person who is not living with the applicant and he–

(a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
(b) has been placed, or in Scotland boarded out, with a person other than the applicant

prior to adoption; or

(c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).

10.4 The authority shall treat a child or young person to whom paragraph (3a) applies as being a member of the applicant's household in any reduction week where;

(a) that child or young person lives with the applicant for part or all of that reduction week; and

(b) the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

10.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 as amended.

11.0 Calculation of income and capital of members of applicant's family and of a polygamous marriage

11.1 The income and capital of an applicant's partner within this scheme and for the purposes of claiming council tax reduction is to be treated as income and capital of the applicant and shall be calculated or estimated in accordance with the following provisions in like manner as for the applicant; and any reference to the ' applicant' shall, except where the context otherwise requires be construed for the purposes of this scheme as if it were a reference to his partner.

11.2 Where an applicant or the partner of is married polygamously to two or more members of his household–

(a) the applicant shall be treated as possessing capital and income belonging to each such member; and

(b) the income and capital of that member shall be calculated in accordance with the following provisions of this scheme in like manner as for the applicant.

11.3 The income and capital of a child or young person shall not be treated as the income and capital of the applicant.

12.0 Calculation of income and capital: persons who have an award of universal credit.

12.1 Any universal credit data or notification received by the authority may be used as a claim for reduction or in the assessment of council tax reduction including data received from the Secretary of State where the applicant no longer qualifies for a universal credit award.

12.2 In determining the income of an applicant;

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit the authority may use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit. The authority may use any other assessment based on the information provided by the Secretary of State.

12.3 The authority may adjust the amount referred to in sub-paragraph (2) to take account of

(a) income consisting of the award of universal credit;

(b) any sum to be disregarded in the calculation of earnings ;

(c) any sum to be disregarded in the calculation of income other than earnings; and

(d) any sum which may be disregarded as the following elements:

(i) Housing Element;
(ii) Limited Capability for Work Element and the Limited Capability for Work Related Activity Element;
(iii) Disabled Child Element;
(iv) Transitional element
(v) Carer Element; and
(vi) Childcare Costs Element.

12.4 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

12.5 In determining the capital of an applicant;
(a) who has, or
(b) who (jointly with his partner) has,
an award of universal credit, the authority may use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award.

12.6 When considering any award of universal credit, the authority may amend elements within the universal credit award where there is evidence which supports that the universal credit award is incorrect.

13.0 Calculation of income on a weekly basis

13.1 For the purposes of this scheme the income of an applicant shall be calculated on a weekly basis by estimating the amount which is likely to be his average weekly income.

14.0 Average weekly earnings of employed earners.

14.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by the authority by reference to his actual earnings over a period determined by the authority as reasonable.

14.2 Where the applicant is recently employed and cannot furnish the appropriate evidence, the authority may require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

14.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately.

15.0 Average weekly earnings of self-employed earners

15.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately.

16.0 Average weekly income other than earnings

16.1 An applicant's income which does not consist of earnings shall be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately.

17.0 Calculation of average weekly income from tax credits

17.1 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph (2)

17.2 Where the instalment in respect of which payment of a tax credit is made is;

(a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;

(b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;

(c) a two-weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;

(d) a four-weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

17.3 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

18.0 Calculation of weekly income

18.1 For the purposes of this scheme where the period in respect of which a payment is made;

(a) does not exceed a week, the weekly amount shall be the amount of that payment;

(b) exceeds a week, the weekly amount shall be determined–

i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;

ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.

18.2 The weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

19.0 Earnings of employed earners.

19.1 Earnings means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes–

(a) any bonus or commission;

(b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;

(c) any payment in lieu of notice, or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;

(d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;

(e) any payment by way of a retainer;

(f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of–

(g) (i) travelling expenses incurred by the applicant between his home and his place of employment;

(ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;

(h) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);

(i) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);

(j) any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);

(k) any statutory sick pay, statutory maternity pay, statutory paternity pay, or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;

(l) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work

because he is ill;

(m) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended.

19.2 Earnings shall not include–

(a) any payment in kind;

(b) any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of employment;

(c) any occupational pension

20.0 Calculation of net earnings of employed earners.

20.1 For the purposes of this scheme, the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall be his net earnings.

20.2 There shall be disregarded from an applicant's (or their partner's) net earnings, amounts as specified in Schedule 4 of this scheme. This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.

20.3 Net earnings shall be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

(a) any amount deducted from those earnings by way of

i) income tax;

ii) primary Class 1 National Insurance contributions

(b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;

(c) one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and

20.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.

20.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined–

(a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;

(b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

20.6 Where the earnings of an applicant are estimated an appropriate estimate of net earnings shall be determined in line with paragraph (3) above.

21.0 Earnings of self-employed earners.

21.1 'Earnings', in the case of employment as a self- employed earner, means the gross income of the employment

21.2 'Earnings' shall not include any payment in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care nor shall it include any sports award.

21.3 This paragraph applies to–

(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trademark; or

(b) any payment in respect of any–

(i) book registered under the Public Lending Right Scheme 1982; or
(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book of work concerned.

22.0 Calculation of net profit of self-employed earners

22.1 For the purposes of this scheme the earnings of an applicant to be taken into account shall be;
(a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
(b) in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less–
i. an amount in respect of income tax and of national insurance contributions payable under this scheme; and
ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

22.2 There shall be disregarded from an applicant's (or their partner's) net earnings, amounts as specified in Schedule 4 of this scheme. This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.

22.3 The net profit of the employment must be calculated by taking into account the earnings for the employment over the assessment period less;
(a) any expenses wholly and exclusively incurred in that period for the purposes of that employment;
(b) an amount in respect of;
i. income tax, and
ii. national insurance contributions payable calculated in accordance with section 23; and
iii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

22.4 For the purposes of paragraph (1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

22.5 No deduction shall be made under paragraph (3 a) or (4), in respect of–
(a) any capital expenditure;
(b) the depreciation of any capital asset;
(c) any sum employed or intended to be employed in the setting up or expansion of the employment;
(d) any loss incurred before the beginning of the assessment period;
(e) the repayment of capital on any loan taken out for the purposes of the employment;
(f) any expenses incurred in providing business entertainment, and
(g) any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.

22.6 A deduction shall be made under paragraph (3 a) or (4) in respect of the repayment of capital on any loan used for–
(a) the replacement in the course of business of equipment or machinery; and
(b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

22.7 The authority shall refuse to make deduction in respect of any expenses where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

22.8 For the avoidance of doubt–

(a) deduction shall not be made in respect of any sum unless it has been expended for the purposes of the business;
(b) a deduction shall be made thereunder in respect of–
    i. the excess of any value added tax paid over value added tax received in the assessment period;
    ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
    iii. any payment of interest on a loan taken out for the purposes of the employment

22.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
(a) income tax; and
(b) national insurance contributions calculated in accordance with section 23 (and
(c) one-half of the amount any qualifying pension contribution in accordance with (11).

22.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner, and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

22.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined;
(a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
(b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

22.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

Minimum Income Floor

22.13 Where no start up period (as defined within 22.14) applies to the applicant or partner, the income used by the Council in the calculation of their award will be the gross amount declared by the applicant or a substituted amount whichever is the higher. This substituted amount shall not be less than 35 hours multiplied by the national living wage(or national minimum wage as appropriate) From that, the Council will deduct only an estimate for tax, national insurance and half a pension contribution (where a pension contribution is being made).

22.14 The Council shall determine an appropriate start up period for the employment activity being conducted by the applicant or partner. This will normally be one year from the date of commencement of the employment activity. During this period, no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.

22.15 Where an applicant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the substituted amount where appropriate.

22.16 No start-up period may be applied in relation to an applicant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Reduction.

22.17 In order to establish whether to award a start up period, the applicant must satisfy the Council that the employment is:

- Genuine and effective. The Council must be satisfied that the employment activity is being conducted; and
- Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.

22.18 For the purposes of determining whether an applicant is in gainful self-employment or meets the conditions for a start up-period, the Council will require the applicant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self-employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a start-up period are met.

22.19 Where the applicant is a lone parent, the number of hours stated in 22.13 shall be reduced to 25.

22.20 Notwithstanding the earlier paragraphs in this section, for households that are not receiving Universal Credit and is self-employed, those that have a disability or caring responsibilities the actual amount of self-employed income is to be used in the calculation of any reduction.
"Disability" means that the applicant is considered in the work group or support group of Employment and Support Allowance.
"Caring responsibilities; means than the applicant is responsible for the care of a severely disabled person.

23.0 Deduction of tax and contributions of self-employed earners

23.1 The amount to be deducted in respect of income tax under section 22 shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

23.2 The amount to be deducted in respect of national insurance contributions under section shall be the total of–

(a) the amount of Class 2 National Insurance contributions payable at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and

(b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

23.3 In this section 'chargeable income' means–

(a) the earnings derived from the employment less any expenses deducted under section 22;

(b) in the case of employment as a child minder, one-third of the earnings of that employment.

24.0 Calculation of income other than earnings

24.1 For the purposes of this scheme, the income of an applicant which does not consist of earnings to be taken into account shall be his gross income and any capital treated as income under section 25.

24.2 There shall be disregarded from the calculation of an applicant's gross income any sum, where

applicable, specified in Schedule 2.

24.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account shall be the gross amount payable.

24.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, the amount of that benefit to be taken into account is the amount as if it had not been reduced.

24.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

24.6 'Tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.

24.7 Paragraphs (7),(8), (9) and (10) apply to any applicant who is a student. Paragraph (8) and (9) apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

24.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (7) applies, shall be calculated by applying the formula–

$$\frac{A - (BxC)}{D}$$

Where;

A = the total amount of the relevant payment which that person would have received had he remained a student until he last day of the academic term in which he abandoned, or was dismissed from, his course;

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

24.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (8) applies, shall be calculated by applying the formula in paragraph (8) but as if–

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course or was dismissed from it.

24.10 In this section– 'academic year' and 'student loan' shall have the same meanings as for the purposes of this scheme, 'assessment period' means–

(a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the

person abandoned, or was dismissed from, his course and ending with the reduction week which includes–

i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of those date is earlier.

'quarter' in relation to an assessment period means a period in that year beginning on;

(a) 1st January and ending on 31st March;
(b) 1st April and ending on 30th June;
(c) 1st July and ending on 31st August; or
(d) 1st September and ending on 31st December;

'relevant payment' means either a student loan or an amount intended for the maintenance of dependants.

25.0 Capital treated as income and Notional Income

25.1 Any payment received under an annuity shall be treated as income.

25.2 Any earnings to the extent that they are not a payment of income shall be treated as income.

25.3 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income.

25.4 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

25.5 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of reduction or increasing the amount of that reduction.

25.6 Except in the case of–

(a) a discretionary trust;
(b) a trust derived from a payment made in consequence of a personal injury;
(c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
(d) rehabilitation allowance made under section 2 of the 1973 Act;
(e) child tax credit; or
(f) working tax credit,

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

25.7 Any payment of income made–

(a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
(b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant

or member is liable;

(c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

25.8 This section shall not apply in respect of a payment of income made–

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);

(b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);

(c) pursuant to section 2 of the 1973 Act in respect of a person's participation–

(i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;

(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

(iii) in the Intense Activity Period specified in regulation75(1)(a)(iv)of those Regulations;

(iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;

(v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;

(d) in respect of a previous participation in the Mandatory Work Activity Scheme;

(e) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where–

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration, or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

25.9 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from 1st April in that year.

25.10 Where–

(a) applicant performs a service for another person; and

(b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

25.11 Paragraph (10) shall not apply–

(a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with–

(i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or

(ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or

(c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

25.12 'Work placement' means practical work experience which is not undertaken in expectation of payment.

25.13 Where an applicant is treated as possessing any income under this section, the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

25.14 Where an applicant is treated as possessing any earnings under this section his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;

(b) an amount equivalent to the amount of the primary Class 1 National Insurance contributions that would be payable by him in respect of those earnings if such contributions were payable; and

(c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

26.0 Capital limit

26.1 For the purposes of this scheme, the prescribed amount is £6,000 and no reduction shall be granted when the applicant has an amount of £6,000 or greater.

27.0 Calculation of capital

27.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under this scheme.

27.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (1), any capital, where applicable, specified in Schedule 3.

28.0 Disregard of capital of child and young person

28.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

29.0 Income treated as capital.

29.1 Any bounty derived from employment and paid at intervals of at least one year shall be treated as capital.

29.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

29.3 Any holiday pay which is not earnings shall be treated as capital.

29.4 Any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

29.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.

29.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

29.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self- employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

29.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.

29.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

30.0 Calculation of capital in the United Kingdom

30.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less–

a. where there would be expenses attributable to the sale, 10 per cent.; and
b. the amount of any encumbrance secured on it;

31.0 Calculation of capital outside the United Kingdom

31.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated:

(a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
(b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

32.0 Notional capital

32.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with section 33.

32.2 Except in the case of

(a) a discretionary trust; or
(b) a trust derived from a payment made in consequence of a personal injury; or
(c) any loan which would be obtained only if secured against capital disregarded under Schedule 3; or
(d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
(e) any sum to Schedule 3 refers; or
(f) child tax credit; or
(g) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

32.3 Any payment of capital, other than a payment of capital specified in paragraph (4), made;

(a) to a third party in respect of a single applicant or a member of the family (but not a member

of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;

(b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;

(c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

32.4 Paragraph 32.3 shall not apply in respect of a payment of capital made:

(a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;

(b) pursuant to section 2 of the 1973 Act in respect of a person's participation:

i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;

ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;

iv. in a qualifying course within the meaning specified in regulation17A(7) of those Regulations; or

v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;

(c) in respect of a person's participation in the Mandatory Work Activity Scheme;

(d) Enterprise Scheme;

(e) in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme;

(f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where–

vi. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

vii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

viii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

32.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case;

(a) the value of his holding in that company shall be disregarded; and

(b) he shall be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

32.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph (5) shall be disregarded.

32.7 Where an applicant is treated as possessing capital under any of paragraphs (1) and (2) the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

33.0 Diminishing notional capital rule.

33.1 Where an applicant is treated as possessing notional capital the amount which he is treated as possessing shall be reduced by the amount calculated by the authority as the weekly amount of council tax reduction lost due to the inclusion of the notional capital within the calculation.

33.2 The authority shall determine the frequency by which the notional capital is reduced.

34.0 Capital jointly held.

34.1 Where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

35.0 Students - Student related definitions

35.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January 1st April 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

(a) grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
(b) grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
(c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
(d) discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
(e) Financial Contingency Funds made available by the Welsh Ministers;

'college of further education' means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

'contribution' means;

(a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
(b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
    (i) the holder of the allowance or bursary;
    (ii) the holder's parents;
    (iii) the holders parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
    (iv) the holder's spouse or civil partner;

'course of study' means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

'covenant income' means the gross income payable to a full-time student under a Deed of Covenant by his parent;

'education authority' means a government department, a local education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973 an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, Isle of Man or any other country outside Great Britain;

'full-time course of study' means a full-time course of study which;

(a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;

(b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—

(i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or

(ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or

(c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—

(i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or

(ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

'full-time student' means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

'grant' means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary;

'grant income' means;

(a) any income by way of a grant;

(b) any contribution whether or not it is paid;

'higher education' means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992; 'last day of the course' means;

(a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;

(b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

'period of study' means–

(a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;

(b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either–

(i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or

(ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;

(c) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

'periods of experience' means periods of work experience which form part of a sandwich course;

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

'modular course' means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

'sandwich course' has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland), Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

'standard maintenance grant' means–

(a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;

(b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;

(c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;

(d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

'student' means a person, other than a person in receipt of a training allowance, who is attending or undertaking–

(a) a course of study at an educational establishment; or

(b) a qualifying course;

'student' loan' means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Student's Allowances (Scotland) Regulations 2007

35.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course;

(a) in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;

(i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or

(ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;

(b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

35.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

(a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

(b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

36.0 Students who are excluded from entitlement to council tax reduction.

36.1 Students except those define in paragraph (3) are not able to claim Council tax reduction under Classes D of the authority's reduction scheme.

36.2 To be eligible for reduction, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992, and they must not be deemed to be a full-time student or a person from abroad within the meaning of section 7 of this scheme (persons from aboard).

36.3 Paragraph 36.2 shall not apply to a student:

(a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
(b) who is a lone parent;
(c) who is in receipt of a Personal Independence Payment;
(d) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
(e) (who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989,
(f) who is;
(i) aged under 21 and whose course of study is not a course of higher education, or
(ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
(g) in respect of whom
i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
(ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
(iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
(v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

36.4 For the purposes of paragraph (3(f)(i)) the student must have begun or been enrolled or accepted onto the course before attaining the age of 19.

36.5 The reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

36.6 An intercalating student may be eligible for a reduction if the following circumstances are met:

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
(i) engaged in caring for another person; or

(ii) ill;

(b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (7).

36.7 The period specified for the purposes of paragraph (6) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

(a) the day on which he resumes attending or undertaking the course; or

(b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,

which shall first occur.

37.0 Students - Calculation of grant income

37.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs (2) and (3), be the whole of his grant income.

37.2 There shall be excluded from a student's grant income any payment;

(a) intended to meet tuition fees or examination fees;

(b) in respect of the student's disability;

(c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;

(d) on account of the student maintaining a home at a place other than that at which he resides during his course;

(e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;

(f) intended to meet the cost of books and equipment;

(g) intended to meet travel expenses incurred as a result of his attendance on the course;

(h) intended for the childcare costs of a child dependant.

(i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

37.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

(a) the sum of £303 per academic year in respect of travel costs; and

(b)the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

37.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

37.5 Subject to paragraphs (6) and (7), a student's grant income shall be apportioned;

(a) subject to paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;

(b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

37.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public

Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

37.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

37.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

38.0 Students- Calculation of covenant income where a contribution is assessed.

38.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph (3), the amount of the contribution.

38.2 The weekly amount of the student's covenant shall be determined–

(a) by dividing the amount of income which falls to be taken into account under paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and

(b) by disregarding from the resulting amount, £5.

39.0 Students - Covenant income where no grant income or no contribution is assessed.

39.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

(a) any sums intended for any expenditure specified in the calculation of grant income necessary as a result of his attendance on the course shall be disregarded;

(b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;

(c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded in the calculation of grant income had the student been in receipt of the standard maintenance grant; and

(d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

39.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph (1).

40.0 Students - Covenant Income and Grant income – non-disregard

40.1 No part of a student's covenant income or grant income shall be disregarded under this scheme.

41.0 Treatment of student loans

41.1 A student loan shall be treated as income.

41.2 In calculating the weekly amount of the loan to be taken into account as income:

(a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;

(i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;

(ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,

(b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

(c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;

(i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;

(ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

(d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;

(i) the first day of the first reduction week in September; or

(ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

41.3 A student shall be treated as possessing a student loan in respect of an academic year where;

(a) a student loan has been made to him in respect of that year; or

(b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

41.4 Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5).

(a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to

(i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and

(ii) any contribution whether or not it has been paid to him;

(b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;

(i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and

(ii) no deduction in that loan was made by virtue of the application of a means test.

41.5 There shall be deducted from the amount of income taken into account under paragraph (4)

(a) the sum of £303 per academic year in respect of travel costs; and

(b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

42.0 Students - Treatment of fee loans

42.1 A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

43.0 Students - Treatment of payments from access funds

43.1 A payment from access funds, other than a payment to which paragraph 43.2 applies, shall be disregarded as income.

43.2 a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and

b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

43.3 Where a payment from access funds is made–

(a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or

(b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.

44.0 Students - Disregard of contribution

44.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

45.0 Further disregard of student's income

45.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

46.0 Students - Income treated as capital.

46.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

46.2 Any amount paid from access funds as a single lump sum shall be treated as capital.

46.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

47.0 Students - Disregard of changes occurring during summer vacation.

47.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's

course if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

48.0 Maximum Council Tax Reduction

48.1 Subject to paragraphs (2) to (4), the amount of a person's maximum Council Tax Reduction in respect of a day for which he is liable to pay council tax, shall be 75 per cent, of the amount A divided by B where;

(a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and

(b) B is the number of days in that financial year,

In this paragraph "relevant financial year" means, in relation to any particular day, financial year within which the day in question falls.

48.2 In calculating a person's maximum Council Tax Reduction any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.

48.3 Subject to paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student who is excluded from entitlement to Council Tax Reduction applies, in determining the maximum Council Tax Reduction in his case in accordance with paragraph (1), the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

48.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (3) shall not apply in his case.

49.0 Date on which entitlement is to begin.

49.1 Subject to paragraph (2), any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that reduction shall be so entitled from the date on which that claim is made or is treated as made.

49.2 Where a person is otherwise entitled to council tax reduction and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from the date of claim.

50.0 Date on which change of circumstances is to take effect.

50.1 A change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from date on which the change actually occurs.

50.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

50.3 Where the change of circumstances is that income, or an increase in the amount of income, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

50.4 Where there is a change to DWP benefits due to annual uprating, the change shall take effect on 1st April of the financial year to which the increase applies.

51.0 Making an application.

51.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

51.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

(a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or

(c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian, or attorney, as the case may be, may make an application on behalf of that person.

51.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

51.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

51.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

(a) it may at any time revoke the appointment;

(b) the person appointed may resign his office after having given 4 weeks' notice in writing to the authority of his intention to do so;

(c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

51.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

51.7 The authority must;

(a) inform any person making an application of the duty imposed on them

(b) explain the possible consequences (including prosecution) of failing to comply with that duty; and

(c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

52.0 Procedure by which a person may apply for a reduction under the authority's scheme[1]

[1] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

52.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

52.2. An application may be made;

(a) in writing,
(b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
(c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
(d) a notification of Universal Credit or any legacy benefit from DWP, may be treated by the authority as a claim for reduction.

52.3 An application which is made in writing must be made to the designated office on a properly completed form. The form must be provided free of charge by the authority for the purpose.

52.4 Where an application made in writing is defective because—

(a) it was made on the form supplied for the purpose, but that form is not accepted by the authority as being properly completed; or
(b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

52.5 An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

52.6 If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

52.7 In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

52.8 If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

52.9 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

52.10 Where an applicant ('C') makes a claim which includes (or which C subsequently requests should include) a period before the claim is made, the authority may, at its discretion, treat the claim as made on an earlier date 1 month from the date the application for backdate is received. The 1 month timescale can be extended in exceptional circumstances.

53.0 Date on which an application is made[2]

53.1 Subject to sub-paragraph (7), the date on which an application is made is;
(a) in a case where;
(i) an award of state pension credit which comprises a guarantee credit has been

[2] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

made to the applicant or his partner, and

(ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where

(i) an applicant or his partner is a person in receipt of a guarantee credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and

(iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where;

(i) an award of income support, an income-based jobseeker's allowance, or an income- related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and

(ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where;

(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and

(iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

(i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and

(ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,

the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which an application is received at the designated office.

53.2 For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

53.3 Where there is a defect in an application by telephone;

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the

application as if it had been duly made in the first instance;
(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

53.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

53.5 The conditions are that—
(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
(b) where an application is not on approved form or further information requested by authority applies;
(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
in either case, within such longer period as the authority may consider reasonable; or
(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

53.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

53.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application, but the authority is of the opinion that unless there is a change of circumstances, he will be entitled to a reduction under its scheme for a period beginning not later than;
(a) in the case of an application made by;
(i) a pensioner, or
(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,
the seventeenth reduction week following the date on which the application is made, or
(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,
the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

53.8 In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions.

54.0 Submission of evidence electronically

54.1 The authority may accept such evidence, documents, and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim.

55. 0 Use of telephone provided evidence

55.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim.

56.0 Information and evidence[3]

56.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

56.2 This sub-paragraph is satisfied in relation to a person if—
(a) the application is accompanied by;
(i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
(ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
(b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
(i) evidence of the application for a national insurance number to be so allocated; and
(ii) the information or evidence enabling it to be so allocated.

56.3 Sub-paragraph (2) does not apply;
(a) in the case of a child or young person in respect of whom an application for a reduction is made;
(b) to a person who;
(i) is a person treated as not being in Great Britain for the purposes of this scheme;
(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
(iii) has not previously been allocated a national insurance number.

56.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

56.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

56.6 Where the authority makes a request under sub-paragraph (4), it must;
(a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

56.7 This sub-paragraph applies to any of the following payments;
(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund; and

[3] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

(b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);

56.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
(a) the name and address of the pension fund holder;
(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

57.0 Amendment and withdrawal of application[4]

57.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

57.2 Where the application was made by telephone the amendment may also be made by telephone.

57.3 Any application amended is to be treated as if it had been amended in the first instance.

57.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

57.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

57.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

57.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

58.0 Duty to notify changes of circumstances[5]

58.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
(a) between the making of an application and a decision being made on it, or
(b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.

58.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
(a) in writing; or
(b) by telephone—
(i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
(ii) in any case or class of case where the authority determines that notice may be given by telephone; or
(c) by any other means which the authority agrees to accept in any particular case,

[4] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
[5] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

58.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying;
(a) changes in the amount of council tax payable to the authority;
(b) changes in the age of the applicant or that of any member of his family;
(c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

58.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.

58.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

58.6 Not used.

58.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within 21 days of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later that the actual change of circumstances.

59.0 Decisions by the authority[6]

59.1 The authority must make a decision on an application under its scheme within 14 days or as soon as reasonably practicable thereafter.

60.0 Notification of decision[7]

60.1 The authority must notify in writing any person affected by a decision made by it under its scheme;
(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

60.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;
(a) informing the person affected of the duty imposed by paragraph 9(1);
(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

60.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

60.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in

[6] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
[7] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

the authority's scheme relating to the procedure for making an appeal.

60.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

60.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

60.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

60.8 This sub-paragraph applies to—
(a) the applicant;
(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
(i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
(ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
(iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
(c) a person appointed by the authority to act for a person unable to act.

61.0 Time and manner of granting council tax reduction[8]

61.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;
(a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
(b) where;
(i) such a reduction is not possible; or
(ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
(iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

61.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

61.3 In a case to which paragraph (1)(b) refers;
(a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
(i) must be paid to that person if he so requires; or
(ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the

[8] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

authority's council tax as it has effect for any subsequent year;

(b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter

(c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

61.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

62.0 Persons to whom reduction is to be paid [9]

62.1 Subject to paragraph (2), any payment of the amount of a reduction must be made to that person.

62.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

63.0 Shortfall in reduction[10]

63.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

(a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or

(b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonably practicable, as soon as possible afterwards.

64.0 Payment on the death of the person entitled[11]

64.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

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65.0 Offsetting

65.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

66 .0 Payment where there is joint and several liability[12]

66.1 Where;

[9] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
[10] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
[11] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
[12] Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

(a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
(b) the person entitled to the reduction is jointly and severally liable for the council tax; and
(c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,
it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

66.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

66.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment this scheme or is treated as having been so appointed, the amount of the reduction may be paid to that person.

67.0 Use of information from and to the Department of Work and Pensions (DWP) and His Majesty's Revenues and Customs (HMRC)

67.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

67.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements[13]..

68.0 Collection of information

68.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from–
(a) persons making claims for council tax reduction;
(b) other persons in connection with such claims;
(c) other local authorities; or
(d) central government departments including the DWP and HMRC

68.2 The authority may verify relevant information supplied to or obtained.

69.0 Recording and holding information.

69.1 The authority:
(a) may make a record of such information; and
(b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

70.0 Forwarding of information.

70.1 The authority may forward the information to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being.
(i) a local authority;
(ii) a person providing services to a local authority; or
(iii) a person authorised to exercise any function of a local authority relating to council tax

[13] Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

reduction.

71.0 Persons affected by Decisions.

71.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

(a) an applicant;

(b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act

(i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction on his behalf,

(ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or

(iii) an attorney with a general power or a power to receive benefit or reduction appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;

(c) a person appointed by the authority under this scheme;

72.0 Terminations

72.1 The authority may terminate reduction in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

(a) the conditions for entitlement to Council tax reduction are or were fulfilled; or

(b) a decision as to an award of such a reduction should be revised or superseded.

72.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

(a) the conditions for entitlement to Council tax reduction are or were fulfilled; or

(b) a decision as to an award of such a reduction should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

73.0 Procedure by which a person may make an appeal against certain decisions of the authority[14]

73.1 A person who is aggrieved by a decision of the authority, which affects;

(a) the person's entitlement to a reduction under its scheme, or

(b) the amount of any reduction to which that person is entitled,

may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

73.2 The authority must

(a) consider the matter to which the notice relates;

(b) notify the aggrieved person in writing;

(i) that the ground is not well founded, giving reasons for that belief; or

(ii) that steps have been taken to deal with the grievance, stating the steps taken.

73.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act[15].

74.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act[16]

74.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act

[14] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

[15] As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

[16] Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

may be made;

(a) in writing,

(b) by means of an electronic communication in accordance this scheme or

(c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

74.2 Where;

(a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and

(b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

75.0 Exceptional Hardship Scheme

75.1 The authority may provide additional help to an applicant who is entitled to reduction under its Exceptional Hardship Scheme.

75.2 Such payments shall be deemed to be made under S13A (1)(a) of the 1992 Act.

76.0 Interpretation for the use of electronic communication

76.1 In this Part;
"information" includes an application, a certificate, notice or other evidence; and
"official computer system" means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

77.0 Conditions for the use of electronic communication

77.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

77.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

77.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

77.4 The second condition is that the person uses an approved method of;

(a) authenticating the identity of the sender of the communication;

(b) electronic communication;

(c) authenticating any application or notice delivered by means of an electronic communication; and

(d) subject to sub-paragraph (7), submitting to the authority any information.

77.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

77.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

77.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

77.8 In this paragraph "approved" means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

78.0 Use of intermediaries

78.1 The authority may use intermediaries in connection with;
(a) the delivery of any information by means of an electronic communication; and
(b) the authentication or security of anything transmitted by such means,
and may require other persons to use intermediaries in connection with those matters.

79.0 Effect of delivering information by means of electronic communication.

79.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority's scheme on the day the conditions imposed;
(a) by this section; and
(b) by or under an enactment,
are satisfied.

79.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

79.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

80.0 Proof of identity of sender or recipient of information

80.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

81.0 Proof of delivery of information

81.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
(b) any such information has been delivered by the relevant authority if the delivery of that information has been recorded on an official computer system.

81.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case if that information delivered to the relevant authority has not been recorded on an official computer system.

81.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

82.0 Proof of content of information

82.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

83.0 Counter Fraud and compliance

83.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

(a) Prevent and detect fraudulent claims and actions in respect of Council tax reduction;
(b) Carry out investigations fairly, professionally and in accordance with the law; and
(c) Ensure that sanctions are applied in appropriate cases.

83.2 The authority believes that it is important to minimise the opportunity for fraud and;

(a) will implement rigorous procedures for the verification of claims for council tax reduction;
(b) will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
(c) will actively tackle fraud where it occurs in accordance with this scheme;
(d) will co-operate with the Department for Work and Pensions (DWP), His Majesty's Revenues and Customs and take part in joint working including prosecutions; and
(e) will in all cases seek to recover all outstanding council tax.

83.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph (1) and (2) can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Calculation of the amount of Council Tax Reduction in accordance with the Reduction Scheme.

1 The authority's Council Tax Reduction scheme from 2026/27 shall be calculated on the basis of the following Banded Discount Scheme:

Level of Discount	Single	Couple	Single and 1 Child	Single 2+ Children	Couple and 1 Child	Couple 2+ Children
75%	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit
75%	£0 to £108.00	£0 to £158.00	£0 to £243.00	£0 to £329.00	£0 to £243.00	£0 to £329.00
55%	£108.01 to £141.00	£158.01 to £201.00	£243.01 to £286.00	£329.01 to £370.00	£243.01 to £286.00	£329.01 to £370.00
40%	£141.01 to £172.00	£201.01 to £242.00	£286.01 to £329.00	£370.01 to £413.00	£286.01 to £329.00	£370.01 to £413.00
20%	£172.01 to £204.00	£242.01 to £285.00	£329.01 to £370.00	£413.01 to £455.00	£329.01 to £370.00	£413.01 to £455.00
0%	£204.01+	£285.01+	£370.01+	£455.01+	£370.01+	£455.01+

2 The amount of discount to be granted is to be based on the following factors:

a. The maximum Council Tax Reduction as defined within this scheme;
b. The Council Tax family as defined within this scheme;
c. The income of the applicant and partner as defined within this scheme;
d. The capital of the applicant and partner as defined within this scheme.

3 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.

4 Discount bands vary depending on both weekly income and the household (family as defined within this scheme).

5 Any applicant whose capital is £6,000 or above shall not be entitled to any Council Tax Reductions whatsoever.

6. The authority **may** increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation decided by the Council.

7. Where an applicant or partner is in receipt of Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance (passported benefit), discount will be awarded at 75%.

Schedule 2
Sums to be disregarded in the calculation of income other than earnings.

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).

A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.

A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.

2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–

(a) engaged by a charitable or voluntary organisation, or

(b) volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).

2A. Any payment in respect of expenses arising out of the applicant's participation as a service user.

3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.

5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.

7. Any disability living allowance or personal independence payment or AFIP

8. Any concessionary payment made to compensate for the non-payment of;

(a) any payment specified in paragraph 7 or 10;

(b) income support;

(c) an income-based jobseeker's allowance.

(d) an income-related employment and support allowance.

9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983or any payment intended to compensate for the non-payment of such a supplement.

10. Any attendance allowance.

11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

12. (1) Any payment–

(a) by way of an education maintenance allowance made pursuant to;

(i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);

(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);

(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and

paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992

(b) corresponding to such an education maintenance allowance, made pursuant to;
(i) section14 or section181 of the Education Act 2002(power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
(ii) regulations made under section 181 of that Act; or

(iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
(a) regulations made under section 518 of the Education Act 1996;
(b) regulations made under section 49 of the Education (Scotland) Act 1980; or
(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

13. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

14 (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
(a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
(b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
(c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

15 (1) Subject to sub-paragraph (2), any of the following payments;
(a) a charitable payment;
(b) a voluntary payment;
(c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
(d) a payment under an annuity purchased;
(i) pursuant to any agreement or court order to make payments to the applicant; or
(ii) from funds derived from a payment made,
in consequence of any personal injury to the applicant; or
(e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
(a) a former partner of the applicant, or a former partner of any member of the applicant's family; or

(b) the parent of a child or young person where that child or young person is a member of the applicant's family.

16. 100% of any of the following, namely

(a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);

(b) a war widow's pension or war widower's pension;

(c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

(d) a guaranteed income payment;

(e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;

(f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;

(g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

17. Subject to paragraph 35, £15 of any;

(a) widowed mother's allowance paid pursuant to section 37 of the Act;

(b) widowed parent's allowance paid pursuant to section 39A of the Act.

18. (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.

(2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–

(a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or

(b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.

19. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–

(a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;

(b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

20. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;

(a) is not in receipt of any award, grant or student loan in respect of that education; or

(b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under

section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount shall be equal to–

(a) the weekly amount of the payments; or

(b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

21. Any payment made to the applicant by a child or young person or a non- dependant.

22. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–

(a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or

(b) where the aggregate of any such payments is £20 or more per week, £20.

23. (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–

(a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;

(b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.

(2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.

24. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

25. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

26. (1) Any payment made to the applicant in respect of a person who is a member of his family–

(a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(**b**) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)

(b) not used

(ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority

contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);

(c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);

(d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(**c**) (special guardianship support services);

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

27. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made

(a) by a local authority under–

(i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),

(ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or

(iii) regulations 33 or 51 of the Looked After Children (Scotland)Regulations 2009 (fostering and kinship care allowances and fostering allowances); or

(b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

28. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by–

(a) a health authority;

(b) a local authority but excluding payments of housing benefit made in respect of the person concerned;

(c) a voluntary organisation;

(d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;

(e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or

(f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006

29. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

29A. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(**e**) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A;

(a) was formerly in the applicant's care, and

(b)is aged 18 or over, and

(c)continues to live with the applicant.

30. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;

(a) on a loan which is secured on the dwelling which the applicant occupies as his home; or

(b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined

for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to–

(a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and

(b) meet any amount due by way of premiums on–

(i) that policy; or

(ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home, and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

31. Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.

32. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund), or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013

33. Any payment under Part 10 of the Act (Christmas bonus for pensioners).

34. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

35. The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.

36. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of–

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a

member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either;

(i) to that person's parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

37. Any housing benefit.

38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

39. - 40. not used

41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

42. **Provision for all applicants: Homes for Ukraine scheme**

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

(a) an applicant's entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

43. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).

44. Any payment made by any local authority or central government in respect of early years assistance.

45. (1) Any payment or repayment made–

(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).

46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

48. (1)Where an applicant's household includes a dependant, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

48A. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In paragraph (1)

'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;

(a) the Child Support Act 1991;

(b) the Child Support (Northern Ireland) Order 1991;

(c) a court order;

(d) a consent order;

(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

49. Any payments made by the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017 or the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017

50. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to

obtain or retain employment despite their disability.

51. Any guardian's allowance.

52. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

53. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

54. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(**a**) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

55 (1) Any payment which is

(a) made under any of the Dispensing Instruments to a widow, widower or

(b)surviving civil partner of a person;

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

55A. Any council tax reduction or council tax benefit to which the applicant is entitled.

56. Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10

57. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

58. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person–

(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;

(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account

59. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member

of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

60. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

61. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

62. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001

63. (1)Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.

64. Any Windrush compensation payment

65. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

66. Any payment of child benefit or child maintenance.

67. Any payment of Carers Allowance

68. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017.

69. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
(a)an applicant's entitlement to a reduction under the scheme; or
(b)the amount of any reduction to which the applicant is entitled.
"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022.

70. The work related activity or support component of Employment and Support Allowance

71. Where the applicant or partner is in receipt of a disability living allowance, or a personal independence allowance, an amount of up to £75 will be disregarded from the applicant's income

Schedule 3
Capital to be disregarded.

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.

4. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

5. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.

6. Any premises occupied in whole or in part–

   (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;

   (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

7. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital provided that it is no more than £6,000.

8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of his capital provided that it is no more than £6,000.

9. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub- leases or sub-tenancies.

10. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

    (2) The assets of any business owned in whole or in part by the applicant where–

    (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

    (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

    for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

11. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
(a) an income-related benefit;
(b) an income-based jobseeker's allowance;
(c) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
(d) disability living allowance or personal independence payment;
(e) working tax credit and child tax credit
(f) an income-related employment and reduction allowance

(2) but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

12. Any sum
(a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
(b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired, or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

13. Any sum–
(a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
(b) which was so deposited, and which is to be used for the purchase of another home,
for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

14. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.

15. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

16. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

17. (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)
(a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
(b) does not apply to any subsequent payment made to him in consequence of that

injury (whether it is made by the same person or another);

(c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;

(d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

18. The value of the right to receive any income under a life interest or from a life rent.

19. The surrender value of any policy of life insurance.

20. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

21. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

22. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A;

(a) was formerly in the applicant's care, and

(b) is aged 18 or over, and

(c) continues to live with the applicant.

23. Any social fund payment.

24. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

25. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.

26. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

27. Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.

28. Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of–

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of–

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts where–

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child ,a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts where

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) Any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund , the Caxton Foundation, and the London Bombings Relief Charitable Fund.

29. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

30. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

31. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

32. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

33. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

34. The value of the right to receive an occupational or personal pension.

35. The value of any funds held under a personal pension scheme

36. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

37. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

38. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

39. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

40. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used–

    (a) to purchase premises intended for occupation as his home; or

    (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

    for a period of 26 weeks from the date on which he received such a grant, or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

41. Any arrears of supplementary pension which is disregarded under this scheme but only for a period of 52 weeks from the date of receipt of the arrears.

42. (1) Any payment or repayment made–

    (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

43. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

44. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).

45. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

46. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

47. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.

48. (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.

(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.

49. (1) Any sum of capital to which sub-paragraph (2) applies and

(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;

(b) which can only be disposed of by order or direction of any such court; or

(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from;

(a) an award of damages for a personal injury to that person; or

(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

50. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from

(a) award of damages for a personal injury to that person; or

(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51. Any payment to the applicant as holder of the Victoria Cross or George Cross.

52. In the case of a person who is receiving, or who has received, assistance under the self-

employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

53. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

54. (1) Any payment;
(a) by way of an education maintenance allowance made pursuant to–
(i) regulations made under section 518 of the Education Act 1996;
(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
(b) corresponding to such an education maintenance allowance, made pursuant to;
(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
(ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
(a) regulations made under section 518 of the Education Act 1996;
(b) regulations made under section 49 of the Education (Scotland) Act 1980; or
(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

55. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

56. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

57. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of–
(a) the applicant;
(b) the applicant's partner;
(c) the applicant's deceased spouse or deceased civil partner; or
(d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

58. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
(a) a diagnosed person;

(b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

(d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to;

(a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;

(c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending–

(i) two years after that date; or

(ii) on the day before the day on which that person–

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is–

(a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

(b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

(c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to–

(a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or

(c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending–

(i) two years after that date; or

(ii) on the day before the day on which that person

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person–

(a) being the diagnosed person's partner;

(b) being a member of a diagnosed person's family;

(c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph– 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
'trust payment' means a payment under a relevant trust.

59. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner
(a) was a slave labourer or a forced labourer;
(b) had suffered property loss or had suffered personal injury; or
(c) was a parent of a child who had died,
during the Second World War.

60. (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.

61. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

62. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

63. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

64 Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments),

65. Any Windrush compensation payment.

66. Any payment made under the We Love Manchester Emergency Fund.

67. Any payment made under the London Emergency Trust.

68. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
(a)an applicant's entitlement to a reduction under the scheme; or
(b)the amount of any reduction to which the applicant is entitled.
"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

69. Any payment made under by Government to compensate or redress for the victims of infected Blood.

70. **Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
(a) an applicant's entitlement to a reduction under the scheme; or
(b) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—

"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022

71. Compensation and support payments made by the Post Office in connection with the failings of the Horizon system.

72. Additional settlement payments resulting from the ongoing Grenfell Tower related civil litigation.

73. Compensation payments for the Vaccine Damage Payment Scheme.

74. Compensation payments for Victims of terrorist attacks abroad.

Schedule 4
Amounts to be disregarded from earnings.

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged–

(a) where–

(i) the employment has been terminated because of retirement; and

(ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to council tax reduction the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except–

(i) any payment of the nature described in
(aa) paragraph 25.1(e), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in

(aa) paragraph 25.1(g)or(h),or

(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to council tax reduction–

(i) the employment has not been terminated, but

(ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), or (j).

2. In the case of an applicant who, before first day of entitlement to council tax reduction;

(a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and

(b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except;

(i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);

(ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).

2A. In the case of an applicant who has been engaged in remunerative work or part- time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant, it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where **but for the implementation of this scheme** the applicant's applicable amount would include an amount by way of the disability premium, severe disability premium, work-related activity component or support component.

(3) This paragraph applies where

(a) he is a member of a couple, and **but for the implementation of this scheme** his applicable amount would include an amount by way of the disability premium; and

(b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

(4)–(5) Not used.

4. In a case where the applicant is a lone parent, £25.

5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where, **but for the implementation of this scheme,** the applicant's applicable amount **would** include an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.

(2) Where the carer premium **but for the implementation of this scheme** would be awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.

6. Where **but for the implementation of this scheme** the carer premium would be awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;

(a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;

(b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.

7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–

(a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

(b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section

1 of the Fire (Scotland) Act 2005(**a**)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;

(c) an auxiliary coastguard in respect of coast rescue activities;

(d) a person engaged part-time in the manning or launching of a life boat;

(e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant, it shall not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment;

(a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;

(b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

10A. (1) Where;

(a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;

(b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and

(c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case, where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is;

(a) in receipt of a contributory employment and support allowance;

(b) in receipt of incapacity benefit;

(c) in receipt of severe disablement allowance; or

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975

(6) 'Exempt work' means work of the kind described in;

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)

(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

15. Any earnings of a child or young person.

16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that–

(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or

(b) the applicant–

(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) **but for the implementation of this scheme** his applicable amount would include a family premium; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;

(aa) **but for the implementation of this scheme** the applicant's applicable amount would include a disability premium, the work-related activity component or the support component ;

(bb) where he is a member of a couple, at least one member of that couple **but for the implementation of this scheme** satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week.

(3) The following are the amounts referred to in sub-paragraph (1);

(a) the amount calculated as disregardable from the applicant's earnings under

paragraphs 3 to 10A of this Schedule;
(b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
(c) £17.10

(4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.

17. In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

Treatment of child care charges

18 This section applies where an applicant is incurring relevant child-care charges and;
(a) is a lone parent and is engaged in remunerative work;
(b) is a member of a couple both of whom are engaged in remunerative work; or
(c) is a member of a couple where one member is engaged in remunerative work and the other;
(i) is incapacitated;
(ii) is an in-patient in hospital; or
(iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

19 For the purposes of paragraph 18 and subject to paragraph 21, a person to whom paragraph 6 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he–
(a) is paid statutory sick pay;
(b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
(c) is paid an employment and support allowance;
(d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
(e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975**.**

20 This paragraph applies to a person who was engaged in remunerative work immediately before
(a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
(b) the first day of the period in respect of which earnings are credited, as the case may be.

21 In a case to which paragraph 19d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

22 Relevant child care charges are those charges for care to which paragraphs 23 and 24 apply and shall be calculated on a weekly basis in accordance with paragraph 27.

23 The charges are paid by the applicant for care, which is provided:
(a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
(b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

24 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 25 and are not paid–

(a) in respect of the child's compulsory education;
(b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible; or
(c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

25 The care to which paragraph 24 refers may be provided;
(a) out of school hours, by a school on school premises or by a local authority;
i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
(b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999;
(c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
(d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
(e) by;
i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010;
or
ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
(f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
(g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
(h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
(i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
(j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
(k) by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering, or kinship carer is looking after; or
(l) by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
(m) by a person who is not a relative of the child wholly or mainly in the child's home.

26 'The first Monday in September' means the Monday which first occurs in the month of September in any year.

27 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

28 For the purposes of paragraph 4 (c) the other member of a couple is incapacitated where:

(a) the applicant's applicable amount includes a disability premium on account of the other

member's incapacity or the support component or the work- related activity component on account of his having limited capability for work;

(b) the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;

(c) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or 2013 as appropriate;

(d) the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose, any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

(e) the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;

(f) there is payable in respect of him one or more of the following pensions or allowances–

i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
ii. attendance allowance under section 64 of the Act;
iii. severe disablement allowance under section 68 of the Act;
iv. disability living allowance under section 71 of the Act;
v. personal independence payment under the Welfare Reform Act 2012;
vi. an AFIP;
vii. increase of disablement pension under section 104 of the Act;
viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
ix. main phase employment and support allowance;

(g) a pension or allowance to which head (ii), (iv). (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.

(h) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

(i) paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or

(j) he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

29 For the purposes of paragraph 28 once paragraph 28(d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at

the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

30 For the purposes of paragraph 28, once paragraph 28(e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

31 For the purposes of paragraphs 23 and 25(a), a person is disabled if he is a person–

(a) in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;

(b) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(c) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

32 For the purposes of paragraph 18 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 33 ('the relevant period') provided that–

(a) in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;

(b) the applicant is incurring relevant child care charges; and

(c) she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

33 For the purposes of paragraph 32 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on–

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

34 In these paragraphs:

(a) **'qualifying support'** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987**;**

(b) **'child care element'** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002;

(c) **'relevant child care costs '** means an amount;

(i) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;

(ii) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week; and

(d) **'remunerative work'** means an average of 16 hours per week or more undertaken by the applicants or partner.

35 In this section 'applicant' does not include an applicant;

a. who has, or

b. who (jointly with his partner) has,

an award of universal credit

TORBAY COUNCIL

Meeting: Overview and Scrutiny/Cabinet **Date:** 11 Nov/24 Nov 2026

Wards affected: All Wards

Report Title: Budget Monitoring – Revenue and Capital Outturn 2026/27 Quarter 2

When does the decision need to be implemented? N/A

Cabinet Member Contact Details: Councillor Alan Tyerman, Cabinet Member for Finance alan.tyerman@torbay.gov.uk

Supporting Officer Contact Details: Ian Rowswell, Deputy Director of Finance, ian.rowswell@torbay.gov.uk,

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1. Purpose and Introduction

1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2026/27, reviewing budgets and considering year-end forecasts. These forecasts are based on the levels of spend and financial information at the end of quarter 2 (Q2), up to 30 September 2026.

1.2. The Council is currently projecting a year-end overspend of £1.941m against its revenue budget, an increase of £0.494m on the overspend projected at quarter 1. The report highlights the areas where material variances have occurred, the reasons for them and any mitigating actions underway.

1.3. An updated forward looking Capital Investment Plan was included within the 2026/27 budget papers and an updated Plan is shown as Appendix 1. This highlights spend against a total revised capital budget of £162.421m for the period up to 2029/30 and a revised budget of £78.958m for 2026/27. This spend is funded from capital receipts, grants and contributions, reserves, revenue budget contributions, and long-term borrowing.

2. Recommendations

Recommendations for Overview and Scrutiny Board

2.1. That the Overview & Scrutiny Board notes the latest position and revisions to the Revenue Budget and the Capital Investment Plan and makes any comments and/or recommendations to the Cabinet.

Recommendations for Cabinet

2.2. That the Cabinet considers the recommendations of the Overview and Scrutiny Board and notes the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report.

3. 2026/27 Budget Summary – as at 30 Sept 2026

3.1. Across the Council a total overspend is projected for the end of the 2026/27 financial year of **£1.941m.**

3.2. The table below provides a summary across Council Service Directorates.

Service	Initial (Digest) Budget £m	Current Budget £m	Projected Outturn £m	Projected Variance Q2 £m	*Projected Variance Q1 £m*
Adults and Community Services	80.168	80.249	80.251	0.002	*-0.021*
Children's Services	61.936	61.377	65.882	4.505	*3.747*
Corporate Services	16.993	16.930	17.342	0.412	*0.405*
Financial Services	25.996	26.922	24.322	-2.600	*-2.200*
Investment Portfolio	-4.134	-4.134	-4.134	0.000	*0.000*
Place Services	22.169	22.151	21.773	-0.378	*-0.484*
Regeneration and Place Delivery	2.186	2.186	2.186	0.000	*0.000*
Public Health Services	0.016	0.016	0.016	0.000	*0.000*
Revenue sub-total	**205.330**	**205.697**	**207.638**	**1.941**	*1.447*
Sources of Finance	205.330	205.697	205.697	0.000	*0.000*
Revenue Over/ (Under) spend	**0.000**	**0.000**	**1.941**		

3.3. The significant overspend projected within Children's Services is due to the increasing costs of Childrens Social Care placements, which is detailed later in the report. Although some of this has been offset by underspends elsewhere across the Council, particularly within Treasury Management budgets, an overall overspend at year end is currently projected, which has increased from the quarter 1 projections.

3.4. Robust financial management and control continues and all services across the Council have been asked to mitigate current and emerging spending pressures and help offset the significant pressure within Children's Services. Directors have been asked to formulate recovery plans for reducing costs within 26/27, in order to mitigate pressures and reduce the projected overspend.

3.5. Financial Sustainability Plans relating to key financial risks and opportunity areas already exist and continue to be maintained by each Director, overseen collectively by the Chief Executive and Directors. These include:

- Adult Social Care – Transformation programme
- Adult Social Care – Market management
- Children's Social Care placements
- Home to School Transport
- Children's Locality Model and oversight of Safety Valve
- Prevention and relief of homelessness
- Legal Services – staffing and agency costs
- Revenue and Benefits (Council Tax and NNDR collection rates)
- Management of Heritage Assets (Cockington, Oldway, Torre Abbey and Pavilion)
- Optimisation of Council Assets
- Planning, Building Control and Land Charges income targets
- Council Use of Artificial intelligence and Overarching Plan (being developed)

3.6. The Dedicated Schools Budget, and particularly the Higher Needs Block, is not currently shown within the table above. Spend continues to be monitored as part of our arrangements with Central Government, required to facilitate the write-off of accumulated deficits. Achieving the targets outlined and agreed within previous Safety Valve Plans proved increasingly challenging and this is expected to continued through 2026/27, against the new SEND Reform Plan. An overspend is projected against the DSG budgets for 2026/27 totaling £5.8m, of which Central Government would fund 90%. A summary of the position is detailed below in the Children's section.

Service Budgets

3.7. The table below summarises the most material variances (over circa £0.100m), which are explained further within the service sections of the report.

Service	Current Budget £m	Projected Outturn £m	Projected Variance Q2 £m	*Projected Variance Q1 £m*
Children's - Home to School transport	4.115	4.217	0.102	*0.102*
Children's Disabilities- day services/overnight breaks/domiciliary care	0.857	1.037	0.180	*0.124*
Children's – CAMHS/wellbeing service	0.140	0.035	-0.105	*-0.105*
Children's – Young Parents Support service	0.123	0.000	-0.123	*0.000*
Children's - Social care placements (excl. UASC)	24.855	29.486	4.631	*3.343*
Children's - Various SEND and Preventative services	0.229	0.389	0.160	*0.000*
Children's – increased use of Public Health grant	-	-	-0.316	*0.000*
Corporate – HR Service	1.056	1.189	0.133	*0.118*
Corporate – Payroll Services	0.166	0.269	0.103	*0.103*
Corporate – Coroners Service	0.429	0.623	0.194	*0.100*
Finance – Investments and borrowing	10.489	8.489	-2.000	*-2.000*
Finance – Unused central pay contingency	0.600	0.000	-0.600	*-0.200*
Place - Highways – road closure income	3.713	3.563	-0.150	*-0.100*
Place - Car Parking	-6.224	-6.974	-0.750	*-0.450*
Place - SWISCO	19.393	19.893	0.500	*0.000*
Total of variances over £100k	-	-	**1.959**	

(Note: Other variances under £100k are not highlighted within this table hence totals will differ from overall variance mentioned above)

Adult and Community Services

3.8. Overall Adult Services are currently forecasting an overspend at year end of **£0.002m,** which relates to a number of variances across Community Services rather than to Adult Social Care.).

Service	Current Budget £m	Projected Outturn £m	Projected Variance Q2 £m
Community - Other	-	-	0.002
Total	-	-	0.002

3.9. Pressures have emerged within the Temporary Accommodation since quarter 1, with three families requiring accommodation as a result of mortgage repossessions. Fixed period (3-5 year) mortgages taken out on low rates are now coming to an end and

current interest rates and associated costs are now significantly higher and unaffordable for some homeowners.

3.10. The Renters Rights Act (RRA) is also causing an impact. There are fewer properties available due to landlords selling up and those that are available are unaffordable. We have also seen households who were served notice before the RRA changes now beginning to require temporary accommodation as their possession orders are starting to come through the court system.

3.11. Mitigations to control spend remain in place including, pro-active attempts at preventative action, sign-posting and collaborative working to address support needs including links with citizens advice and other partners to address debt issues and maximise income.

3.12. The Rough Sleeping Programme for 2026/27 was approved in October 2026 with total funding of £442 million over three years. Torbay Council has been allocated an additional £0.367m revenue funding in 2026/27, to provide immediate support to those sleeping rough, including accommodation and intensive wraparound support for those with the most severe and long-term experiences of rough sleeping. This has increased our Sources of Finance budget and the expenditure budget within Community Services.

3.13. Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO).

Children's Services

3.14. Overall Children's Services is forecasting a total overspend at year end of **£4.505m.** The table below highlights the material variances.

Service	Current Budget £m	Projected Outturn £m	Projected Variance Q2 £m
Childrens - Home to School transport	4.115	4.217	0.102
Childrens Disabilities- day services/overnight breaks/domicillary care	0.857	1.037	0.180
Childrens – CAMHS/wellbeing service	0.140	0.035	-0.105
Childrens – Young Parents Support service	0.123	0.000	-0.123
Children's - Social care placements (excl. UASC)	24.855	29.486	4.631
Childrens - Various SEND and Preventative services	0.229	0.389	0.160
Increased use of Public Health Grant	-	-	-0.316
Other variances	-	-	0.064
Total	-	-	4.505

3.15. The overspend is mainly due to pressures within the budgets for Children's social care placements, where there is a projected overspend of **£4.631m** - an increase of £1.288m from the Q1 projection. This is attributable to high-cost placements for children with complex needs, particularly for older children in care. We have also been unable to move children on to other lower cost arrangements as planned and a general increase in weekly placement costs, which is resulting in large variances against budgets and projections.

3.16. There is a national sufficiency issue in respect of placements, affecting both fostering and residential children's homes. This challenge is further compounded by the requirement for post-16 placements to be Ofsted registered. These factors are causing significant disruptions in the market, with private providers substantially increasing their costs.

3.17. In practical terms, this means that for each available placement, there are a large number of local authority referrals. Despite receiving expressions of interest and attending matching meetings, providers often select children who are easier to place, leaving our more complex children, who may have dis-regulation issues or Deprivation of Liberty Safeguards (DoLS), struggling to find suitable placements. As a result, we are increasingly relying on unregulated provision, which is not only on the rise nationally but also comes at a significantly higher cost.

3.18. A financial sustainability plan remains in place and we are continually looking at ways to improve sufficiency of placements, as we strive to navigate these challenging circumstances and mitigate the risk to 2026/27 budgets and onwards.

3.19. Mitigating actions are being taken to reduce staffing (including agency) costs and the overspend of forecast at Q1 in relation to staffing budgets. We are now projecting spend at year end to be in line with budget as a result of actions including freezing and reviewing vacant posts and the further reduction of agency costs where possible.

3.20. The Home to School Transport budget is projected to overspend by **£0.102m**, a similar level to the overspend last year. A Financial Sustainability Plan remains in place but increasing requirements for more bespoke arrangements to get to and from school is resulting in costs continuing to exceed budgets.

3.21. An overspend of **£0.180m** is projected against our Disabilities service budgets relating to additional demand for day services, short overnight breaks and domiciliary care.

3.22. An overspend of **£0.160m** is projected across preventative services, including the VITA system and care experienced App and costs of an independent SEND Chair.

3.23. Underspends within the Young Parents Support service of **(£123k)** within the CAMHS/wellbeing service of **(£105m)** due to ongoing challenges in securing services are helping to reduce the overall overspend.

3.24. To further help mitigate the increasing placement costs, Children's services are working closely with Public Health to identify services and activity that can be funded from the Public Health Grant – meeting the necessary grant requirements. Initial

investigation and conversations have estimated savings of **£316k** relating to services such as substance misuse support.

3.25. Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure from continual referrals and assessment for higher needs support for children. It has become increasingly challenging to keep costs within budget and an overspend is projected against the DSG budgets for 2026/27 totalling £5.800m, an increase of £1.4m over the projection at Q1. A summary is included within Appendix 2.

3.26. The Council has been part of the Department for Education (DfE) Safety Valve programme, which supported councils in achieving future financial sustainability across SEND. The Government's support has been replaced from 2026/27 with alternative arrangements whereby 90% of Councils' deficits will be funded on agreement of new SEND Reform Plans. Funds were moved into a reserve as part of the 2026/27 budget to meet the estimated costs of the remaining 10% of the DSG deficit.

3.27. Torbay Council has already received £9.810m from the DfE in response to its recovery plan, without which the DSG cumulative deficit at the end of 2025/26 would have been £18.031m. This leaves a current deficit at the end of 2025/26 of £8.221m. The DfE have now confirmed payment of their 90% share to Councils with approved SEND Reform Plans, which is only £6.418m lower than expected as they have only funded 90% of all previous deficit funding. This means we have had to meet the balance of £1.8m - funded from earmarked reserves set aside within the 2026/27 budget.

Corporate Services

3.28. Overall Corporate Services are forecasting an overspend of **£0.412m,** similar to the figure reported at Q1. The table below highlights the material variances

Service	Current Budget £m	Projected Outturn £m	Projected Variance Q2 £m
Corporate – Legal Services	2.310	2.376	0.066
Corporate – HR Service	1.056	1.189	0.133
Corporate – Payroll Services	0.166	0.269	0.103
Corporate – Coroners Service	0.429	0.623	0.194
Other variances	-	-	-0.084
Outturn position	-	-	0.412

3.29. The Legal Services was forecasting an overspend of £0.168 at Q1 but the projection has now reduced to **£0.066m.** A Financial Sustainability Plan remains in place and the service continue to manage its challenging staffing budget due to increasing demand for services and difficulties in recruiting permanent staff.

3.30. Overspend are currently projected for both the HR service **£0.133m** and Payroll Service **£0.103m.** This is mainly due to reductions in traded income or grant contributions that are forecasts to be short of budged levels and also increases in staffing costs.

3.31. The Coroners Service is forecasting an overspend of **£0.194m** at year end. This is an increase on the Q1 projection and is a result of further information received on mortuary bill apportionments and service costs, including overhead charges. Discussions are continuing with the provider.

3.32. An initial investigatory piece of work was undertaken by Triple Value Impact (TVI) to identify innovative digital solutions that could help deliver savings across the Council. It was subsequently agreed to fund their support in the preparation of business cases to understand the key areas proposed in more detail and ensure benefits could be realized. One of the projects relates to the use of digital marketing to help find foster carers – improving outcomes for vulnerable children whilst reducing placement costs. Benefits include reducing the use of Independent Fostering Agencies (IFA) placements, supporting transition from residential placements to fostering. This work is continuing but will need to be funded from a drawdown from our CSR invest to save reserve.

Financial Services

3.33. Overall Financial Services are forecasting an underspend of (**£2.600m).** The table below highlights the material variances:

Service	Current Budget £m	Projected Outturn £m	Projected Variance Q2 £m
Finance – Investments and borrowing	10.489	8.489	-2.000
Finance – Unused central pay contingency	0.600	0.000	-0.600
Other variances	-	-	0.000
Outturn position	-	-	-2.600

3.34. An underspend of **(£2.000m)** is projected across our Treasury Management budgets – a similar level to the previous year. This is mainly as a result of increased interest rates being secured, meaning the Council has earned higher levels of interest on its cash investments than budgeted. We also have a saving on interest payable by the Council on the amounts borrowed as a result of managing borrowing requirements.

3.35. As part of setting the 2026/27 budget a central contingency was held to mitigate the risk from staff pay awards being higher than budgeted. As this years pay award was in not materially different from budget estimates no further transfer from contingency is required and therefore an increased underspend of **(£0.600m)** is now being reported at Q2.

Investment Portfolio

3.36. The Council's Investment Portfolio is forecast to provide a net revenue contribution, after the use of the investment property reserve, to cover lost rent, holding costs of vacant premises and landlord's works.

3.37. The Council's investment portfolio continues to contribute £4.1m towards Council activity, in line with the budget, whilst also maintaining its Investment Fund Reserve to offset future pressures as and when they arise.

Pride of Place

3.38. Overall Pride of Place services are projecting an underspend of (**£0.378m)**. The table below highlights the material variances.

Service	Current Budget £m	Projected Outturn £m	Projected Variance Q2 £m
Place - Highways	3.713	3.563	-0.150
Place – Car Parking	-6.224	-6.974	-0.750
SWISCO – operating costs	19.393	19.893	0.500
Other variances	-	-	0.022
Outturn position	-	-	-0.378

3.39. An underspend of (**£0.150m)** is projected within Highways budgets. This is mainly as a result of income from road closures continuing to exceed the annual budget.

3.40. An underspend is projected across budgets relating to Car Parking totalling (**£0.750m),** a much improved position to the projection at Q1. Income at year end is expected to exceed budgets for off-street car parks and also car parking enforcement. The extended warm weather during the summer and autumn months has had a positive impact on visitors with increased demand for off street parking in particular.

3.41. SWISCO is experiencing significant financial pressures in relation to its operating costs and is now projecting a deficit at year end of **£500k**, after mitigating actions. The phased replacement of an ageing fleet of vehicles continues to mitigate the additional costs associated with increased repairs and maintenance costs and associated hire costs. However, the ongoing global conflict in the middle east and subsequent impact on fuel prices has caused a significant spending pressure. The average price of diesel in Oct 2027 is now 40% higher than Oct 2026 and this has resulted in a total pressure for 2026/27 estimated at £675k - from increased costs within the fleet, higher waste disposal costs, increases in cost of material/supplies and recyclable costs. Increase waste collection costs during the summer has also created a material pressure, particularly as a result of the baler mechanical breakdown.

Public Health

3.42. Public Health is reporting a balanced position within its ring-fenced grant and associated budgets.

3.43. Public Health funding is used each year to support relevant service delivery within other parts of the Council. The associated budgets have now been updated to reflect these contributions from Public Health.

Regeneration and Place Delivery

3.44. No significant variances are currently forecast at Q2.

4. Collection Fund

4.1. Collection rates in 2026/27 do not have any impact on the current financial year with the Collection Fund equalisation reserve continuing to be maintained to manage any impact of shortfalls.

5. Capital

5.1. In 2026/27 the Council plans to spend £78.958m on capital projects, which is part of a wider 4 year capital programme approved as part of the annual budget setting process.

5.2. The spend for each project compared to budgets is shown in Appendix 1 to this report. The level of cost inflation on construction contracts remains high and along with supply chain issues have impacted on the "pace" of spend and capital expenditure for the year being less than forecast. The balance on unspent capital budgets will be transferred into future years.

5.3. The capital plan is amended quarterly in order to add the funding for projects which have been recommended at the Capital and Growth Board and subsequently approved by Council. The budget increased to £67.761m in quarter 1 due to re-profiling of spend into future years. Due to errors in addition, the Q1 budget has been revised to £67.757m.

5.4. Details of the budget revisions and budget reprofiles are included in Appendix 1 and are summarised in the table below.

Project Name	Total Spend Previous Years £000's	2026/27 Budget			
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's
Schools Capital Programme	570	5,208	244	0	**5,452**
Projects under Feasibility and Development	38,211	20,006	42,316	(37,587)	**24,735**
Economic Development / Regeneration	4,535	4,584	434	0	**5,017**
Housing Development / Investment	13,702	10,493	6,374	(1,300)	**15,567**
Environment / Climate Capital Investment	4,087	5,499	(416)	0	**5,083**
Transport Capital Investment	4,483	8,342	1,721	0	**10,063**
Coastal Defence / Flood alleviation	7,093	12,445	(173)	0	**12,272**
Sports, Leisure and Culture	824	32	283	0	**315**
Schools Closed Projects	7,890	862	(543)	0	**319**
Other Closed Projects	60,775	286	(152)	0	**134**
Total	**142,171**	**67,757**	**50,088**	**(38,887)**	**78,958**

The table below highlights the changes and provides a reconciliation from the approved budget to the revised budget.

Project Name	Amount	Comments
Quarter 1 Approved Budget Revisions due to addition errors **Updated Quarter 1 Budget**	**£67,761,000** **(£4,000)** **£67,757,000**	**Approved in August 2026**
Additions to the Capital Plan		
Crossways, Paignton	£45,852,000	Final Business Case for the scheme, which includes the full and final build cost and projects costs. **Link to Cabinet Report – 21 July 2026:** Redevelopment of Crossways Shopping Centre, Paignton for Delivery of Extra Care Housing **Source of Funding**: Various external grants, reserves, S106 Funding and Capital Receipts See business case for specific details
Union Square Acquisition & Development	(£2,543,000)	Funding reallocated to Strand Redevelopment Project.
Station Square	(£2,257,000)	Funding reallocated to Crossways Redevelopment Project.
Torbay Tech Park	£1,150,000	Added to increase to the total project budget as per Sept CGB report **Link to CGB Report – Sept 2026** Torbay Tech Park (TTP) – Phase 1 **Source of Funding:** Local Regeneration Fund (LRF) Grant
Affordable Housing – Project 4	£2,139,000	Approved budget for acquisition and linked redevelopment for Projects 4 and 5 of the Accommodation Repurposing Programme (ARP), comprising land acquisition and construction contracts **Link to Cabinet Report – 21 July 2026:** Acquisition and redevelopment of Project 4 of the Accommodation Repurposing Programme **Source of Funding**: Homes England Grant, Prudential Borrowing (supported by rental income)
Affordable Housing – Project 5	£4,192,000	Approved budget for acquisition and linked redevelopment for Project 5 of the Accommodation Repurposing Programme (ARP), comprising land

		acquisition and construction contracts **Link to Cabinet Report – 21 July 2026:** Acquisition and redevelopment of Project 5 of the Accommodation Repurposing Programme **Source of Funding**: Homes England Grant, Prudential Borrowing (supported by rental income)
2026/27 Other Budget Adjustments Schools Capital Programme Projects under Feasibility and Development Economic Development / Regeneration Housing Development Environment / Climate Capital Investment Transport Capital Investment Coastal Defence / Flood Alleviation Sports, Leisure & Culture Closed Projects	 £244,000 £114,000 £434,000 £43,000 (£416,000) £1,721,000 (£173,000) £283,000 (£695,000)	**Funding Source**: Various
Revised Budget before reprofiling	**£117,845,000**	
Budgets Reprofiled from future years Projects under Feasibility and Development	 (£37,587,000)	Crossway redevelopment reprofiled to future years based on spend profile.
Housing Development	(£1,300,000)	St Boniface project budget reprofiled to future years based on projected spend
2026/27 Quarter 2 Revised Budget	**£78,958,000**	

5.5. Projects have been moved from feasibility and development to fully approved projects throughout the period on completion and approval of robust business cases. The business cases for these projects are reviewed by the Capital and Growth Board who recommend projects and funding for approval by Council.

5.6. Confirmed government grant allocations have been incorporated into the Capital Plan for 2027/28 to 2029/30 to support the delivery of the Council's transport-related capital programme. The inclusion of these allocations provides funding certainty for future years.

5.7. The Capital Plan has been updated to reflect the confirmed funding profile and associated expenditure requirements across the 3-year period. The increases in respect of specific transport schemes are detailed below:

Project Name	**2027/28 £000's**	**2028/29 £000's**	**2029/30 £000's**	**Total £000's**
Transport Highways Structural Maintenance	1,433	1,716	2,255	**5,404**
Transport Integrated Transport Schemes	918	1,654	2,391	**4,963**

Bus Improvement Plans	1,241	1,265	1,290	**3,796**
Total	**3,592**	**4,635**	**5,936**	**14,163**

5.8. The level of cost inflation on construction contracts remains high and along with supply chain issues have impacted on the "pace" of spend and capital expenditure for the year being less than forecast.

6. Risks & Sensitivity

6.1. There are a number of financial risks facing the Council as shown below:

Risk	Impact	Mitigation
Financial sustainability and write-off of the DSG Deficit, given increasing spending challenges.	High	The Service continues to work closely with its schools and robustly manages and reports on its recovery plan (SEND Reform Plan) recently approved with the Department for Education. Reserves have been earmarked to meet the estimated 10% contribution required form the Council.
Adult Social Care funding is not sufficient to meet forecast costs	High	Although notice has now been given on the contract the Council is working closely with the Health Trust to understand costs and manage the transition of services and clients to the Council.
Escalating cost of Children's social care placements and associated service/staffing costs.	High	The Financial Sustainability Plan will continue to be updated and reviewed with further work to understand any further mitigating opportunities that could be taken. Work underway to hold costs across the Council in recognition of this risk.
Price increases from high inflation rates continue to have an impact on both revenue and capital costs.	Medium	The recent pay award was in line with the rates budgeted but fuel prices continue to be significantly over budget and have had a particular impact on SWISCO. Services are trying to find savings elsewhere to offset these pressures. Reserves are maintained at reasonable levels to assist with exceptional costs.
The "cost of living" economic impact on the Council's residents from higher fuel and utility costs is likely to impact on both demand for council services and may result in reduced income from Council Tax.	Medium	The Council will continue to mitigate where possible the impact on council services and support/signpost residents to support. The Council will continue to administer payments under both the Household Support Fund and Council Tax Rebates, whilst also monitoring collection rates.

Unable to recruit staff and need to use agency staff.	High	Work continues to identify solutions to these challenges which seem to be on a national scale. Legal services continues to be a challenging area and the Financial Sustainability Plan will continue to be updated and reviewed.
Delivery of financial sustainability plans	Medium	Plans continue to be monitored at Directors' meetings to assess progress and potential risks/issues and opportunities. New plans are formulated as new risks and opportunities are identified.
Investment Property Income changes	Medium	The Investment Board will continue to review future leases and mange any potential break clause implications – maintaining appropriate balances within the Investment Reserve
Voids in commercial properties and sites held pending development incur costs in excess of budget.	High	The budget agreed reserves that could be used to offset unplanned costs.
Demands on the Council Repairs and Maintenance (R&M) budgets exceed funding available.	High	The annual R&M budget was increased by £600k in recent years. Significant costs have arising from storm damage that are exceptionally high and will be funded from our general reserves.
Temporary Accommodation – increasing demand and cost pressures within the local housing market.	Medium	Budgets have been increased over recent years and robust monitoring will continue, including assessing the impact from directly procuring properties to increase the stability of accommodation options available to the Housing Options team

Appendices

Appendix 1 – Capital Plan Summary for Q2 2026/27

TORBAY COUNCIL

Report title: Torbay Local Plan 2025-45 Regulation 22 Submission to Secretary of State for Examination

Report to	Cabinet/Council
Date	24 November/10 December 2026
Lead Cabinet Member	Cllr Chris Lewis, Cabinet Member for Place Development and Economic Growth
Email	Chris.Lewis@Torbay.gov.uk
Lead Director	Alan Denby, Director of Pride in Place
Email	Alan.Denby@Torbay.gov.uk
Wards affected	All

1. Summary of Report

1.1. This report seeks Council approval to submit the Torbay Local Plan 2025-45 to the Secretary of State for examination. The Local Plan must be submitted by the government's specified deadline, otherwise Plan making will have to start afresh using the 2026 Local Plan Regulations.

1.2. The Local Plan has been through four rounds of consultation. Most recently, the Regulation 19 "Publication Plan" was consulted on between 13th August and 24th September 2026. Issues raised by the consultation and recommended Modifications have been considered by the Local Plan Working Party and are set out in this report and its appendices.

2. Recommendations and Proposed Decision

2.1. That Cabinet recommend to Council that:

2.2. The Torbay Local Plan: Publication Plan (including schedule of Main Modifications and supporting documents required by Regulation 22 of the Town and Country Planning (England) Regulations 2012 (as amended)) be submitted to the Secretary of State for Examination as soon as practical after Full Council.

2.3. The Director of Pride in Place, in consultation with the Cabinet Member for Place Development and Economic Growth, be delegated authority to negotiate and consult upon any further Modifications required to make the Plan sound with the Inspector, representors and other stakeholders, subject to the Local Plan returning to Full Council for adoption.

2.4. The Council's position remains that Torbay's unmet housing need should be addressed at a sub-regional level, through the Spatial Development Strategy.

3. Reasons for Recommendations/Proposed Decision

3.1. This report seeks Council approval to submit the Torbay Local Plan 2025-45 to the Secretary of State for examination. The Local Plan must be submitted by the end of December 2026. MHCLG issued a partial extension of time for submission to 31 March 2027 on 23 October 2026. It is not clear whether this extension applies to Torbay.

3.2. The Government is placing great emphasis on local authorities having up to date plans in place, and has stated that authorities should submit local plans as quickly as possible.

3.3. The Local Plan has been through four rounds of public consultation, most recently the "Regulation 19 Publication Plan" between 13th August and 24th September 2026. Consultation responses, the new National Planning Policy Framework (NPPF), and other matters have been discussed by the Local Plan Working Party. Several Main Modifications are recommended by the Working Party as set out in Appendix 2. In addition, many representations can be addressed by minor text changes ("additional modifications") that do not amount to main modifications. Section 7 below summaries the main issues raised at the Regulation consultation. A key issue is the proposed level of housing which is only about 42% of the government's local housing need figure. It will be important that the Local Plan does not impose more restrictive policies than set out in the National Planning Policy Framework (NPPF).

3.4. The Local Plan submission will comprise the Regulation 22 Submission Local Plan (the Reg 18 with minor typographical and formatting amendments), with a schedule of Main Modifications that the Inspector is invited to consider. The submission will also need to include supporting documents such as Sustainability Appraisal, and details of representations received on the Plan.

3.5. Following submission of the Local Plan, the Secretary of State will appoint an Inspector (or Inspectors) to consider the Plan for soundness and legal compliance. It is likely that additional public consultation will need to take place on any Modifications to the Local Plan before the Inspector(s) publish their final report. It is therefore important for the Director of Pride in Place, in discussion with the Cabinet Member for Place to have delegated powers to discuss, and consult upon, proposed modifications arising from the examination. Following receipt of the Inspector's final report, the Local Plan must return to Full Council for adoption.

3.6. When adopted the Local Plan (along with made Neighbourhood Plans) forms the legal starting point for determining planning applications and will set out a positive vision for the area. It will set a framework for meeting housing needs and addressing other economic,

social and environmental priorities. The Local Plan must be prepared in accordance with legislation and the National Planning Policy Framework (NPPF).

3.7. Cabinet will be considering the proposal at its meeting on 24 November 2026 and is requested to make recommendations to Council as set out in paragraph 2 above. A copy of the Cabinet's decision will be published prior to the Council meeting.

4. Background and Context

4.1. The emerging Torbay Local Plan 2025-45 is being prepared under the "legacy" local plan system under the 2012 Local Planning Regulations. The Government has required that councils submit such plans by the end of December 2026. Although it issued a partial extension of time to 31st March 2027, the council still propose to submit the documents required by Regulation 22 of the 2012 Local Planning Regulations by 31 December 2026.

4.2. Full Council of 23 July 2026 approved the publication of the Torbay Local Plan 2025-45 for public consultation. Details of this consultation are set out in Section 7 below.

4.3. The Government Published a significantly reworded National Planning Policy Framework in August 2026. This includes a set of National Development Management Policies (NDMPs). The Torbay Local Plan will be tested for soundness against the 2024 Framework. However, the 2026 Framework took immediate effect for decision making purposes. Development plan policies that are materially inconsistent with the NDMP's in the 2026 Framework will be given very little weight. A key focus is likely to be on the rewritten Presumption in Favour of Sustainable Development in the Framework, particularly NDMP5(1)(J) "development outside settlements that would address an unmet need".

4.4. The Local Plan was prepared with the (2025) draft NPPF in mind and is considered by Officers to be broadly consistent with the 2026 Framework. Areas where there is a potential "material inconsistency" with the Framework have been discussed with the Local Plan Working Party and Main Modifications recommended accordingly. These are set out in Appendix 2 to this report.

4.5. The most challenging issue for local plans is often their inability to meet the Government's Local Housing Need figures. This is clearly the case for Torbay which was subject to an Intervention by the housing minister in June 2026. Nevertheless, following receipt of evidence, MHCLG allowed the Local Plan to proceed to Regulation 19 consultation. It will nevertheless be critical for Torbay to show that it has taken a no-stone left unturned approach to finding deliverable housing sites, and does not have more restrictive policies than set out in the NPPF.

4.6. Around 100 councils are understood to be seeking to submit local plans under the legacy system. As such, the examination is likely to take place in the second half of 2027. However, Regulation 22 Submission is an advanced stage of plan preparation, where a

Plan increase weight in decision making, particularly where policies have no outstanding objections and are consistent with the NPPF.

5. Alternative Options Considered

5.1. It is recommended that the Regulation 22 Local Plan be submitted to the Secretary of State as soon as practicable after full Council. It will need to meet the government's deadline of either the 31st December 2026 or 31st March 2027.

5.2. There are substantial changes to the planning system and local government, that have progressed apace since July 2026. These include Local Government Reorganisation, a new NPPF (see above), the prospect of Spatial Development Strategies, and the government's deadline for submission of plans prepared under the "legacy" system. This has led some authorities to abandon their Local Plans or start to prepare plans under the "new" system.

5.3. If the submission deadline for legacy plans is not met, the Local Plan and its evidence base will need to be restarted under the Levelling Up and Regeneration Act 2023 and accompanying 2025 Regulations. Although these are called "30-month local plans" there are questions whether the 30-month timetable is achievable. The difficult issues, in particular Torbay's inability to meet housing needs will still have to be confronted.

5.4. Not submitting the Plan would mean that the Presumption in Favour of Sustainable development would apply to all planning applications in Torbay for the foreseeable future and will weaken the council's ability to seek higher environmental standards or mitigation for the effects of development.

5.5. The Local Plan has considered a range of different growth options and strategies, particularly in its three Regulation 18 "issues and options" consultations. The Local Plan is supported by a Sustainability Appraisal, which is an iterative document that considers the sustainability of different growth options. The Council's "preferred option" is set out in the Regulation 19 Publication Plan, which was consulted on between 13th August-24th September 2026. Several modifications are recommended in response to these.

6. Contribution to Council Priorities

6.1. The proposals in this report help deliver our vision of a healthy, happy, and prosperous Torbay by seeking to create a strategic framework for managing land use in Torbay in the public interest. It is a Plan for growth within environmental limits and strongly promotes regeneration and modernisation of the built-up area. It seeks to minimise damage to the natural environment and to provide resilience to the effects of Climate Change whilst reducing carbon emissions.

6.2. The Plan expressly seeks to deliver the spatial aspects of the Community and Corporate Plan 2023-43, The Torbay Story, The Housing Strategy and Accommodation Repurposing Programme, Town Centre regeneration programmes, and the Devon and Torbay Local Transport Plan.

6.3. Local Plans frequently hinge of the headline rate of housing growth, as a key soundness issue. The Regulation 18 Local Plan consultation received a letter from Housing Minister Matthew Pennycook, with a further Intervention letter in June 2026. The Torbay Local Plan proposes a minimum of 8,000 dwellings between 2025-2045 equal to 400 a year, with a stepped trajectory. This is significantly below the Government's Standard Method Local Housing Need (LHN) of 972 dwellings a year.

6.4. The Local Plan have been discussed on a cross-party basis through the Local Plan Working Party. The Working Party has assessed options for boosting housing numbers at length. The proposed Submission Local Plan is considered to balance the need for development against Torbay's environmental constraints, managing climate change, and challenging viability.

6.5. Local Plans need to meet several legal requirements, including carrying out a Sustainability Appraisal and Habitats Regulations Assessment. These have influenced the proposals in the Local Plan.

7. Consultation and Engagement

7.1. The Local Plan has been through four rounds of public engagement. Consultation took place between 13th August and 24th September 2026 in accordance with Regulation 19 of the Local Planning Regulations 2012.

7.2. The Regulation 19 consultation received 416 representations form 98 organisations and individuals. A summary of responses is set out at Appendix 2 and also on the council's website.

7.3. The Local Plan Regulation 19 Consultation received responses from 98 responders, which generated 416 representations. Most objections were to sites in Maidencombe, from 38 individuals as well as the Maidencombe Residents Association and Torquay Neighbourhood Forum. These generated 37 objections to H3T1 north of Sladnor Park and 12 objections to H3T2 Sladnor Park. Additionally South West Water noted the need for additional water infrastructure in this area.

7.4. There is a significant objection to the Local Plan from Teignbridge District Council that the Local Plan is not doing all that it can to meet housing need. This comment is also made by the development industry, including the Home Builders' Federation.

7.5. Most of the promoted housing sites received detailed representations, with an additional site proposed at Upton Manor Farm, Brixham. A supermarket (Lidl) and 50 dwellings are promoted at Hollicombe Gas Works, rather than the 185-dwelling scheme which has planning permission. Promoters of mixed-use employment areas at Torquay Gateway

(Edginswell and Kingsland) and Long Road argued for a greater proportion of these areas should be housing.

7.6. The development industry and ongoing work on the Whole Plan Viability Assessment indicate a serious viability challenge and the need for the Local Plan to avoid placing additional burdens on development. Conversely, the Police, NHS Foundation Trust, and DCC have sought S106 Contributions. The Police have indicated a need for an additional station serving Paignton. The need for an assessment of additional sports and recreation facilities is also noted. There was support for the provision of cemetery land.

7.7. Responses were received from the main Statutory Consultees. These recommend several minor modifications. There is ongoing work in relation to the Water Cycle Study and Strategic Flood Risk Assessment.

7.8. Prior to the Regulation 19 consultation, there were three previous consultations at Regulation 18 “pre-publication” or “issues and options” state. A full draft Local Plan was published for consultation in November 2025-February 2026 with a series of in-person exhibitions and online webinars. Two earlier Regulation 18 consultations took place in January-February 2022 and October- December 2022. These focussed on growth options and housing site options.

7.9. Representations submitted to the emerging plan, and other issues arising have been carefully considered by the Local Plan Working Party. A summary of consultation and how comments received have influenced changes to the Plan is included at Appendix 3.

7.10. Council approval is sought to submit the Regulation 19 Local Plan with accompanying schedule of Main Modifications. The Secretary of State will appoint an inspector to consider the soundness of the Local Plan, and recommend any Modifications. These Modifications will need to be the subject of further public consultation, unless they are very minor in nature. Following receipt of the Inspector’s final report, the Local Plan must then return to full Council for adoption.

7.11. A “test of soundness” requirement for the Local Plan is that Torbay should have engaged constructively with neighbours about how its unmet needs can be met. Rather than falling entirely into the nearest adjoining areas (Teignbridge and South Hams), officers have recommended that the issue is relevant to the wider housing market areas in South Devon and should be dealt with through the forthcoming Spatial Development Strategy (SDS). It is noted that Teignbridge has expressed concerns about this approach because it would put any future Teignbridge plan or plan affecting the current geographical area of Teignbridge on the back-foot. However, the Teignbridge Local Plan 2020-2040 adopted in May 2026 was modified by their Inspectors to defer a decision on Torbay’s unmet need to the next round of Plan making. The inability of Torbay to meet its own need is recognised in the expansion of the area under (at present paused) local government reorganisation proposals. Moreover, the Spatial Development Strategy create a formal basis to consider strategic growth matters and will have to address the issue of how far housebuilding across

Devon (and Cornwall) can be doubled (which will be necessary to meet the sum of LHN figures).

8. Implications

Financial Implications

8.1. Local Plans are expensive. However, much of the expense in drafting the Plan, commissioning research etc. has already been incurred. The Government has also provided additional funding to support the preparation of Plans for submission by December 2026. The main upcoming expenses are associated with appointing a programme officer, legal support, and paying the Planning Inspectorate to carry out a Local Plan Examination.

8.2. Not progressing the Local Plan at this stage would require a restarting of evidence preparation under the new plan making system.

Legal Implications

8.3. The Local Plan is prepared according to legal requirements set out in Planning Legislation, including the Planning and Compulsory Purchase Act 2004 and the accompanying 2012 Regulations. Subsequent changes in the Levelling Up and Regeneration Act (LURA) 2023 and Planning and Infrastructure Act 2025 also affect the Local Plan.

8.4. There is a legal requirement under Section 39(2) of the 2004 Act for Local Plans to have the objective of contributing to the achievement of sustainable development, and a duty to have regard to national guidance. This gives legal weight to the plan-making Presumption in Favour of Sustainable Development at Paragraph 11(a-b) of the 2024 National Planning Policy Framework.

8.5. The Government published an updated National Planning Policy Framework (NPPF) in August 2026 which contains national policies for decision making (NDMP). The government has introduced these on a non-statutory basis and has not to date implemented enabling powers in the LURA 2023 to give them legal primacy over the development plan. The Torbay Local Plan will be tested against the plan making tests in 2024 NPPF. However, policies that are “materially inconsistent” with NDMPs in the 2026 Framework will carry very little weight.

8.6. Sections 21 and 27 of the Planning and Compulsory Purchase Act 2004 gives the Secretary of State powers to intervene in Plan making, and the council received a letter from Minister Matthew Pennycook on 11th June to this effect, with the direction to submit the evidence base documents. Following receipt of these documents, MHCLG indicated that the Local Plan could proceed to Regulation 19 consultation. However, the shortfall

against Local Housing Need remains a key soundness challenge that requires exceptional justification.

Corporate Parenting/Children and Young People

8.7. The Local Plan contains a range of policies aimed at providing affordable housing and a range of community facilities, including education and open space provision. Particular attention is drawn to Policy SCS Sustainable Communities Strategy, SC3 Education Infrastructure and H7 Affordable Housing and H10 Specialist housing. Whilst development viability is very challenging, the Local Plan seeks to maximise the delivery of affordable housing and to leverage its accommodation repurposing programme in support of this.

Associated Risks, Risk Tolerance Level and Mitigations

A summary of key risks associated with the recommendations in this report are:

1. [Risk description] – mitigated through [control].

2. [Risk description] – monitored through [governance route].

The risks of not approving the recommendations include [briefly stated]. Overall risk exposure is assessed as acceptable within the Council's risk tolerance appetite.

Full risks are set out below:

Risk	**Risk score before mitigations (likelihood x impact)**	**Mitigations**	**Risk Score after mitigations (likelihood x impact)**	**Risk tolerance**
This proposal addresses the corporate risk CP49. Not submitting the Plan would mean that the Presumption in Favour of Sustainable development would apply for the foreseeable future. Development of greenfield sites is likely to come forward in a speculative and unplanned manor. The ability to secure high quality development will be diminished.	20	Submitting the Local Plan as per the report recommendation	6	

There is a high risk of the Local Plan not being found sound due to the issue of housing numbers.	20	It will be essential to show that the Council is taking a “no-stone left unturned” approach to identifying housing opportunities, and that other policies do not go further than the Framework (including NDMP5) in restricting development. It will be important to be able to negotiate Modifications with the Inspector and other bodies, subject to the Local Plan returning to full Council for approval.	9	

Contributions to tackling climate change or achieving carbon neutrality

8.8. Policy SS1 makes reducing carbon emissions and creating resilience to climate change a key priority.

8.9. Chapter 8 contains key policies on climate change and achieving net-zero developments Policies CERS and CER1 propose higher standards than set out in Building Regulations/Future Homes standard. However, the viability of achieving this must be tested.

Social Value Considerations

8.10. Policies H7-H8 seek to maximise the delivery of affordable housing. Chapter 4 sets out policies on achieving economic prosperity, including promoting local training agreements. Chapter 5 deals with thriving communities and reducing deprivation.

Procurement Implications

8.11. The Local Plan is reliant on an up-to-date evidence base and requires an Examination in Public and Programme Officer.

Other Implications

8.12. When adopted the Local Plan will form the legal starting point for determining planning applications in Torbay. It will also set a strategic framework for updated Neighbourhood Plans.

9. Equalities Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability

Age

Data and insight

- 18% of Torbay residents are aged under 18 years old.
- 55% of Torbay residents are aged between 18 to 64 years old.
- 27% of Torbay residents are aged 65 and older.

Equality considerations (including any adverse impacts)

Constraining housing supply below the Standard method LHN is likely to reduce the availability of affordable housing, and S106 “private subsidy” available for affordable housing. A brownfield first approach is likely to lead to the creation of more apartments rather than family housing. Reduced housing supply may disproportionately impact younger households and families by limiting affordability

Ageing population increases risks of isolation, unmet care needs, and pressure on services

The Local Plan needs to balance housing provision and other uses of land including employment, nature conservation, protected landscape and green infrastructure. Torbay has very substantial environmental constraints and infrastructure capacity limits.

Balancing these competing objectives-all of which have equalities impact dimensions- is a significant challenge for the Plan.

Mitigation activities

The Accommodation Repurposing and regeneration programmes seek to substantially boost the supply of affordable housing in sustainable town centre locations.

Over the next decade, ONS projections indicate that there will be +509 households per year in Torbay, of whom 460 will be single person households, including 287 people aged 65+ living alone. An ageing population and social isolation is likely to be a big challenge for Torbay. The Plan contains policies to provide specialist accommodation, and to seek to target specialist accommodation at local people. The Plan promotes the provision of community facilities and a network of local, district and town centres with a range of commercial and community facilities.

Responsible department and timeframe for implementing mitigation activities

Regeneration and Place Delivery, Pride in Place.

Carers

Data and insight

- At the time of the 2021 census there were 14,900 unpaid carers in Torbay.
- 5,185 of these carers provided 50 hours or more of care.

Equality Impacts

Having a Local Plan in place will improve the provision of spatial facilities for carers. Unpaid carers are more likely to require access to a network of open spaces, public transport and accessible parking. The Local Plan contains policies to provide accommodation for people in need of care and support, and to prioritise such accommodation for Torbay residents. Cares will benefit from the provision of adaptable dwellings and adaptable housing, and the maintenance of accessible shops, community facilities.

Parking provision standards needs to provide ample space for disability vehicles. The Local Plan seeks to promote public transport and sustainable modes of travel.

Mitigation activities
As above

Responsible department and timeframe for implementing mitigation activities
Pride in Place, Regeneration and Place Delivery.

Care experienced

Data and insight

As of January 2026, there were 277 former care experienced young people aged 18-24 in Torbay.

Equality considerations (including any adverse impacts)
No direct differential impact.

Mitigation activities
Provision of move-on and supported accommodation as part of affordable housing delivery. Care experienced young people may need a level of transitional accommodation with some additional support when they reach early adulthood. The Local Plan contains policies to provide employment space, and support links between employers, South Devon College and other providers.

Responsible department and timeframe for implementing mitigation activities
Pride in Place, Regeneration and Place Delivery

Disability

Data and insight

In the 2021 Census, 23.9% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.

Equality considerations (including any adverse impacts)
The Local Plan will have a positive impact by creating accessible buildings and spaces and accessible housing.

Mitigation activities
The Local Plan provides policies on the provision of specialist housing as part of the affordable housing mix, and for a proportion of homes to be built to M4(2) and M4(3) standard.

The Local Plan's overarching strategy is to focus growth in accessible locations particularly in town centres and transport corridors to reduce the need to travel by car.

The Local Plan supports a framework to ensure that these positive impacts are secured through developer obligations, conditions and monitoring.

Responsible department and timeframe for implementing mitigation activities
Pride in Place, legal services

Gender reassignment

Data and insight

In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth.

Equality considerations (including any adverse impacts)
No differential impact

Mitigation activities
The Local Plan contains policies for the creation and maintenance of safe open spaces and buildings. It provides a framework to support the improvements to create gender neutral spaces.

Responsible department and timeframe for implementing mitigation activities
Pride in Place

Marriage and civil partnership

Data and insight

Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.

Equality considerations (including any adverse impacts)
There is no differential impact

Mitigation activities
The Plan seeks to ensure access to family housing, healthcare, schools, and greenspaces.

Responsible department and timeframe for implementing mitigation activities
Pride in Place

Pregnancy and maternity

Data and insight

- Between 2013 and 2024, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 56.0 per 1,000) than the Southwest (53.4) and broadly in line with England (56.3).
- For the period 2022 to 2024, rates in Torbay (44.6) have been significantly below England (50.0).

Equality considerations (including any adverse impacts)
The provision of decent housing is a factor in enabling people to start families.

Mitigation activities
The Plan seeks to prioritise the delivery of affordable housing. The Local Plan seeks to support a network of accessible open spaces, public health, education and healthcare facilities.

Responsible department and timeframe for implementing mitigation activities
Pride in Place, Children's Services

Race

Data and insight

In the 2021 Census, 96.1% of Torbay residents described their ethnicity as the following:

- 1.6% as Asian, Asian British or Asian Welsh
- 0.3% as Black, Black British, Black Welsh, Caribbean or African
- 1.5% as being of Mixed or Multiple ethnic groups
- 96.1% as White
- 0.4% described their ethnicity another way.
- Black, Asian and minoritised ethnic communities are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.

Equality considerations (including any adverse impacts)
There is no differential impact.

Mitigation activities
The Local Plan has been amended from Reg 19 to ensure that a wider range of community spaces is available. Monitoring of access to housing, particularly affordable housing and facilities will need to ensure that no ethnicity is directly or indirectly excluded from housing. The Local Plan contains policies to create safe and accessible public spaces.

Responsible department and timeframe for implementing mitigation activities

Religion and belief

Data and insight

The 2021 Census showed that the residents in Torbay identify their religion and/or belief as the following;

- 48.5% are Christian
- 0.4% are Buddhist
- 0.2% are Hindu
- 0.6% are Muslim
- Less than 0.1% are Sikh
- 0.1% are Jewish
- 0.7% have another religion
- 43.2% have no religion
- 6.3% did not answer

Equality considerations (including any adverse impacts)

The Local Plan has received representations from faith groups and has made several additions to the plan to support the provision of places of worship and other community space.

Mitigation activities

Policy SC5 recognises the shortage of cemetery spaces in Torbay and allocates land to meet this need, including the recognition that this site could contain ceremonial space. In response to the Regulation 19 Consultation, a Main Modification is proposed to include suitable plots for Muslim burial.

The Plan recognises and supports that faith groups can have in providing community and tackling social isolation.

The Plan contains policies to protect and enhance the built and natural environment, both of which have a sacred significance for many faiths.

Responsible department and timeframe for implementing mitigation activities

Sex

Data and insight

- 51.3% of Torbay's population are female.
- 48.7% of Torbay's population are male.

Equality considerations (including any adverse impacts)

See above in relation to housing numbers -

Mitigation activities

The Plan seeks to maximise the provision of affordable housing.

The Local Plan contains policies to create safe and accessible public spaces, and to support the monitoring of spaces through CCTV etc

Responsible department and timeframe for implementing mitigation activities

Pride in Place.

Sexual orientation

Data and insight

In the 2021 Census, residents described their sexuality as follows;

- 89% as Straight or Heterosexual
- 1.7% as Gay or Lesbian
- 1.1% as Bisexual
- 0.1% as Pansexual
- 0.1% described their sexuality another way
- 7.4% of people didn't answer the question

Equality considerations (including any adverse impacts)

There is no differential impact

Mitigation activities

The Local Plan contains policies to create safe and accessible public spaces.

Responsible department and timeframe for implementing mitigation activities

Pride in Place

Armed Forces Community

Data and insight

- In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces.
- In Torbay, 5.9% of the population have previously served in the UK armed forces.

Equality considerations (including any adverse impacts)

There is no differential impact

Mitigation activities
The Local Plan seeks to maximise the provision of affordable housing and supported housing.

Responsible department and timeframe for implementing mitigation activities
Pride in Place, Regeneration and Place Delivery

Additional Considerations

Socio-economic impacts (Including impacts on child poverty and deprivation)

Data and insight

- Torbay is ranked as the 39th most deprived upper tier local authority in England in the Index of Multiple Deprivation 2025.

Equality considerations (including any adverse impacts)
The Local Plan seeks to address Torbay's underlying poor economic profile by robustly supporting urban regeneration and accommodation repurposing.

It contains policies to steer unsuitable developments such as HMOs and uses likely to generate anti-social behaviour away from the most deprived areas and contains detailed policies to improve prosperity in Torbay and Community Regeneration areas in particular. See in particular Policy SCS Sustainable and inclusive communities strategy.

Mitigation activities
See above

Responsible department and timeframe for implementing mitigation activities
Pride in Place, Regeneration and Place Delivery

Public Health impacts

Data and insight

For the five-year period 2020 to 2024, data shows there is a 6-year life expectancy gap between males who live in Torbay's least and most deprived areas and, a 3-year gap for females.

Equality considerations (including any adverse impacts)
The Local Plan identifies Community Investment Areas and seeks to support developments in these areas which will help regenerate them and reduce poverty.

Mitigation activities
The Local Plan contains policies to improve the provision of good quality affordable housing (Policies H7-H8) , to regenerate the town centres and Community Investment Areas (Chapters 4 and 5). It seeks to provide public open spaces and improve access to nature. The Local Plan seeks to provide healthcare infrastructure, with the caveat that developer contributions are insufficient to address the funding gap in the healthcare and social care system. These are set out in Chapter 5 "Thriving Communities"

Responsible department and timeframe for implementing mitigation activities
Pride in Place.

Human Rights impacts

Data and insight

Equality considerations (including any adverse impacts)
No direct impact, although Human Rights Act duties affect elements of the Local Plan.

Mitigation activities

Responsible department and timeframe for implementing mitigation activities

Child Friendly (Children's Rights Impact Assessment (CRIA) considerations):

Summarise the CRIA considerations for this proposal, including which groups of children and young people may be affected (e.g., care experienced children/young people, care leavers, children with SEND), how their rights and best interests have been considered, and any engagement undertaken with children/young people and/or their representatives. Set out any mitigations to address identified adverse impacts and how these will be monitored.

Data and insight

Equality considerations (including any adverse impacts)
The Local Plan seeks to provide a network of child friendly spaces and facilities including play areas, schools and other community facilities, which are set out in Chapter 5. Policy H11 deals with specialist accommodation, including for children. Policies H7 and H8 on affordable housing are also relevant.

Mitigation activities

Responsible department and timeframe for implementing mitigation activities
Pride in pace

10. Cumulative Council Impact

10.1. None

11. Cumulative Community Impact

11.1. The Local Plan sets a strategic planning framework for Neighbourhood Plans. The Local Plan and supporting viability assessment underpins policies on developer contributions, including Community Infrastructure Levy.

12. Monitoring and Evaluation

12.1. Key outputs from the Local Plan, particularly housing delivery are monitored annually.

12.2. There is a requirement for Local Plans to be reviewed at least every five years.

Appendices

Appendix 1: Regulation 22 Schedule of Recommended Main Modifications
Appendix 2: Schedule of Representations received at Regulation 19 Consultation
Appendix 3 Regulation 19 Publication Version of the Torbay Local Plan. (The Reg 22 Submission Version will be this document with minor typographical errors etc corrected).
Appendix 4 Sustainability Appraisal Report.
Appendix 5 Habitats regulations Assessment

Background Documents

Report to Torbay Council July 23 2026 on Regulation 19 Publication Plan Torbay Local Plan_Council Report 19 June 2026.pdf

National Planning Policy Framework (December 2024) National Planning Policy Framework - GOV.UK and draft NPPF. Specific attention is drawn to Paragraphs 11a-b The Presumption in Favour of Sustainable Development for Plan making, and Paragraph 36 The Tests of Soundness for development plans.

A substantially rewritten NPPF was published in August 2026 National Planning Policy Framework - GOV.UK . Special attention is drawn to National Decision Making Policy S5(j) (p26) and Annex A Implementation p99).

The Regulations governing “legacy” development plans are set out in the: The Town and Country Planning (Local Planning) (England) Regulations 2012 (legislation.gov.uk)

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Torbay Local Plan 2025-45 Preparation of Regulation 22 Submission Plan. Proposed Modifications to the Regulation 19 Publication Plan

Introduction and summary

This schedule sets out the Local Planning Authority's proposed modifications to the Regulation 19 Publication Version of the Torbay Local Plan, which was the subject of consultation between 13th August 2026-24th September 2026. A separate summary schedule of representations is provided.

Modifications are coded as follows:

Code	Title	Description
MM	Main Modification	A change needed to resolve the Plan's Soundness or Legal Compliance
AM	Additional Modification	A minor change to policy that is not essential to the Plan's soundness or legal compliance.
NPPF	National Planning Policy Framework alignment	A change to the policy to remove duplication or to bring the Plan into conformity with the August 2026 NPPF. The Torbay Local Plan will formally be tested against the 2024 NPPF, however where issues have been identified that are necessary to align the policies for decision making within the 2026 NPPF, these have been made. Where a change is also central to the Plan's Soundness or legal compliance, it will be treated as a Main Modification.

They are referenced as: MM/Chapter/Number.

The proposed modifications are shown using the following formatting:

- Items to be deleted are shown ~~struck through~~
- Items to be added are shown <u>underlined</u>.

Changes to correct typos, grammar or pagination have not been treated as modifications unless they affect the meaning or interpretation of a policy or proposal.

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		Ch 2 SHAPING OUR PLACES			
MM2.1	Ch2 SS1	**Modify last paragraph of Policy MM1** **Other Housing Allocations** **Other housing allocations are proposed in Policy H3 of the Plan and should be brought forward in accordance with the requirements in Policy H3 and provide affordable housing in accordance with Policy H7.** **Major development proposals outside the ~~built-up area~~, ~~Future Growth Areas and allocated sites~~ settlement boundary will ~~only~~ be supported where ~~all of~~ the following are met:** ~~**The proposal is subject to an environmental assessment that shows that:**~~ **i. Is physically well related to the scale and nature of the settlement, and of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure.** ii. ~~**it is acceptable in terms**~~ **It will not cause significant harm to ~~of~~ landscape, biodiversity, historic environment or infrastructure interests, including consideration of the cumulative impact of development and;** iii. **It is demonstrated that there is no likely significant effect, alone or in combination, on European Wildlife sites (or equivalent designation)~~; and~~** ~~**Is demonstrated to meet an economic, social or environmental need that significantly and**~~	Policy SS1 requires modification to bring it into alignment to the principles in Policy S5(1)(J) of the 2026 NPPF. Development outside of the settlement boundary cannot be treated as being within a de facto greenbelt.	NPPF NPPF Teignbridge DC Housebuilders	Yes Churston Village Envelope.

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		~~**demonstrably outweigh the impacts of the proposal.**~~			
	Ch2 SS1 paragraph 2.8	**Explanation paragraph 2.7** **Add to paragraph:** Flood risk policies are set out in Chapter 8, particularly Polices ER1 and ER2. These acknowledge that it is not possible to meet all of Torbay's needs within areas a low flood risk, and therefore not technically possible to pass a "sequential test". There are nevertheless strong "exceptions test" reasons to focus development within the built up area, particularly close to town centres and sustainable transport corridors. The Plan requires that development is safe for its lifetime, incorporates resilience measures and will not increase flood risk area. The Plan also sets out a network of sustainable drainage measures to reduce upstream surface water runoff, reduce flood events and combined sewer overflows.	See Modification to ER1 below.		No (but see flood risk zones in ER2)
MM2.2	Ch 2 SDT3	**Development is expected to deliver:** **i. Around 550 new homes of which at least 30% should be affordable.** **ii. At least ~~10~~ 5 serviced self-build housing plots.** **iii. An area of search in the gateway area for a negotiated stopping place for Travellers, subject to a need being demonstrated in the future.** iv. **Mixed use employment space, with at least 25% of the area provided as Class E(G), B2 or B8 employment.**	The GTAA (ORS 2025) identifies a zero need for Traveller Accommodation. Amend policy to state with a broader support for "negotiated stopping place" in the broader Torquay Gateway/ Hellevoetsluis Way corridor. Policy H13 of the Local Plan would still apply to proposals that come forward. The Housing Need Survey (ORS 2026) indicates a need for self-build, but this is not the most pressing element of housing need. Representations form housebuilders about the practicality of delivering self-	HBF Whole Plan Viability Testing	No

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
			build plots as part of residential estates, due to site management etc. The self-build policy requirement has been amended to make it more consistent with Policy H9.		
MM2.3	Ch2 SDP4	**Strategic Policy SDP4: Collaton St Mary – Sustainable growth in a connected village** **Development is expected to deliver:** **Around 600 new homes, including at least 30% affordable housing** **At least ~~12~~ 6 serviced plots for self-build housing** **An area of search for a negotiated stopping place for travellers, subject to a need being identified in the future.**	The GTAA (ORS 2025) identifies a zero need for Traveller Accommodation. Amend policy to state with a broader support for "negotiated stopping place" in the broader Torquay Gateway/ Hellevoetsluis Way corridor if need is identified in the future. Policy H13 of the Local Plan would still apply to proposals that come forward. The self-build policy requirement has been amended to make it more consistent with Policy H9.		No
MM2.4	Ch2 SDP5	**Long Road, Yalberton - Sustainable living and employment neighbourhood** Development is expected to deliver: i. An additional 650 dwellings, including at least 30% affordable housing. ii. At least ~~12~~ 6 serviced plots for self-build housing. iii. Provision of an area of search for a negotiated stopping place for travellers or provision of an alternative site, subject to need being identified in the future. iv. 25% of the area to be Class E(g), B2 or B8 employment delivering at least 20,000 sq m of industrial development. Land allocated	Abacus Deeley freed Vistry D&C Police South Devon College (not an objector at Reg 19) Mention possible provision/support for new Police station (as employment land) and support for expansion and diversification of South Devon College The self-build policy requirement has been amended to make it more consistent with Policy H9.		No

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		for industrial development will be safeguarded for such purpose. The area could include a new police station facility subject to funding and suitable access. (iv-ix As Per Regulation 19 Plan)			
MM2.5	**Ch2 SDB3**	**Strategic Policy SDB3: Berry Head to Sharkham Point - Coastal conservation and recreation management** Should existing uses, including holiday parks in the SDNL and Core GHB Sustenance Zone cease to operate, ~~there will be an expectation that they should revert to open countryside~~ redevelopment proposals should safeguard and enhance the natural environment and demonstrate the recovery of natural features of importance to the designation.	Westcountry Land Raised by the HBF and Westcountry Land. The Plan can only have restrictive policies where these demonstrably avoid harm to interests of material importance. Policies need to support development that improves the natural environment.		No
		Chapter 3 Housing and Regeneration			
MM3.1	Ch3 H3	H3T1 Maidencombe ~~North of Sladnor Park~~ Cross 30 ~~20~~ dwellings. Note: HELAA site 21T143.	H3T1 Delete Ridge Road (21T065) due to access concerns. Retain Maidencombe Cross (field North of Jon Glanvill Auto Centre). The indicative total number of dwellings will become 665.		Yes
MM3.2	Ch3 H9	**H9 Self Build Housing in Future Growth Areas** **To accommodate demand for self-build homes, the provision of ~~at least~~ around 1% of dwellings within Future Growth Areas shall be provided as serviced plots for sale to self or**	Minor amendment to make H9 consistent with SDT3, SDP5 and SDP5.		No

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		custom home builders in accordance with Policies SDT3, SDP4 and SDP5.			
MM3.3	Ch3 H9		i	No	
MM3.4	Ch3 H13	**Policy H13: Sites for travellers** ~~**The Local Plan will provide for a temporary negotiated stopping places for Travellers**~~ **If a need for a temporary negotiated stopping place for travellers is identified during the Plan period, areas of search within Torquay Gateway and Collaton St Mary Future Growth Areas will be the preferred location, subject to the considerations below.** (Remainder of Policy as per the Regulation 19) **Written Explanation** Update the first sentence of paragraph 3.90 to note the findings of the Gypsy and Traveller Accommodation Assessment (ORS August 2026) which indicated a zero need for permanent or transit pitches or plots; but the demand for such accommodation will be kept under review over the Plan period.	(Change due to no need for Traveller sites being identified in 2026 GTAA study). Teignbridge District Council. Future provision within Future Growth Areas and an undertaking to monitor need is included in response to the Equalities Impact Assessment (EqIA) advice.		No
		Economy			
MM4.1	Ch4 E1T5	Add note in table: E1T5 Former market Site, Stantor Barton	Add note to E1T4 that development in this location should respect the site's landscape prominence but could include ceremonial buildings or associated employment uses compatible with the		

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
			dignity required for the proposed nearby cemetery. See Policy CGF5 below.		
MM4.2	Ch5 TO5	**Policy TO5: Refurbishment or Upgrading of Existing Holiday Parks and Proposals for extensions or new Holiday Parks** **(Policy as per the Regulation 19 Plan) until** **Proposals for new holiday parks or extensions to existing holiday parks must provide sufficient on-site recreation provision, visitor information, access management, monitoring and, where necessary, financial contributions towards strategic mitigation and monitoring. Where proposals fall within the South Hams Special Area of Conservation recreation sphere of influence, they will be required to mitigate their impact on the SAC. Where proposals fall within Greater Horseshoe Bat ~~consultation~~ Sustenance zones, they must protect foraging habitat, commuting routes and dark corridors in accordance with Policies NCS2, NC1, NC4, TH1, L1, L2 and L4** **A site restoration condition or obligation will be applied requiring the site to be restored to its original condition and use should tourism use cease, unless a scheme of redevelopment is agreed.**	Needed to remove a conflict with the NPPF. Raided by the HBF and Westcountry Land. See Modification to SDB3 above.	Teignbridge DC Westcountry Land	**No**
MM4.3	Ch6 TO6	**Policy TO6: Change of use or redevelopment of existing holiday parks to non-tourism uses** **~~Unless proposed for alternative development in the Local Plan or other development plan document, t~~ The change of use or redevelopment of existing holiday centres,**	Westcountry Land Needed to remove a conflict with the NPPF. Raided by the HBF and Westcountry Land. Amend policy to modify the presumption that holiday parks should revert back to nature in National Landscape. Make		**No**

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		chalets, caravans and camping sites to non-tourism uses will ~~only~~ be supported where; **(i-v as Regulation 19 Local Plan)** **Where holiday parks and chalets are located within the South Devon National Landscape or its setting, or within the Berry Head Bat Habitat Priority Area (BHPZ), ~~South Hams SAC Greater Horseshoe Bat Core Sustenance Zone (CSZ)~~, there is a requirement that ~~they~~ redevelopment proposals will assist restoration, recovery, or enhancement of the natural environment and maximise ecological connectivity, having particular regard to Greater Horseshoe Bats ~~revert to nature if tourism use ceases.~~** Amend Explanation at 4.71: 4.71 …..Accordingly, where development away from tourism is considered, ~~the starting point should be that all, or the major part of such sites, should revert back to open countryside or provide other landscape or ecological benefits~~ redevelopment proposals must demonstrate that opportunities to restore open countryside, enhance habitats and strengthen wildlife connectivity, particularly for greater horseshoe bats have been maximised. Proposals must comply with Policy NCS2 and demonstrate, where required through project-level HRA, that there would be no adverse effect on the integrity of the South Hams SAC.	Policy more consistent with Policy N4 (P90) of the Framework. Proposals must demonstrate that opportunities to restore open countryside, enhance habitats and strengthen Proposals must comply with Policy NCS2 and demonstrate, where required through project-level HRA, that there would be no adverse effect on the integrity of the South Hams SAC.		
		Thriving Communities			
MM5.1	Ch5 SC2	~~Physical activity and access to open spaces is important for health and ell-being~~. **Development should provide access to sport, leisure and**	SC2 Refer to space provision in SC2 (with cross reference to DE3): The provision of open space will be sought	Sport England Torbay Council Culture and	

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		recreation facilities according to the additional demand it generates and the capacity, condition and location of existing facilities. **An assessment of existing provision of such facilities will be required with development proposals proportionate to their scale, allowing the council to determine whether a contribution is needed towards new facilities or the enhancement of existing provision at least in line with the Fields In Trust open spaces standards. Regard should also be had to table xx in relation to on-site and off-site provision and to Sport England guidance .** …. **In Explanation:** Add reference to SDP tables at 5.19: Regard should be had to table xx below: [Insert Table 4.7 Open Space requirements per person and 4.10 Guideline thresholds for on and off-site open space provision and off-site financial contribution of the Planning Contributions and Affordable Housing Supplementary Planning Guidance (2022) expand to include indoor facilities such as racket courts and swimming pools]. Regard should also be had to Sports England's Sports Facility Calculator Sports Facility Calculator | Sport England	from major development having regard to Tables 4.7 to 4.10 onsite/offsite provision and space standards from Planning Contributions and Affordable Housing SPD (2022) in explanation. These will be guidelines for provision.	Events (Sports Officer)	
MM5.2	Ch5 SC6	**Policy SC6: Cemetery and memorial provision strategy** **A new cemetery is proposed for green burial in the Broadsands, Churston, Galmpton Neighbourhood Plan Area, and an expanded**	Additional need for burial during consultation process. No current need identified for additional crematoria. A need has been identified for a relatively small area dedicated for Muslim burials. This should be in Torquay due to the		Yes – area of search for Torquay Gateway. No change for Galmpton/Churston.

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		burial area at Torquay Gateway, within the areas of search indicated on the Policies Map. The specific sites will be determined on the basis of the following criteria. Proposals for other cemetery provision, crematoria or gardens of memorial will also be supported where they meet ~~the following~~ these criteria…. **Written Explanation** 5.37 Torbay's cemeteries are nearing capacity for burials, although sufficient crematorium capacity exists. Current projections indicate a need to identify about one two and a half hectares of new land for burials. To avoid a disruption in burial services, new provision or a new cemetery site will be required during the Plan period. The Local Plan proposes additional burial facilities in the south of Torbay and provides an area of search in the SDBCG area. This could be in association with improved green infrastructure/ recreation facilities needed to reduce pressure on the South Hams SAC. Expanded provision ~~could also be made~~ is also proposed as part of Torquay Gateway proposals in conjunction with the existing site at Conqueror Wood (See Policy SDT3). This could be served by the proposed Mobility Hub proposed at SDT5 and TA2	proximity of the Islamic Centre. Other than affecting an equalities issue, this is not a land use planning matter, and burial plots in themself are unlikely to constitute development Consequential amendment to Policy E1T5 to note that development in this location should respect the sites landscape prominence but could include ceremonial buildings or associated uses compatible with the dignity and tranquillity.		
MM5.3		Add reference to Mobility Hubs (6.13 and shown on Policies Map) to Policy TA2	This may be an Additional Mod as the Reg Policies map indicates these Mobility Hubs		
MM8.1	Ch8 ER1	-**A**ll proposals must be accompanied by a Flood Risk Assessment (FRA), proportionate to site size, location, and flood zone/critical drainage area. The FRA must demonstrate that:		….	

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		1. Development is located appropriately, guided by the sequential test where applicable, favouring areas at lowest flood risk, unless the site is allocated for development in an up to date development plan. … 6. Proposals must comply with local and national strategies and guidance, including the Local Flood Risk Management Strategy, SuDS Design Guidance ~~and~~ the Strategic Flood Risk Assessment (SFRA), site specific assessments and Exceptions Test.			
	Ch8 ER2 Ch2 SS1	8.55 Much of Torbay's built-up area falls within areas at risk of flooding, particularly within and adjacent to the three town centres. The Local Plan is subject to a strategic flood risk assessment, with more detailed assessment of key sites. It is not possible to meet Torbay's need for development, particularly as assessed by the LHN Standard method, without developing in flood risk areas. Areas at lower risk of flooding are often subject to other major constants in relation to national landscape, ecology or special area of conservation. It is not possible to meet full LHN without some development of flood risk areas, and therefore difficult to fulfil the Sequential Test (prescribed by Paragraph 172 of the NPPF (and Policy F2 of the 2026 Framework). There are however good planning reasons to focus development within town centres, sustainable transport corridors and the built-up area, in terms	Clarify the nature of the Sequential/ exceptions test in relation to the location of development in the built-up area and SFRA. Note that town centre regeneration sites (particularly in Paignton) do not pass a sequential test for flood risk purposes, but are nevertheless justified by the exceptions test due to their wider sustainability benefits, and mitigation measures to make them safe for the lifetime of development. Note that this may not constitute a main Modification, since it clarifies existing policies, but is identified as an issue due to its importance to the Local Plan's spatial strategy. Update flood risk mapping on the Policies Map in line with SFRA		Yes – update flood risk mapping in line with SFRA

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		of access to facilities, making use of existing buildings and and infrastructure and avoiding land with greater environmental constraints. This represents an "exceptions test" justification for the Local Plans' spatial strategy, which indicates that flooding issues are outweighed by the wider benefits to the community. Proposals will still need to show that it is safe for its lifetime and will not increase flood risk elsewhere, and where practical put in place measures to reduce flood risk. All development not proposed by the Local Plan or up to date Neighbourhood Plan or supplementary plan, will be required to apply the sequential approach to direct growth to areas at lowest risk, having regard to the vulnerability of the proposed use. Where housing proposals arise on unallocated sites within the settlement boundary, the assessment should be proportionate and take into account the inability of Torbay to meet housing needs and the spatial strategy in this Plan.			
MM8.2	Ch8 ER2	**~~Development must not discharge surface water in the combined sewer network.~~** **Where ~~this~~ it is robustly demonstrated ~~to~~ that surface water discharge into the combined sewer network is the ~~be~~ the only feasible option, appropriate mitigation must be secured to ensure ~~no overall increase~~ a reduction in the volume and rate of surface water discharge to the combined sewer network equivalent to 1, 2 or 3 of drainage hierarchy.** **Table 15, point 4 (a-c):**	Policy updated to clarify the requirements to offset development where surface water connections to the combined sewer network is the only feasible option and reflect South West Water's advice about foul and surface water piping. To note issues raised by EA flagging up concerns about water quality impacts and removing slight inconsistencies of the policy text. Update flood risk mapping on the Policies Map in line with SFRA	EA	

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		a) discharge rates are restricted to greenfield rates, ~~and~~; **b) the requirements of Table ~~14~~ 16 and Policy NCS2 and NC1 are met, and;** **c) foul and surface water are separately piped to the site boundary** **Table 16, a - b):** **a) there will be no adverse effect on the integrity of the Marine Special Area of Conservation (SAC), either alone or in combination with other plans or projects, and there is no significant risk of hindering the achievement of the conservation objectives of the Marine Conservation Zone (MCZ) as a result of increased pressure on the sewer system and the associated risk of sewer spills;** **b) appropriate mitigation measures are secured and delivered, such as a planning contribution towards strategic sustainable drainage improvements to reduce pressure on the sewer system and ensure there is ~~no net increase~~ a reduction in surface water discharge into the combined sewer network equivalent to 1,2 or 3 of the drainage hierarchy above, and;**			
MM8.3	Ch8 ER7	**Policy ER7: Coastal Change Management Areas and Coastal Vulnerability Zones**	Update policy to clarify that basement accommodation in areas at risk of inundation will not be	WSP's peer review of CCMA and	

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		…All development in the CCMA or CVZ must demonstrate: **i. that it is consistent with policy statements for the local policy unit in the Shoreline Management Plan;** **ii. that it will be safe over its planned lifetime, would not increase risk to life or property [16], and is designed, sited and securely fixed to minimise risks from coastal erosion, flooding and storm events, including ensuring that buildings and associated materials are not displaced or mobilised during extreme weather events;** Footnote 16: Basement accommodation in areas where the CVZ or CCMA risk is inundation is not likely to meet this test **…The assessment must demonstrate that the development will remain safe throughout its planned lifetime and would not increase coastal erosion, instability or flood risk elsewhere. Where the safety of development over its planned lifetime is dependent upon the continued operation, maintenance or improvement of coastal defence infrastructure, proportionate contributions towards necessary coastal defence, maintenance, adaptation or resilience measures will be sought where these**	considered "safe over its planned lifetime". Added a requirement for development within the CVZ to contribute to maintenance of sea defences where these are relied upon to make the development safe.	CVZ designation	

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		are required to make the development acceptable in planning terms. Explanation para 8.89: … planned lifetime of the development and it would not increase risks elsewhere. The designation of Paignton town centre as a Coastal Vulnerability Zone (rather than CCMA) recognises that the long-term vulnerability of the area is materially influenced by coastal flood defences. Where new development is reliant upon coastal defences to remain safe for its lifetime, development may be expected to contribute proportionately towards necessary coastal defence, maintenance, adaptation or resilience measures.			
		Chapter 9 Our Natural Places			
MM9.1	**L1**	**Strategic Policy L1: Protecting our countryside and rural economy** **The countryside area (L1) and/or undeveloped coast (Policy L3) ~~together~~ define the settlement boundaries and are shown on the Policies Map and indicatively on the Key Diagram.** **Major new development should focus on Future Growth Areas ~~in the Strategic Delivery Areas set out in the Key Diagram,~~ and within the settlement boundary consistent with the ambition and policies of the Local Plan.** **Village Envelopes in Maidencombe and Churston~~/ Galmpton~~ are defined on the Policies**	Modify Policy L1 to make consistent with NDMP5 and clarify the limited facilities, infrastructure and accessibility of Maidencombe and Churston. Modify the Village Envelope for Maidencombe to match the Torquay Neighbourhood Forum village envelope. Modify the Village Envelope boundary of Churston to match the Village settlement Boundary in the Brixham Peninsula Neighbourhood Plan. This will have the effect of identifying two small-village envelopes: Churston North (around Churston Manor and Parish	NPPF Teignbridge DC Housebuilders	Yes – Village Envelopes of Maidencombe and Churston.

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		Map. These are rural villages within the countryside area. Development within these village envelope settlement boundaries will be supported where: 1. **It is of an appropriate ~~modest~~ scale that can be accommodated taking into account the rural setting of these villages, and the availability of services and infrastructure.** 2. **It is ~~of an appropriate modest scale and~~ consistent with relevant Local Plan Policies, including those relating to landscape, recreation, biodiversity, design and conservation.** **~~Otherwise, development outside the main urban areas (as defined by the settlement boundary) and Strategic Delivery Areas will only be supported within the established boundaries of villages and hamlets, provided that it is of an appropriate modest scale and consistent with relevant Local Plan Policies, including those relating to landscape, recreation, biodiversity, design and conservation. Suitable infill development, refurbishments and conversions will be supported within these settlements in order to meet the day-to-day needs of local communities, to promote the retention and development of local services and to help maintain their sustainability. Village Envelopes in Maidencombe and Churston/ Galmpton are defined on the Policies Map.~~** **Outside settlement boundaries, the following forms of development ~~may be permitted~~ will be supported, provided that the rural and**	Church) and Churston South (Ferrers Green).		

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		landscape character, wildlife habitats, green corridors and historic features are not ~~adversely affected~~ significantly harmed, and necessary mitigation measures are carried out to minimise any harm to the environment: i. **Housing development to meet unmet need where sites are well related to the built-up area or within the village envelope and of a scale and nature appropriate to the settlement, and where development can be accommodated within existing or proposed infrastructure including (but not limited to) water and sewerage, sustainable transport, community facilities and services.** **…(Remainder of Policy as per Reg 19)**			
MM 9.2	Ch 9 NCS2	**Updates to Table 20 Habitats Regulations Appropriate Assessment (HRA) requirements**. (Consequential minor changes/ cross references to SDB3, SDBCG1, TO5 and TO6; and glossary) **~~Core sustenance zone additional requirements~~ Berry Head Bat Habitat Priority Area (BHPA)** **The Berry Head Bat Habitat Priority Area (BHPA), identified in the Torbay South Hams SAC Greater Horseshoe Bat**	Updated to reflect the final 2026 South Hams SAC Greater Horseshoe Bat Evidence Study. Replace the Core Sustenance Zone with the Berry Head Bat Habitat Priority Area (BHPA) and clarify its relationship with the existing South Hams SAC Sustenance Zone and Landscape Connectivity Zone. Refine the policy requirements for Greater Horseshoe Bat habitat, connectivity, pinch points and commuting routes to reflect the strategic nature and limitations of the evidence and the role of site-specific evidence and project-level HRA in determining individual development proposals. Consequential amendments will be made to relevant	Final South Hams SAC Greater Horseshoe Bat Evidence Study (2026); Natural England and Devon County Council ecological advice.	Yes-BHPA and pinch points.

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		Evidence Study (2026), provides an additional evidence-led focus for the protection of habitat supporting the Berry Head GHB roost, which forms a key component of the wider South Hams SAC roost network. It complements and does not replace or reduce the protection afforded through the existing South Hams SAC Sustenance Zone, Landscape Connectivity Zone, Pinch Points and mitigation features. The 2026 Evidence Study (and any subsequent updates) will be used as a material consideration in project-level Habitats Regulations Assessments (HRA), including screening. **Within the ~~Core Sustenance Zone~~ BHPA, avoidance of impacts to ~~Greater Horseshoe Bat~~ GHB habitat and connectivity will be prioritised in the first instance over mitigation ~~compensation~~ or enhancement measures. Where impacts cannot be wholly avoided, they must be minimised through the design and layout of the proposal before other mitigation or enhancement measures are considered. Such proposals must demonstrate through project-level HRA that GHB habitat function and connectivity will be maintained and enhanced in perpetuity, and that there would be no adverse effect on the integrity of the South Hams SAC. Furthermore, because the 2026 Evidence Study demonstrates that suitable foraging habitat and connectivity supporting the Berry**	policies, explanatory text, glossary and Policies Map.		

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
Page 193		**Head roost are constrained, proposals where impacts cannot be wholly avoided must also deliver a net enhancement in GHB habitat function and connectivity in perpetuity.** **The habitat suitability classifications identified in the Greater Horseshoe Bat Evidence Study (2026) must be considered alongside proportionate, up-to-date site-specific evidence of habitat condition, management, use, ecological function and connectivity. The mapped classification of a parcel of land will not, in isolation, determine whether development is acceptable.** **The habitat suitability classification will remain a material consideration where subsequent habitat degradation has occurred, and such degradation will not in itself justify a reduced level of protection.** ~~**Within the Core Sustenance Zone (CSZ), development resulting in the loss, fragmentation, degradation or illumination of Very High or High suitability habitat for GHBs (see glossary) will not be permitted where GHBs are known to forage unless it can be demonstrated through project level HRA that habitat function and connectivity will be maintained and a net gain in GHB foraging habitat can be secured elsewhere within the CSZ.**~~			

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		~~Development on areas of Low suitability habitat surrounded by or adjacent to Very High or High suitability habitat will not be permitted where it would adversely affect the function or connectivity of the surrounding habitats.~~ ~~Within the Core Sustenance Zone (CSZ), development impacting contiguous Low suitability habitat for GHBs must demonstrate that GHB habitat function is maintained and there is no overall reduction in habitat extent or functional connectivity across the CSZ and connectivity to the wider SZ and LCZ is safeguarded.~~ **BHPA Pinch Point ~~additional~~ requirements** **Within or adjacent to identified Pinch Points and commuting corridors, development must avoid significant loss, fragmentation, degradation, disturbance, or artificial illumination of foraging or commuting habitats and supporting vegetation and will only be permitted where it is ~~can~~ demonstrated that the functional continuity of the Pinch Point or commuting corridor is maintained (see explanation).** **Mitigation/monitoring** ~~Within the CSZ, habitat, pinch point or commuting corridor loss, disturbance or illumination will only be permitted in~~			

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
Page 195		~~**exceptional circumstances. In such cases, replacement features must be secured in advance on a like-for-like or better basis and designed to maintain ecological function, prey availability and connectivity, ensuring there is no overall loss of GHB foraging habitat or network function. Elsewhere within the SZ and LCZ,**~~ **Where impacts cannot be avoided (subject to the BHPA requirements above), appropriate mitigation, habitat enhancement, roost provision, and/or financial contributions will be required. All measures must be secured before permission is granted, monitored for effectiveness, and include remedial action where necessary.** **As a consequential "additional modification" change references in the Plan from Core Sustenance Zone to Berry Head Bat Habitat Priority Area**			
MM13.1		**Implementation**			
New Section 13 Implementation Monitoring and review	Chapter 13.	**Masterplanning** The areas of strategic growth identified in the Plan will need to be brought forward through more detailed masterplanning/design codes. These will set out more detail about the proposed mix of uses, design parameters etc. Town Centre regeneration proposals are being developed with the Council's regeneration partners. There is scope for similar masterplanning of the main sustainable transport corridors (see Policies H1b, SDT3, SDP3). There are adopted Supplementary Documents (SPDs) for Torquay Gateway and Collaton St Mary, but there are over 10 years old	Implementation, Review and Viability Policy (New Policy)/ Chapter 13 on monitoring and review. To note that the Local Plan will need to undergo an early first review taking into account "new style plans", Local Government Reorganisation (if relevant) and the Spatial Development Strategy. Note that the council's preferred approach to unmet need is that this should be addressed at the Spatial Development Strategy level (taking	HBF Vistry Homes South West Water D&C Police NHS Teignbridge DC	No

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		and are in need of updating. This will need to be carried out in negotiation with the sites' promoters and landowners as well as infrastructure providers, the local community and other stakeholders. Given that Supplementary Planning Documents can no longer be prepared, the council will consider whether these areas require formal design-codes, Supplementary Plans, or other mechanisms to assist the delivery of development in these areas. **Viability Testing and Developer Contributions.** The Local Plan is supported by a Whole Plan Viability Report. This is an interactive document and early advice from the consultants (Three Dragons) has informed the emerging Plan. It is noted that viability is a significant challenge at the present time, and this is particularly the case for apartments and brownfield sites. Attention is drawn to **Strategic Policy IF1 "Prioritisation of Planning Obligations"** which sets out a priority for developer obligations and a mechanism for reducing them where development is not viable. **Policy IF1** retains the prioritisation scheme from the Torbay Local Plan 2012-30 of: • Site Deliverability matters (including on-site healthy lifestyle design etc) • Affordable housing • Employment and heath • Broader sustainable development contributions. More detailed advice on the implementation of this is set out in the Planning Contributions and Affordable Housing Supplementary Planning Document (2022). This also contains advice on viability testing development and triaging	account the challenge that meeting the aggregated LHN figure across the area, including need for strategic infrastructure, will pose). On going discussions should take place to seek to Teignbridge DC's objection. Part of Teignbridge's representation may suggest more strategic boundary development, which will need to be considered in future plan making. Note viability challenges are likely to remain during the 2020s and highlight mechanisms to negotiate S106 requirements which are in the Reg 19 Policy IN1 Prioritisation of planning obligations. Note that SDPs no longer exist but consider moving explanatory text from Section 5.4 (Mitigation) of the Planning Contributions and Affordable Housing SPD. Note that these are not new upper-case policies but guidance on the implementation of the Reg 19 Policies, specifically Policy IN1, and for the need for pragmatism to assist delivery in challenging economic circumstances.		

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		contributions where S106 requirements would render development not viable. SDPs are being sunsetted, but the Planning Contributions SPD will be retained as guidance in the short-term pending a more comprehensive review. **H7 Affordable housing** seeks affordable housing from major development with a stepped-up requirement for developments of 10-19 dwellings. It recognises that smaller schemes may need to provide off-site contributions or a pooling of on-site delivery. Policy H7 also sets out that where policy-compliant affordable housing cannot be viably provided through developer subsidy (i.e. through S106), then other funding mechanisms should be investigated before a reduction in affordable housing is agreed. This includes Homes England or other public funding. **Vacant Building Credit:** The council has issued non-statutory guidance on vacant building credit, which NDMP HO8 requires councils to apply. As a general rule, the council treat vacancy as similar to that applied by the CIL Regulations in order to avoid development being both CIL and affordable housing liable. This will be reviewed as part of the proposed update to CIL. **Community Infrastructure Levy and S106 Obligations.** As part of the Local Plan refresh, the council will update its CIL and S106 contributions policies. The Local Plan sets out broad areas where S106 is sought, including those matters that are required to render development legally compliant with the Habitats Regulations. The council adopted its CIL charging schedule in 2017. A refreshed charging schedule will be			

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		prepared in 2027 to accompany the Local Plan. This will need to be discussed and agreed with Members through the Local Plan Working Party. It will need to take into account the **Infrastructure Delivery Plan** and viability evidence supporting the Local Plan. One approach would be to broaden its scope to cover all "sustainable development" type contributions but to seek "site deliverability matters" through S106 Obligations (or S278 Highways Agreements). This will need to be informed by the Whole Plan Viability Assessment. As an interim until these are in place the Planning Contributions and Affordable Housing SPD (2022) will continue to be used as guidance in the short term. **Monitoring** The council carries an annual monitor of housing delivery and other development statistics in in its Authorities Monitoring Report. The council publishes its 5-year supply position annually and will also publish the Housing Delivery Test results. **Early Review of the Local Plan and Conformity with the NPPF** The Torbay Local Plan 2025-45 has been prepared under several NPPFs and will be tested for soundness against the 2024 Framework, specifically paragraphs 11(a-b) Presumption in Favour of Sustainable Development and Paragraph 36 Test of Soundness. The Regulation 19 Version of the Local Plan sought to incorporate the Draft NPPF (December 2025), in particular with regard to a strong presumption in favour of brownfield and urban regeneration. Further modifications have been			

Reference	Chapter and Policy	Main Modification	Reason for Change	Rep ID	Map Change
		proposed in response to the August 2026 NPPF. These are intended to address any areas of material inconsistency between the Plan and the NPPF. However, the Local Plan has been prepared under the legacy system and there has not been time to comprehensively review and remove areas of overlap between the Local Plan and NDMPs. Annex A of the Framework notes that NDMPs must be taken into account from August 2026, and development plan policies that are materially inconsistent with national decision-making policies should be given very little weight, unless examined and adopted under this Framework. For practical purposes this means that the Local Plan will need and immediate first review to assess conformity with the NPPF and bring it into line with the Levelling Up and regeneration Act plan requirements. It is also noted that some of Teignbridge District Council's representations point to cross boundary issues, which are affected by (potential) Local Government Reorganisation. An early review of the Local Plan will allow these issues to be addressed.			

AM	Reg 19 Policy	Additional Modifications Many of the representations made to the Local Plan consultation can be addressed by "additional modifications". These do not go to the heart of the Plan's soundness but seek to raise specific matters raised by comments. An indicative list of these "additional modifications" is set out below. The detailed wording will be discussed with the Local Plan Working Party and the Local Plan Inspector.	AM in response to	Policies map change
	SDBCG03	~~These should achieve no increase in lighting above 0.5 lux in bat flyways.~~ Lighting must be designed to prevent adverse effects on known or potential Greater Horseshoe Bat habitat and flyways, and to maintain sufficiently wide dark buffers and corridors.	Natural England's representation	
	HS	**Policy HS Housing Strategy** Note in explanation at around 3.5 in relation to empty homes. Measures to bring empty homes back into use are unlikely to require planning permission but will be supported as a sustainable way of boosting housing supply. Where proposals do require planning permission, regard will be had to the quality of accommodation and living standards created (see Policy DE2)	813 Hugh Malyon	
	SCS	**Minor modification to 5.16.** Note that faith communities play a role in helping reduce social isolation and improving wellbeing.	Torbay United (Rev Nathan Kiyaga)	No
	SC5	**SC 5 Community Facilities** Minor change to SC5 to include places of worship and policing/community safety facilities in the first paragraph of the policy.	Diocese of Exeter Devon and Cornwall Police	No
	TC3(1)	**TC3(1) St Marychurch and Preston District Centres.** Add clause to b that proposals should retain active frontages to the centres as far as possible.	Torquay Neighbourhood Forum	No
	DE1 (and TCS)	DE1 Add reference to (reducing) anti-social behaviour in Table 21. Paragraph 11.5 Refer to the Designing out Crime Officer (DOCO), not the ALO. This is an editorial matter rather than a Modification. Refer to fear of crime or anti-social behaviour 4.92 refers to TC10	D and C Police 416	No
	GIS 9.98	**Changes to Policy Green Infrastructure Strategy**. **Explanatory Chapter 9.98** Add Cross reference to note the need for upstream SuDS.(See changes to ER2 and ER7 noted above).	Factual update.	Yes (for info)

		Remove reference to Occombe Farm as a Country Park and change Policies Map accordingly. Update map to reflect the wider council position on Local Nature Reserve. (This is not considered to be a Main Modification as the site was not formally designated or used as a Country Park, and LNRs are shown for information. The bulk of the site remains designated as a Local Green Space in the Torquay Neighbourhood Plan (and now subject to NDMPs GB6 and GB7). Refer to nature-based solutions as a supplementary document or show on policies map.		
	TAS, TA4	TA policies- refer to LCWIP, The Council will support strategic transport improvements that strengthen connections within Torbay, to the wider sub-region, and to national and international markets, where they enable efficient, reliable and inclusive movement in line with the transport hierarchy, <u>including those set out in the Local Transport Plan and other supporting modal plans, including Local Cycling and Walking Infrastructure Plans, Rights of Way Improvement Plans and Bus Service Improvement Plans."</u>		No
	TA2	Mention air quality impacts Para 6.18 in section on multi-modal enhancements at Collation St Mary and West of Paignton, note the objective to improve public transport and cycling links to railway stations and other transport hubs. Add reference in the Explanation to coordinating train services at the proposed new station at Edginswell with the Kingskerswell and Torbay route within the Heart of Teignbridge LCWIP to improve links to and from Torbay. Add reference to proposed mobility hubs shown on Policies Map to Policies text at TA2		No
	TA3 and TA4	Introduce a specific reference to the Local Cycling and Walking Infrastructure Plan (LCWIP) to reinforce the delivery of walking and cycling improvements.		NO

		Clarify requirements for appropriate access by emergency vehicles. Amend the parking standards table to ensuring parking provision is appropriate and sufficient for specialist and age-related accommodation. Simplify and shorten TA4 Parking standards table. It is not proposed to substantially change the parking requirements in Policy TA4 but to remove repetition and simplify them. Update, consolidate and merge parking standards within TA4.		
	HES	Updates following Heritage Impact Assessment and new Heritage Strategy. Refer to mitigations required by HIA requested by Historic England.		No
	H1aP5 and SDP2	SDP 2 and H1aP5 Paignton Hospital. Note that development should take into account designated and undesignated heritage assets. Note that Paignton Hospital is not listed but is an undesignated heritage asset close to listed buildings and a Scheduled Monument ad that development proposals should reflect this.		
	H7 Paragraph 3.54	Note that the main need for affordable housing is social rented hosing (rather than just "rented affordable housing". In the section on avoiding over concentrations of deprivation, note that: In considering the mix of affordable housing, the advice of the Affordable Housing Manager will be taken into account. It is noted that schemes should avoid an over-concentration of one-bed units (see also Policies H5 and SCS).		
	H11	**Specialist Housing for People in Need of Care or Support** Minor modifications in response to viability concerns about specialist accommodation. However, it is recommended that local occupancy requirements are retained.	HBF, McCarthy and Stone	
	ER4	Make long term maintained, management responsibility and exceedance arrangement requirements prescriptive to reflect NPPF F8	EA representation	
	ER5	Minor modifications to **ER5 Contaminated Land** as requested by Environmental Protection Team and to bring into accordance with national policy on contamination. Modify Policy ER2 on contaminated land as requested: Remove reference to precautionary measures. Revise point ii to state that sites must be made suitable for intended use as a minimum.	Environmental Protection Team. ID3458 EA representation	No

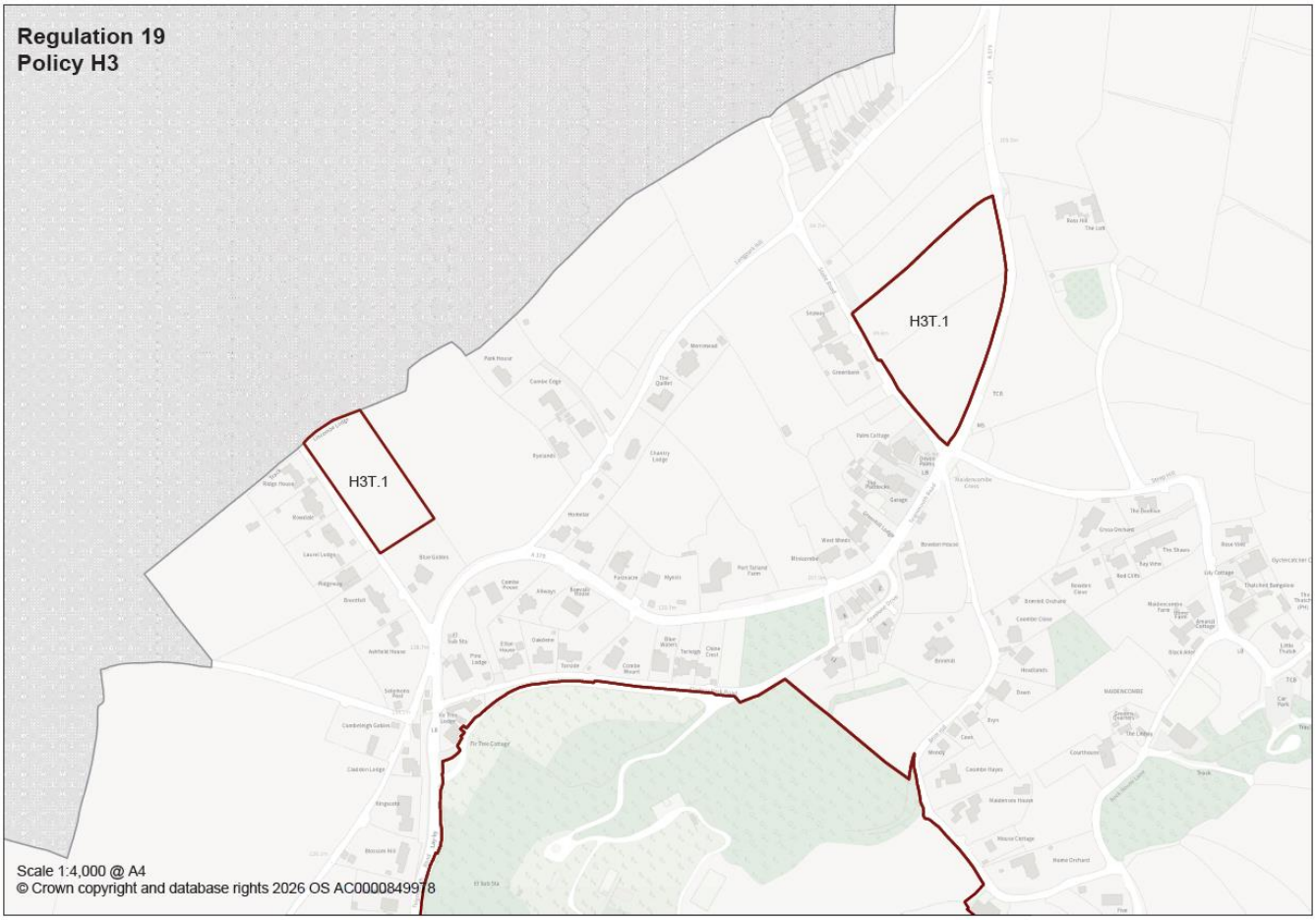
		Revise advice in 8.82 to reflect Land contamination risk management (LCRM) - GOV.UK. Risk assessments should only be sought where contamination is known or suspected, or where development is particularly vulnerable to contamination. ER5 point 2, change to "risk to health and sensitive receptors" to take into account sensitive environmental receptors.		
	DE3	Add a paragraph at the end of **Policy DE3 Development Amenity and Living Standards** to indicate that development proposals must take into account and minimise amenity impacts during construction phase of development, including from noise, dust, vibration etc. Note in Explanation that a construction management plan will be required by condition for developments that have a potential amenity impact.	Environmental Protection Team. ID3458	
	L1*	L1 – Change cross reference **NCS2** **(rather than NC1 for** greater horseshoe bats)	Update reference	No
	L4	**L2 - National Landscape** Minor Modifications to the written explanatory paragraph 9.9 Refer to the South Devon National Landscape Partnership and the requirements of S85 of the CROW Act in relation to conservation and enhancement of the setting of National Landscapes.	South Devon National Landscape Partnership	No
		L3 - Coastal Landscape Mention Paignton coastal flood protection schemes in paragraph 9.14.		
	ER1	• Explanatory text 8.54 and policy mapping – caveat explaining the definition of ER1 flood risk zone.		Yes – flood risk map layer needs updating
	ER2	Additional text relating to surface water discharge to combined sewers.		

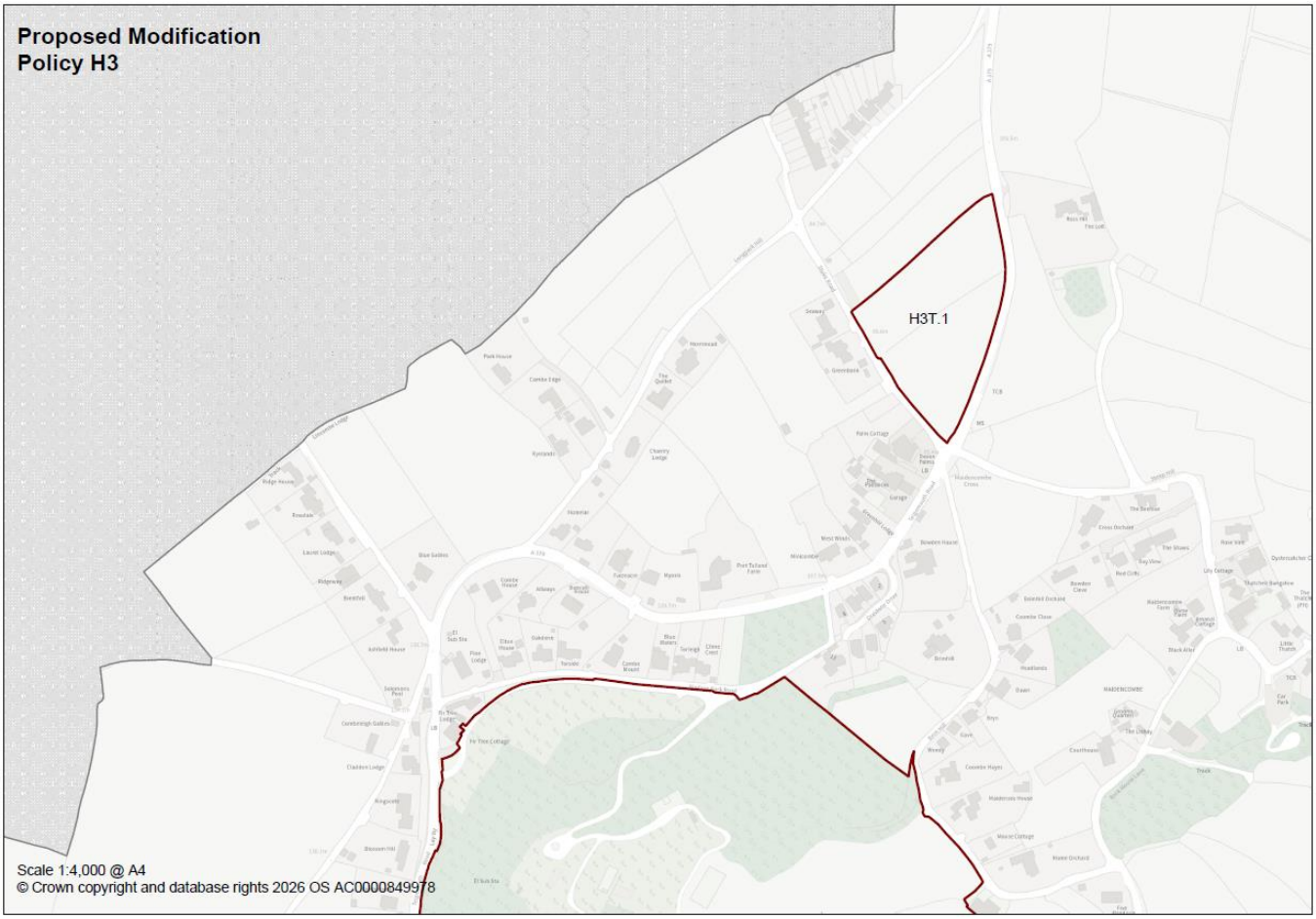
	ER3	Amend explanatory text to ensure the evidence necessary to justify a water efficiency standard more stringent than the Building Regulations is clearly explained	Savills/Vistry Homes Rep	
	THS	Additional text into paragraph 6 explaining that landscaping schemes and replacement/new trees should be climate resilient and should be designed not to require watering through the summer months.	EA Rep	
	TH1	Policy paragraph 6 amend to: Planting schemes ~~for public spaces and roadsides~~ should include suitable native species that occur naturally in the locality, unless it can be demonstrated that native species are not appropriate (e.g. for arboricultural or ecological reasons). In accordance with Policy DE1, 'Living' boundary features should be used as an integral part of layouts in the first instance and must comprise native hedging species wherever possible.	Devon Wildlife Trust representation	
	TH2	Additional Policy text to clarify that: - compensatory planting should have regard to the value and functions of the tree(s) lost - planting should replace ecological and structural functions, maintain or strengthen habitat connectivity, use locally appropriate species and provenance, and make provision for establishment, monitoring, and replacement of failed planting. - The Tree Loss Compensation table does not apply to ancient woodland, ancient or veteran trees or other irreplaceable habitats, which are subject to national policy and statutory requirements.	Devon Wildlife Trust representation	
	NCS1	Amend the policy to include minimisation within the mitigation hierarchy; include a reference to functionally linked and supporting habitats to clarify their protection and broaden references to Greater Horseshoe Bats and Cirl Buntings to include supporting habitats and ecological connectivity. The council will safeguard, conserve, and enhance the valued qualities and features of sites protected under European legislation, ~~including supporting habitats outside of the designation which ensures the favourable conservation status of the site~~ including functionally linked and supporting habitats beyond designated site boundaries. …	Devon Wildlife Trust representation	

		Particular attention must be paid to Greater Horseshoe Bat ~~flight paths~~, and Cirl Buntings and their supporting habitats and ecological connectivity.		
	NC1	Change Policy name to: Wildlife sites and features Policy text added to clarify requirements for Marine Conservation Zone Assessments. Policy text added to clarify that compensation is subject to relevant statutory and policy tests. Explanatory text added (9.66) **Irreplaceable habitats, including ancient woodland and ancient or veteran trees, are also afforded specific protection under this policy and policy NCS1.**		
	NC2	Hedgehog holes to boundaries added as bullet 'd' **Where appropriate, a monitoring and management scheme must be agreed and secured prior to granting planning permission.**	EA Rep	
	NC3	~~On all development sites, a measurable 10% Biodiversity Net Gain (BNG) must be achieved, except where development is exempt as set out within the Biodiversity Gain Requirements (Exemptions) Regulations 2024.~~ All development subject to the statutory biodiversity gain condition must deliver a minimum 10% Biodiversity Net Gain (BNG).	Devon Wildlfe Trust representation and the need to update/clarify the policy to reflect the statutory BNG requirement	
	NC4	Editorial amendment to make the policy read more clearly. ii) Light spillage or glare will be avoided where possible and otherwise minimised ~~to an acceptable level~~;		
	MS MSA	**MS – Sustainable Minerals Strategy** • Add a criterion to refer to importance of promoting biodiversity gains and biodiversity enhancement. • Add text in the Explanation to encourage restored mineral sites to deliver wider ecological benefits alongside landscape and land-use objectives. **MSA – Mineral Safeguarding Areas**	Increase emphasis on promoting biodiversity gains in response to Devon Wildlife Trust Response to comments by	No map change at present.

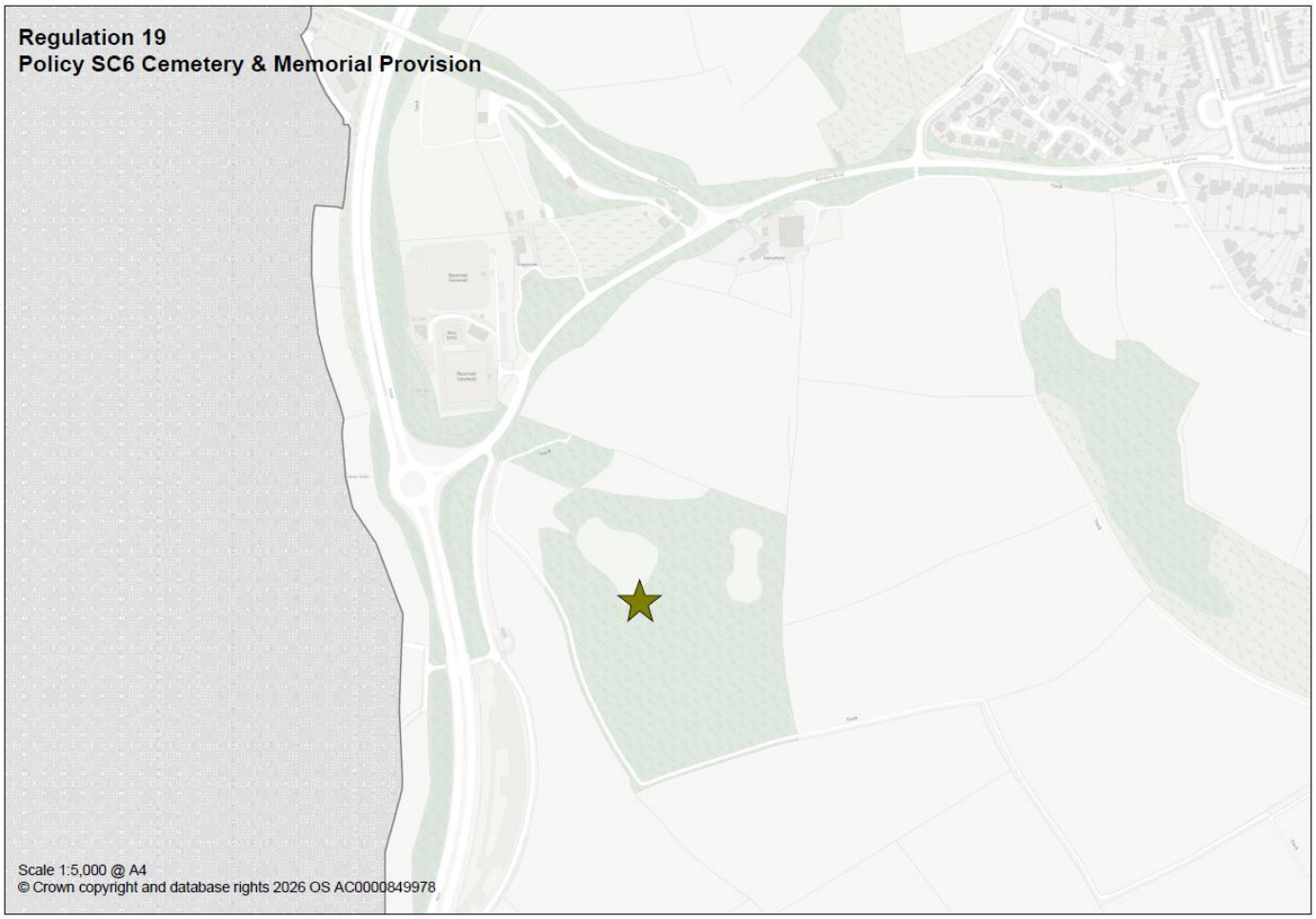
		• In explanation: Note potential future review of Mineral Safeguarding Area boundaries in consultation with **Devon County Council** as the neighbouring Mineral Planning Authority. • Intended to ensure safeguarding boundaries remain accurate, up-to-date, and consistent across administrative boundaries.	Devon County Council	
	NCS2	**Table 19, Lyme Bay and Torbay Marine SAC, 2:** **All development must comply with the requirements of Policy ER2 and submit ~~detailed drainage arrangements~~ sufficient evidence at the application stage to enable the Local Planning Authority to undertake a Habitats Regulations Assessment screening and, where necessary, an Appropriate Assessment.**		
	Sustainability Appraisal	**2.** Updated Sustainability Appraisal (not a Modification as such but a change to the supporting submission document).		No
	New Glossary Definition	**Unmet Need:** The NPPF (2026) defines this as: *including but not limited to development proposals involving the provision of housing where the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test.* Note that this definition may be updated by the government, or the Courts and will be kept under review.		

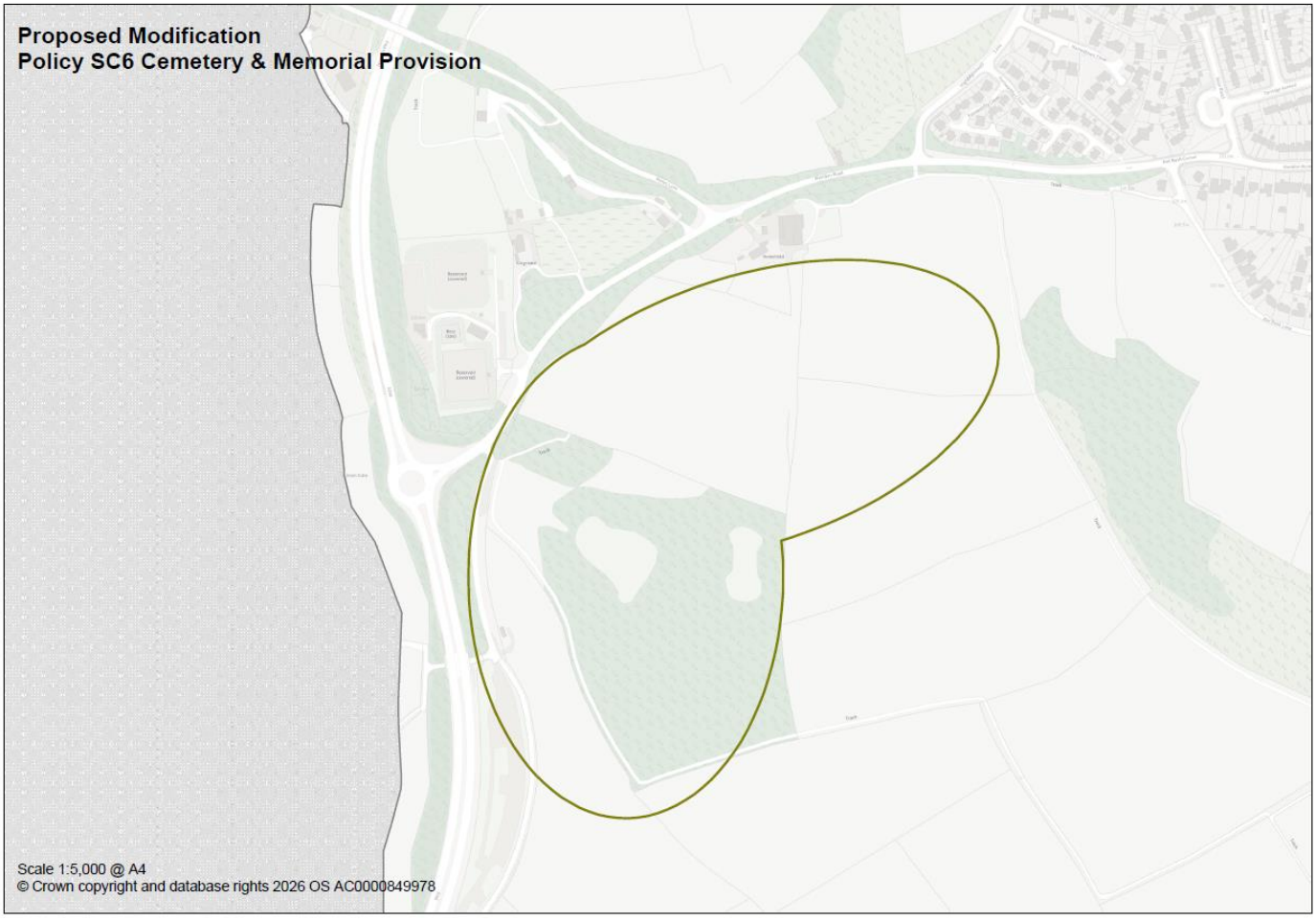
MM 3.1Policy H3 – Housing



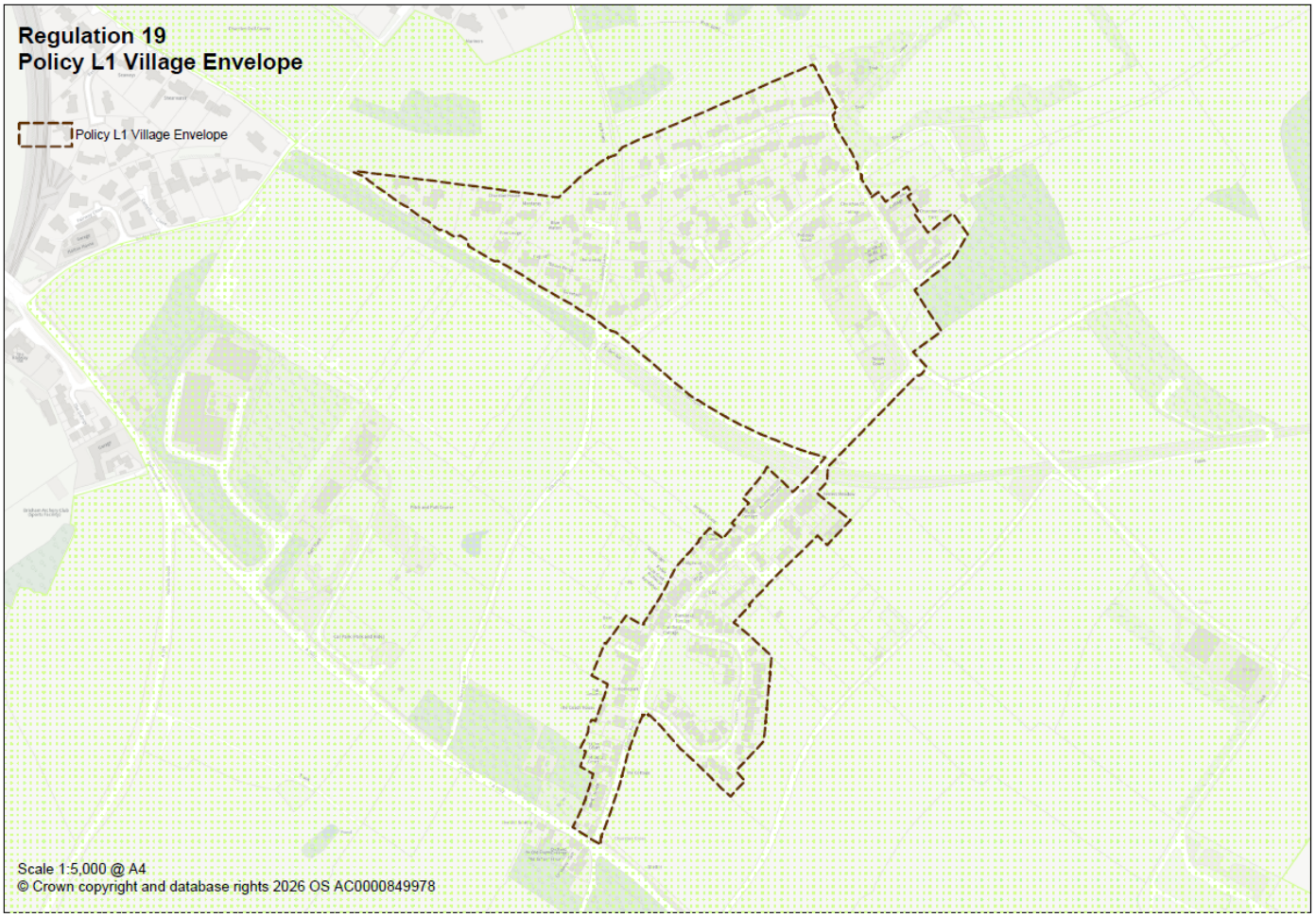


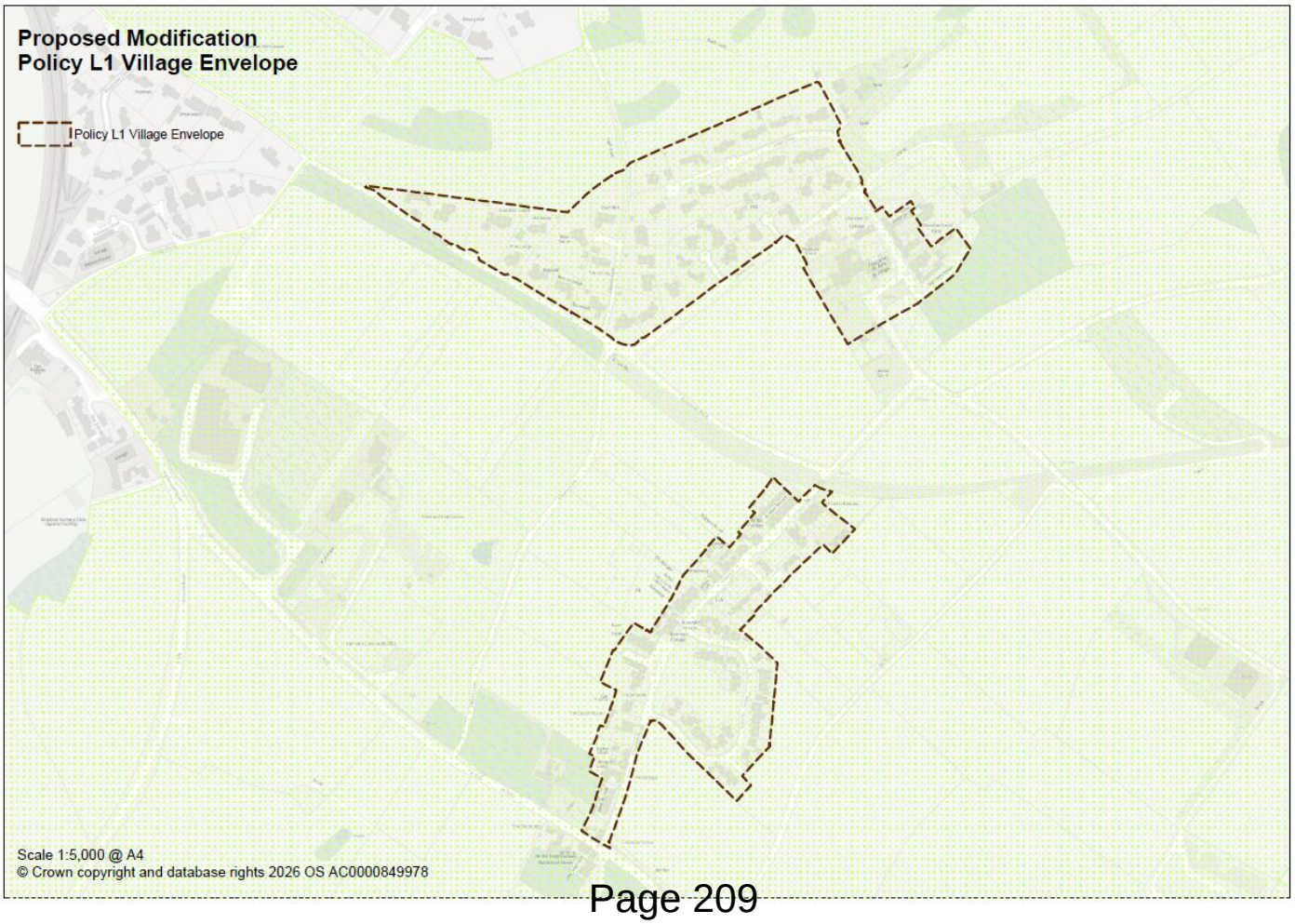
MM5.2 Policy SC6 Cemetery & Memorial Provision



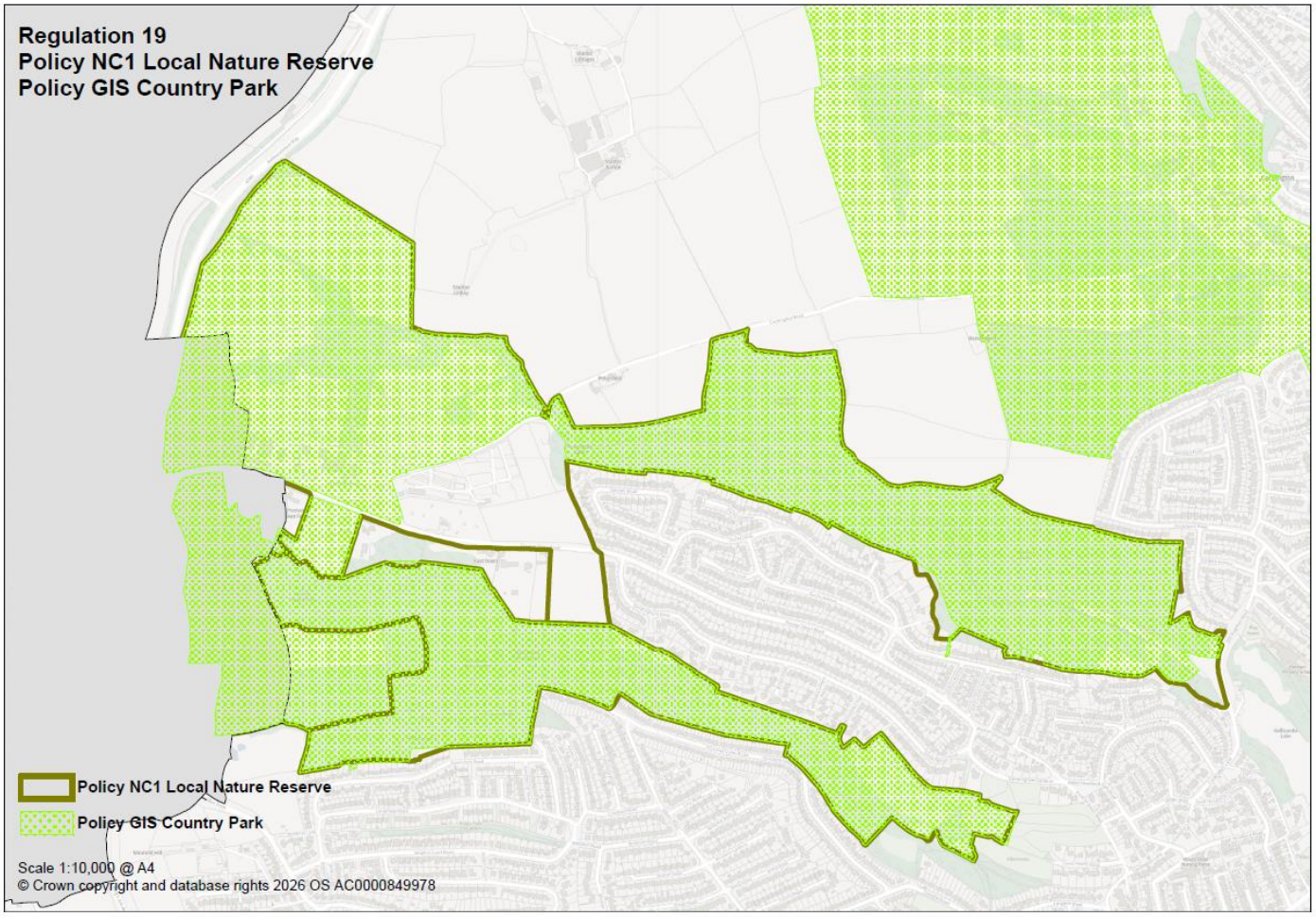


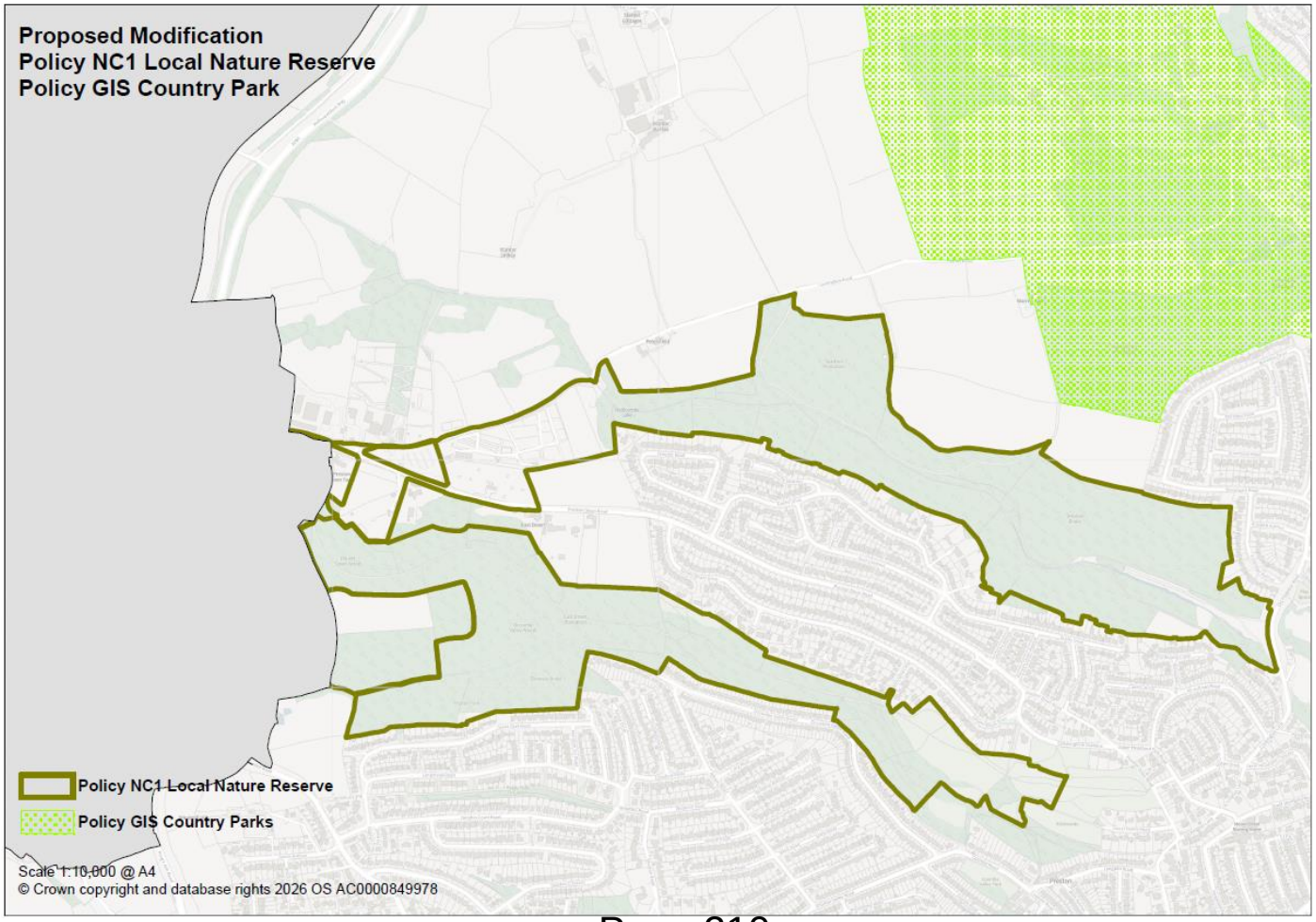
MM9.1 Policy L1 Village Envelope





Additional Mod Policy NC1 Biodiversity & Ecology & Policy GIS Green & Blue Infrastructure





Appendix 2 . Torbay Local Plan 2025-45: Schedule of Response to Issues Raised at the Regulation 19 Consultation

Matters arising from the Local Plan Working Party of 19th October 2026

Summary of Representations from Regulation 19 Consultation

1.2 The Local Plan Regulation 19 Consultation ran from 13th August to 24th September 2026. It received responses from 98 responders, which generated 416 representations. This paper summarises these consultation responses and the council's initial response to them. A more detailed briefing note on the issues was considered by the Local Plan Working Party on 19th October 2026 and 2 November 2026. This paper identifies the council's initial response to representations.

1.3 The key challenge for the Local Plan at Examination is the proposed level of housing, which is around 42% of the Government's Local Housing Need calculation. However, Torbay has genuine constraints. It will nevertheless be important that the Local Plan does not impose policy restrictions that go beyond the NPPF or wider environmental law. Not only will this result in an unsound Plan; they will carry very little weight in decision making.

1.10 Most objections by number were to sites in Maidencombe. Additionally South West Water noted the need for additional water infrastructure in this area. It is noted that **Brixham Town Council** has raised separate objection to the proposed housing target for the town council area. However, the target of 20 dwellings per year in Policy SDB1 and HS is significantly below the pro-rata figure for its population. This is in recognition of the environmental constraints and limited connectivity of the town. The only way for Brixham to expand outwards is into the South Devon National Landscape; and there have been significant objections from Brixham Town Councillors to proposals such as Monksbridge. Additional land has also been promoted at the reg 19 stage at Upton Manor Farm, St Marys Road, Brixham.

1.11 There is a significant objection to the Local Plan from Teignbridge District Council that the Local Plan is not doing all that it can to meet housing need. . his comment is also made by the development industry, including the Home Builders' Federation.

1.4 Most of the previously promoted housing sites received detailed representations, with an additional site proposed at Upton Manor Farm, Brixham. A supermarket and 50 dwellings are promoted at Hollicombe Gas Works, rather than the 185-dwelling scheme which has planning permission.

Promoters of mixed-use employment areas at Torquay Gateway (Edginswell and Kingsland) and Long Road argued that a greater proportion of these areas should be housing.

1.5 The development industry and ongoing work on the Whole Plan Viability Assessment indicate a serious viability challenge and the need for the Local Plan to avoid placing additional burdens on development. Conversely, the Police, NHS Foundation Trust, and DCC have sought S106 Contributions. The Police have indicated a need for an additional station serving Paignton. The need for an assessment of additional sports and recreation facilities was raised by Sport England and others. There was support for the provision of cemetery land.

1.6 Responses were received from the main Statutory Consultees. These recommend several minor modifications. There is ongoing work in relation to the Water Cycle Study and Strategic Flood Risk Assessment. Clarification is needed about whether likely significant effects of development on the Tor Bay and Lyme Bay Marine SAC can be scoped out of the Habitats Regulation Assessment.

1.7 **The 2026 National Planning Policy Framework.** The Government published a significantly reworded National Planning Policy Framework in August 2026, during the Reg 19 consultation period. It includes National Development Management Policies (NDMPs) which are distinct from the Framework's plan making policies. The Torbay Local Plan will be tested for soundness against the 2024 Framework (specifically the Test of Soundness at paragraph 36). However, the 2026 Framework takes effect immediately for decision making purposes. Development plan policies that are materially inconsistent with the NDMP's in the 2026 Framework will be given very little weight (Annex A, paragraph 1)[1].

1.8 The main immediate effect for the Torbay Local Plan is that policies which are more restrictive than the NPPF will carry very little weight unless specific and robust evidence is provided to substantiate a policy requirement. Secondly, the NPPF affects the definition of village envelopes/settlement boundaries, particularly in Maidencombe.

[1] 1 S38(6) of the Planning and Compulsory Purchase Act 2004. Planning law continues to require decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. Powers to amend S38 of the 2004 Act to give primacy to national policy are set out in Section 93 of the Levelling Up and Regeneration Act 2023. But this has not (currently) been brought into force. The NPPF reaffirms the primacy of the development plan as the legal starting point for determining planning applications in planning law. However, the NPPF has a great deal of de facto weight.

1.8 Having considered the Reg 19 responses and having had a further Inspector's Advisory Meeting on 6th October 2026, Officers recommend that the Regulation 19 Local Plan should proceed to submission by the Government's deadline of December 2026. The above issues raise a small number of matters that require Main Modification, which are summarised in Appendix 1 Many representations can be addressed by "additional modifications," which do not go to the heart of the Plan's soundness.

Schedule of Main Modifications

1.13 The submission document will be the Regulation 19 Local Plan (with editorial corrections and other supporting documents. A schedule of proposed main Modifications is set out below, which Torbay Council will invite the Inspector to conside. Following Examination, consultation on Main Modifications and receipt of the Inspector's final report, the Local Plan will need to return to full Council for adoption.

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
		Local Authority/Neighbourhood Forum/ Partner Organisation		
439	**South Devon National Landscape Partnership (Ms Avril McNamara)**	Various comments requesting changes that would not amount to Main Modifications: **CER4** -clarify what constitutes an "unacceptable" impact. **L1** Clarification about conversion or extension to buildings **L2** Make policy more closely aligned to NPPF (see Dev 25 of Plymouth and SW Devon JLP). **L3** Consistency across the Undeveloped Coast (see Dev 24 of Plymouth JLP). **DE1** Mention setting of SDNL in this policy.	Make minor changes as recommended by SDNL Partnership. Note that the LPA considers these to be additional modifications, rather than Main Modifications.	No
842	**Devon County Council (Sarah Ratnage, Planning Manager)**	**Transport:** Support the Local Plan's commitment to delivering the Local Transport Plan. Make clear reference to the Local Cycling Walking Infrastructure Plan LCWIP at W2. Align Edginswell station with the Heart of Teignbridge LCWIP. **Education** – Reiterate Reg18 comments: Education contributions are sought for education facilities that need to be met out of area. **M1 and SDP 5 Object: Minerals and Waste:** Object to developments in the Minerals Safeguarding Area including White Rock and Inglewood area (H2P4). This should be addressed by a Minerals Resources Assessment. DCC recommend amendments to the wording of Policy SDP5 to ensure the layout of development is carefully considered and limits uses/developments closer to the MSA to those of	Additional modification to mention LCWIP in explanation to TA2 (paragraph 6.7-6.8). No modification recommended to Ch7 (Infrastructure), commitment will be reflected in transport evidence, delivery schedules, and Statements of Common Ground to support delivery. It would not be appropriate for Torbay s106 monies to fund Devon education. There is a net inflow of children to Torbay from Year 7; so DCC contributions for Torbay Secondary provision would be more appropriate. Objection noted but no Main Mod is recommended as the White Rock and Inglewood Area is unlikely to be used for mineral extraction. Note: Inglewood (H2P2) has planning permission and is under construction.	No

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
		a less noise sensitive nature, compatible with being located adjacent to mineral extraction. S106 contributions sought to meet Torbay's needs that can only be met in DCC area.		
433	**Exeter City Council (Ian Collinson, Strategic Director for Place)**	Note that it is reasonable to state that Torbay's unmet need should be resolved at a sub-regional level through the Spatial Development Strategy. Exeter is unable to accommodate Torbay's unmet need due to Exeter's constrained boundaries and high level of its own LHN.	Noted. Work up a Statement of Common ground along the lines of that agreed by Torbay Council to ECC's recent examination.	No
838	**Teignbridge District Council**	**SS1/HS/L1 Object** that Torbay is not meeting its full Local Housing Need figure. Concerns about the assertion that unmet need can be addressed at a sub-regional level through the SDS. This would be delaying a decision. This will place any new authority on the back foot. The Plan is too reliant on a limited portfolio of brownfield sites. TDC challenge the assertion that the main driver of population growth is inward migration. Detailed comments are provided on the Growth Topic Paper. Detailed Policy comments on policies: **SDT1** It would be helpful to identify how much new development is allocated in the Plan and how much is rolled over from adopted plan. **SDT3** Torquay Gateway. The allocation of a transit site for gypsies and travellers is of some concern. The use is	See more detailed comments in the Local Plan Working Party briefing note of 2 November 2026. MM2.1 and 9.1 are intended to address a key part of the concern. MM4.2 and 4.3 are intended to respond to comments on holiday parks. Teignbridge DC adopted its Local Plan in 2026 based on the former Local Housing need figure and during Plan preparation agreed a statement of common ground with Torbay to allocate additional sites to meet some of Torbay's need once the extent of it was known. The Inspectors at the time rejected this mechanism, instead indicating that it could be dealt with at the next stage of Plan making. Notwithstanding this, many of Teignbridge's policy comments can be addressed by additional modifications.	No

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
		difficult to deliver and Torbay is not on a main route for travellers. **H4** Minimum density recommend specific criteria **H5** Conversion of buildings into flats. Amendments recommended to clarify the purpose of criteria 5 and 6. **H6** Loss of homes- clarify the intention of policy. **H13** Sites for travellers. Clarify the number of transit pitches proposed (see also above). **TOS** Tourism: The policy should be more flexible. Should not have a blanket resistance to HMOs. **TO5** Object- any new holiday parks that are suitable for development should be housing sites. **SC4** Sustainable food production: Should be made more flexible to recognise development needs. **CER4** make more Torbay- specific. **L4** Valued Landscapes. The policy lacks clarity and duplicates other Local Plan designations. **NC1** Biodiversity – the policy would benefit from flexibility. **NC2** Not clear why specific mention is made to cirl buntings. **DE2** Design- the policy lacks clarity. **Sustainability Appraisal –** object to the assumption that more development will increase the level of environmental harm**.** The SA does not give sufficient consideration to policy safeguards. **Additional Landscape Sensitivity Testing** is supported. This may offer opportunities for locations where development impacts can be successfully mitigated (and ongoing work supported). Further consideration should be given to:		

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
		Maidencombe – noted as medium landscape value, medium low visual value and medium visual susceptibility. The Teignbridge Local Plan allocated sites as having a higher landscape sensitivity and susceptibility. **Churston –** noted as high medium landscape value, visual value and visual susceptibility and medium landscape susceptibility.		
857	**Mid Devon District Council**	As a general observation, Mid Devon District Council is unlikely to be able to accommodate unmet need arising from Torbay, and notes the geographical separation between Torbay and MDDC.	This is not an objection to the Torbay Local Plan. It is noted that Mid Devon District Council is not contiguous to Torbay and that matters of sub-regional growth are best dealt with through the Spatial Development Strategy.	No
440	**South Hams and West Devon District Council**	Note that the Local Plan does not meet Local Housing Need. SH/WDDC sympathise with Torbay's difficult challenge balancing levels of development with the protection of Torbay's unique character and sensitive landscape. South Hams is also highly constrained with many of the constraints that apply to Torbay. South Hams is unlikely to be able to accommodate Torbay's unmet needs. H2P1/A385 Transport corridor. Collaton St Mary/Totnes Road: Future Growth Areas on the west of Paignton may increase traffic on A385 including Totnes. Request that emphasis on sustainable transport is strengthened to emphasise modal shift away from car use. H3BCG1 Archery Field: SH/WDDC Concerned about the impact of development in open countryside close to the	This is not an objection to the Torbay Local Plan. It is noted that South Hams and West Devon District Council contains significant constraints, although it contains a larger land mass than Torbay. Matters of sub-regional growth are best dealt with through the Spatial Development Strategy. The importance of sustainable transport at the West of Paignton and improved public transport links to Paignton town centre can be added as an additional modification.	No

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
		National Landscape. It is recognised that Archery Field may represent one of the most deliverable options available to the local planning authority. Nevertheless, the allocation appears to sit in tension with the wider spatial strategy of the Local Plan, which seeks to prioritise regeneration and growth within the built-up area in order to minimise impacts on the natural environment. Support the Plan's approach to the South Hams SAC. H2P2 Long Road/Yalberton/Inglewood – concerned about visual impact and biodiversity impacts on South Hams. Development will require careful design and landscape led future master planning. Support deletion of former H2P3 Stoke Road Support deletion of former H3BCG3 Monksbridge due to the site's highly sensitive landscape location. The site would be car dependent.		
447	**Torbay Council: Environmental Protection**	Support the provision of **burial land**. There is a need for this. Delivery mechanism needs to be robust. **Air Quality issues**- there are air quality issues at Kings Ash Road, with very limited opportunity for improving it. There may need to be an Air Quality Action Area declared at Kings Ash Road, which will affect the deliverability of development. **ER5** Contaminated Land: revisions to policy are requested. The construction phase of development should be covered when assessing amenity impacts from noise, dust etc.	Noted Mention air quality issues at Kings Ash Road in explanation to Policy TA2. Modify Policy ER2 on contaminated land as requested: Remove reference to precautionary measures. Revise point ii to state that sites must be made suitable for intended use as a minimum. Revise advice in 8.82 to reflect Land contamination risk management (LCRM) - GOV.UK . Risk assessments	

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
			should only be sought where contamination is known or suspected, or where development is particularly vulnerable to contamination. Add a sentence to Policy DE3 on constriction phase amenity impacts.	
302	**Torbay Council Culture and Events (Sports Officer)**	Welcome the Plan's commitment to active travel. Further consideration should be given to the sport and recreation infrastructure facilities needed to support 8,000 dwellings. Developer contributions should be sought for sport and recreation infrastructure where required. Provision for facilities should be made in Future Growth Areas and referenced in the Infrastructure Delivery Plan.	See Main Modification MM5.1 setting out standards for the provision of sports facilities.	
844	**Brixham Town Council**	Object that Brixham is unable to achieve its housing target of 400 dwellings over the Plan period. Middle Street is not achievable as housing.	See main discussion. Brixham's housing number is already highly constrained. Torbay Council to work with BTC to identify potential opportunities outside of the South Hams SAC and South Devon National Landscape.	
460	**Torquay Neighbourhood Forum**	Pleased that several Reg 18 recommendations have been implemented, overall, the document is generally acceptable. Para 1.46, 3.15 Additional wording requested to protect the rural setting of rural villages of Cockington, Edginswell and Maidencombe. P32: mention flood risk P32 2.1 Village envelopes: Reference also needs to be made to 'Village envelopes'. Recommend revision: "The term "settlement boundary" is defined in the NPPF, and	See main discussion above and MM2-MM3 to remove 21T065 Ridge Road from allocation H3T1 and clarify the position of Maidencombe as a rural village with an enlarged settlement boundary but noting the limited infrastructure and accessibility. Sladnor Park: issues noted. However, the site has an extant permission for a care home that can be implemented, and therefore the developable portion of the land is effectively built-up area in the 2026 NPPF definition.	

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
Page 220		has the same functional meaning as “within the built up area” or “within the Village Envelope” H1T1 Support The Maidencombe Residents’ Association’s objection to 21T065 (Ridge Road) drainage, ecology, landscape and traffic/access problems with the site. It is outside the settlement boundary. The Neighbourhood Forum does not appear to raise an objection to the 20 dwellings on 21T143(Maidencombe Cross). H3T2 (21T64) Sladnor Park. Object. The approved care village does not set a general precedent for development but is confined to specific (brownfield) parts of the site. There are unresolved flooding, drainage problems with the Local Plan allocation. The site is outside the village envelope and contrary to Policy L3: Coastal Landscape. The scheme should be revised to accommodate 16 houses and two 10-unit apartment blocks, subject to drainage issues being resolved. TC3 Add criteria C to retain active ground floor frontages within primary shopping areas of St Marychurch and Preston District Centres. CERS -minor amendments requested. L1 Note that the Torquay Neighbourhood Plan will include village envelopes for Cockington, Edginswell, and Maidencombe. Request amendments to policy text and Policies map: “Village Envelopes in Cockington, Edginswell, Maidencombe and Churston/ Galmpton are		

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
		defined on the Policies Map, and specified in the Neighbourhood Plans. Outside settlement boundaries and Village Envelopes, the following forms of development may be permitted, . . ."		
133	**Maidencombe Residents Association**	Object to H1T1 sites. Remove 21T065 Ridge Road . Drainage, access, wildlife impacts. Capacity of H2T1 is likely to be 20 dwellings. Object to H3T2 Sladnor Park. The Court decision and subsequent Appeal did not establish the principle of development. The 2006-2009 scheme has drainage details that would not meet current drainage, access and design requirements. Reduce the allocation to 36 dwellings to be built on the footprint of former buildings. This would reduce the drainage and flood risk. TA3: Require developments of 100+ units to have an emergency access.	See main discussion above and MM2-MM3 to remove 21T065 Ridge Road from allocation H3T1 and clarify the position of Maidencombe as a rural village with an enlarged settlement boundary but noting the limited infrastructure and accessibility. Sladnor Park: issues noted. However the site has an extant permission for a care home that can be implemented, and therefore the developable portion of the land is effectively built-up area in the 2026 NPPF definition. Addition Modification to TC2 to retain active frontages as far as possible.	
806	**Torbay Islamic Centre (Mr Yousif A Al-Nassar)**	SC6 Cemeteries. There is an identified (and longstanding) need for a dedicated Muslim burial ground in Torbay. 400-500 plots over a 20 year period. The land needs to allow burials facing the Qibla.	Noted. See MM5.2 and expanded area of search for cemetery in Torquay Gateway, linking to the proposed mobility hub.	Yes
143	**Theatres Trust**	Policy TO1 Support. Princess Theatre is mistakenly referred to as The Princes Theatre.	Note – change name as an editorial.	
349	**Brixham Railway Heritage Trail (Mr Kevin Mowat, Voluntary Director)**	Policies TAS and TA3 are reasonably sound but would benefit from specific reference to the Local Cycling and Walking Infrastructure Plan (LCWIP).	Refer to LCWIP in explanation to TAS and TA3 (additional modification)	
37	**Diocese of Exeter (Mr Ed Moffatt, Strategic Planning Officer)**	SC5 Community facilities: support. The list of facilities relating to new development should reflect the list at 5.35, particularly the provision of places of worship/spiritual	Make an additional modification in 5.35 to reflect this (Additional Modifications).	

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		facilities. It would be helpful for this to be made more explicit.		
762	**Devon Wildlife Trust**	Support overall approach to the Plan but object that a range of policies do not have stronger wording to protect/enhance nature. Large number of minor modifications and additional text/amendments requested to strengthen the Plan's protection and enhancement of biodiversity and emphasis on green infrastructure. Detailed amendments requested to: **SS1, HS, H1a, H1c Object** to "freestanding" presumption for brownfield redevelopment as these sites can be of biodiversity importance. **SDT, SDP, SDB, SDBCG policies:** Object The policies should state stronger wording to protect restore and enhance priority species and reference to green infrastructure ER2 Support THS Support NC4 – avoid use of "acceptable" level of light spillage. GIS – needs to strengthen emphasis on green infrastructure.	DWT have raised a wide range of detailed issues that do not go to the heart of the soundness of the Plan and can be accommodated to some degree by Additional Modifications to emphasise the importance of protecting nature at all stages of the planning and development process. Objection to the freestanding urban presumption is noted. However, this is similar to NDM4. These policies do not direct decision takers to disregard biodiversity matters on urban brownfield site: only directs that a high weight should be given to their sustainable location and previously-developed nature. Additional Modifications to address as many issues raised by Devon Wildlife Trust as possible without changing the overall nature of the policy or imposing unreasonable additional burdens on development.	No
		Statutory Consultee/ Infrastructure Providers		
432	**Environment Agency**	Support a strategy of 400 dwellings a year. Even this quantum of development will require innovative solutions to ensure that development does not exceed environmental capacity. Detailed comments on the Water Cycle Study and Strategic Flood Risk Assessment.	See Main Modifications MM8.1-MM8.3 Support for environment/water cycle policies noted. Make additional modification to INS to mention Critical Drainage Areas.	No

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Page 223		The approach taken by the Plan is sound in principle, but needs to be supported by a completed Water Cycle Study and Strategic Flood Risk Assessment in order to be sound. The Plan will have water-cycle impacts that require mitigation. Detailed schedule of comments. **Infrastructure related comments:** **Ch3** EA cannot confirm site-allocation acceptability until the final SFRA and supporting site assessments have been reviewed. **Ch7** EA supports the Chapter 7 approach to phasing, timely infrastructure and site-specific requirements. Request to reintroduce explanatory reference to Critical Drainage Areas, flooding, coastal change management and sewer capacity. **Ch 8** Strong concern at Ch 8 that Paignton Town Centre is stated as being a "sequentially preferable location". The Policy should be revised to state that there are other "exceptions test" reasons to develop these areas in Paignton town centre, rather than sequential test reasons.	Chapter 8 (Paignton Town Centre flooding): **Additional Modification** to amend reference to Paignton being a sequentially preferable site. Note instead that Paignton town Centre has significant flooding issues (which are identified in the SFRA) that require flood resilience measures and the avoidance of basement flats or vulnerable uses on the ground floor etc. Note however, that the main town centre location and sustainable transport hub means that the ton scores will in terms of the Exceptions Test. This does not represent a change in the council's policy from Reg 19 and is therefore an additional modification. **Infrastructure related response:** **Ch3** No immediate modification recommended: complete and agree the SFRA, then modify allocations, requirements or phasing only where the evidence warrants. **Ch7** No immediate modification recommended: concerns are considered addressed in wider policy and supporting evidence base, reference to Torbay Green Infrastructure Delivery Plan setting out green and blue infrastructure needs is included. Other comments can be addressed as additional (non-main) and editorial Modifications.	
437	**Natural England**	Holding Representation 24 September. More detailed response 5th October 2026.	See detailed response in Local Plan Working Party papers. Overall support from Natural England is welcomed. However, the council consider that	

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		NCS2, NC1, NC4, SDBCG3 and HRA. Support strategic approach to dealing with the South Hams SAC and greater horseshoe bats. Clarity is needed that Core Sustenance Zone is in addition to the sustenance and Landscape Connectivity Zones in the 2019 guidance. NC4 Light Pollution and SDBCG1 clarification and minor changes are required. Lower light levels should be required within pinch points identified in the 2026 Evidence Study. This should include a 30m buffer from a standard 2 story house to reduce light spill. NCS2, ER2, ER3, ER4, W5 and HRA Natural England support these policies. **Habitats Regulations Assessment.** The Local Plan would result in a 1% increase in combined sewer discharges up to 2024. This is not likely to result in increases to the Marine SAC, when considered alongside other works such as Drainage and Wastewater Management Plans. While available evidence supports the view that impacts from CSO spills are not likely to result in an adverse effect on the integrity of Lyme Bay and Torbay SAC, we strongly welcome measures such as water efficiency, sustainable drainage, and nature-based solutions to reduce flood risk and relieve pressure on the sewerage network. However, these are considered to be wider policy initiatives rather than mitigation measures required to address a Habitats Regulations concern.	impacts on the Marine SAC cannot be scoped out without further assessment and therefore the Reg 19 Plan and HRA should not be modified at this stage. This will be kept under review. See Main Modifications MM8.1- MM8.3 in relation to water cycle matters. Support for GIS noted.	

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		Natural England supports the improved drafting of Strategic Policy GIS: Green and Blue Infrastructure policy.		
672	**Historic England**	H1a Object. Concerns about heritage impacts. DE4 Tall buildings: object. There is a need for robust evidence where tall buildings are proposed. Note that several Conservation Area appraisals need updating. Mitigation measures for sites identified as impacting the Heritage in the Heritage Impact Assessment should be set out more clearly in the Local Plan. This applies especially to H1aP5 Paignton Hospital	Recommend ongoing discussion with Historic England to address concerns. Most matters would appear to be capable of resolution via additional modifications. However, more major changes in relation to the Building Heights Strategy will require a Main Modification. At time of writing, a MM does not appear to be necessary. Most development in Torbay is likely to be less than 18m high due to viability issues with the Building Safety Act, and the building heights study (2010) indicates that most opportunities for tall buildings re in the town centre areas. Although old, the Building Heights Study remains relevant. Recommend a proportionate update in 2027 which may necessitate further additional modifications. There is a reference to heritage assets in Policy H1a Add note at SDP2/ H1aP5 that Paignton Hospital development should take heritage matters into consideration. Policy HES Add reference to the HE's Historic Environment Strategy and updated Heritage Strategy	No
441	**Sport England**	There is no current assessment of need for a range of sparts facilities. The Playing pitch strategy is 12 years old	Issue noted. See Main Modification MM5.1	No

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		(The study needs to be less than 3 years old to be up to date). Sport England support the emphasis on active design, but there needs to be greater emphasis on co-location of facilities (rather than movement).	Local Plan Policy SC2 and SC5 are relevant to sport facility provision. See Man Modification An up to date sports strategy should be prepared, but does not go to the heart of the Local Plan's soundness, the space requirements in the Planning Contributions and Affordable Housing SPD (2022) should be incorporated into the SC2 as guideline standards. **Main Modification MM5.1** to Policy S2 (with cross reference to DE3: The provision of open space will be sought from major development with regard to table [Table xx] from the planning Contributions and Affordable Housing SPD 2022.	
436	**National Trust**	The level of constraints are noted. However, the extent of shortfall below local housing need will be an issue. Greater certainty about how unmet needs can be met should be provided. An assessment of sport and recreation needs is required.	Noted – see MM5.1 in relation to recreation. The issue of LHN is noted elsewhere. However, the National Trust appear to be raising it as a general issue rather than proposing land to help meet LHN.	No
313	**South West Water**	General support for the Plan Support the use of sustainable drainage H3T1 and H3T2 Maidencombe and Sladnor Park pose a medium impact on the existing water distribution network. The Future growth Area sites require additional wastewater infrastructure. **IN1** SWW supports prioritisation of water and sewerage infrastructure and timely capacity provision.	Support noted. Ongoing discussion is needed with SWW around water cycle matters, including the availability of potable water to meet additional growth. See Main Modifications MM8.1- MM8.3 on water cycle and drainage issues.	No

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416	**Devon and Cornwall Police** (Mr Kim Burnett)	Overall support, with a few minor editorials requested. Typo on 4.92. Refer to TC10. Support references to crime. Request minor modification to refer to fear of crime or anti-social behaviour. Refer to Designing Out Crime Officer (DOCO) not the ALO	11.5 Refer to the Designing out Crime Officer, not the ALO. This is an editorial matter rather than a Modification. 4.92 – should refer to TC10 (editorial)	No.
837	**Devon and Cornwall Police Buildings and Estates Department**	TC10: "Safe and welcoming town centre for all" – support. SCS: Support. The Police maintain their request for S106 contributions towards policing and provide evidence of the Reg 122 lawfulness of this request. IN1 Support (S106 contributions are requested as above). Request to make explicit that community/public-service infrastructure and planning obligations can include policing and community-safety facilities. SC5 Request a reference to "safety facilities and policing" SC5. Additional Policing Infrastructure (police station) is needed in Paignton. This could free up land at Beenland Gardens, Torquay and Brixham Police station.	Support is noted. No change to IN1 is recommended. This is considered to include a proportionate balance for public safety and potential for facilities. Given the challenges facing the Local Plan, there is unlikely to be viability for S106 contributions for policing except from developments that have a demonstrable impact on the demand for policing. Add an additional modification to SC5 to refer to policing and community safety facilities.	
847	**NHS Devon Integrated Care Board and Torbay and South Devon NHS Foundation Trust.**	Overall support for the Local Plan but request strengthening of policies to increase emphasis on S106 funding for healthcare. NPPF Policy HC1 provides a stronger emphasis on healthcare infrastructure planning.	SS1 - No modification to Local Plan recommended: Best practice process can be addressed through encouragement for early NHS engagement and healthcare assessment in masterplans/ infrastructure delivery strategies for strategic growth areas. INS / IN1 – No modification recommended: proportionate recognition of the importance of	

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		The ICB/Foundation Trust seeks contributions to address additional healthcare impacts from additional population arising from development. Exeter (and Teignbridge) Local Plan examinations support this approach. A detailed schedule of requested additional Modifications is provided. SCS Support – minor revisions requested to reflect 2026 NPPF terminology. SC1 Support- minor amendment to increase recognition of healthcare infrastructure in Health Impact Assessments SPSS1 - Add a proportionate provider-engagement and cumulative-impact requirement to relevant strategic policies. The Infrastructure Delivery Plan should identify (healthcare) capital projects, cost and funding gaps, delivery timescales, and the contribution that a development may reasonably make. INS / IN1 – Support but needs clarification. Greater emphasis on healthcare contributions is requested / minor amendment requested to give healthcare an explicit and consistent priority in Policy IN1 and paragraph 7.10. SDT/SDP policies, H2: Increase emphasis on healthcare implications, and mitigation/contribution sought from Future Growth Areas. The Infrastructure Delivery Plan should identify (healthcare) capital projects, cost and funding gaps, delivery timescales, and the contribution that a development may reasonably make. Note that some healthcare facilities have a cross-boundary impact.	healthcare is present throughout the LP / Health facilities are explicit in 7.10 (5). Given the viability challenges facing the local plan it is unlikely that health care contributions can be achieved other than where development creates a direct health care need. Health issues can be mentioned in the Infrastructure Delivery Plan.	

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848	**National Highways**	400 dwellings a year represents a 12% increase in dwelling stock over 20 years. If at Examination the headline housing figure increases significantly (e.g. doubles) the impact on the highway network will need to be assessed in more detail. Increasing numbers will affect the Strategic Road Network including at Splatford (A38/A380), Marley Head (A38/A385) and Goodstone Cross (A38/A383). Currently proposed growth levels are likely to have a low impact, but increased growth levels would need to be assessed. **Policy TAS** Welcomes the vision-led transport approach and seeks continued engagement with National Highways.	Issues noted. It is noted that headline figures above 400 dpa may impact wider transport network.	No
388	**Swifts Local Network** (Mr Michael Priaulx, Chair)	NC2 Support: strongly support NC especially the requirement for Swift Bricks and artificial nest cups.	Support noted.	
325	**Torbay United** (Rev Nathan Kiyaga)	SCS – Work with faith communities to meet the objectives of SCS and wider objectives of the Plan e.g. work with homelessness and reducing loneliness. Mention these at 5.19.	The role of faith communities is acknowledged in paragraph 5.4 and SC1. Add reference at 5.16 about the role that faith communities can play in reducing isolation and enhancing wellbeing.	
		Developer/Land promoter		
472	**Home Builders Federation**	An up to date SHLAA and Infrastructure delivery plan need to be published. Concern that reg 18 objections were not taken into account -object that there has been a lack of meaningful consultation with the development industry.	**SCS/ IN1** No modification recommended: Strategic Policy INS explicitly states 'development must provide or contribute to the infrastructure required to meet the needs that development generates...'. This is considered proportionate to address the concern in	

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		Need for more transparency in relation to S of S intervention into the Reg19 Local Plan. Object that Sustainability Appraisal has prejudged that 400 dwellings is the highest level of growth that can be achieved. Viability is getting worse- Object that some of the s106 requirements that go above Building Regulations. The issue of how Torbay's unmet need can be met by neighbours is still unresolved. Object to simply relying on the SDS. BNG exemption for sites of 0.2 ha should be incorporated into the Plan. **Impact of New NPPF**: The introduction of a new NPPF will make any policies that conflict with it of limited weight. The council should consider whether proceeding with Plan submission is the best way forward. Object to Policies **SS, SDT, SDP, SDB**, Housing Policies. These policies are not sound due to the Plan not meeting the Local Housing Need Requirements and making. Object to the stepped trajectory. The key policies are into in accordance with the NPPF. Impact of Policy **H7** should (affordable housing) be assessed in light of an up-to-date assessment of viability. **H8** Self Build housing – object due to site coordination and site-completion issues. Small to medium sites may be	support of determination. **Policy IN2** No modification recommended: retain the policy subject to the whole-plan viability evidence. **Policy ER4** No immediate modification recommended: test through transport assessment and IDP evidence; modify only if that work identifies a policy or allocation change. **H11** The viability challenges for housing are noted. Minor modifications to Policy H11 can be discussed to avoid undue impacts to viability and to clarify the standards required. The Whole Plan Viability assessment will provide advice on this. However, it is recommended that the policy requirement in the Regulation 19 Publication Plan for a local connection is retained.	

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Page 231		more suitable for self-build plots, rather than seeking them as a % of larger sites. **H11** Specialist housing. Clarity needed between M4(3)a wheelchair adaptable and M4(3)b wheelchair accessible. Age restrictions can affect housing viability. Chapter 4/SCS The Plan over allocates employment land at the expense of housing. **SCS/ IN1** Object: Any S106 contributions must meet the CIL tests of lawfulness. Viability is extremely challenging for the building industry. Objects to **Policy IN2** on duplication, deliverability and cumulative viability grounds. **Policy ER4** Raises transport infrastructure capacity, mitigation and deliverability in relation to planned growth. **CERS/CERS1/ CER2** Object- No justification to apply a 100 litre per day standard. Should revert to 125 or optional 110 litres per day standard. There are serious viability challenges going above building regulations standards for energy efficiency. **THS, NC3, GIS** policies – object. The plan should be clear how natural environment policies/Green Infrastructure are intended to work together. There is a need for a clear **monitoring and review policy**.		
154	**Abacus Deeley Freed** (Chris Hayes, SYCHA Planning)	Object – There should be a strategic review of employment sites to address over supply of allocated sites and release land for housing. Could boost supply by 300+ dwellings.	These issues were discussed at the LP Working Party on 2 November 2026. Members recognised the strategic importance of maintaining employment land	

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		Land E1P8 and P9 is promoted by Abacus for housing rather than employment.	to support economic growth, regeneration and the ongoing development of strategic employment uses including South Devon College.	
669	**Andrew Pollard**	Small plot north of Great Hill Road: Ashlade TQ2 8JS should be allocated for development.	This site would be very small and below the threshold to allocate. It is outside the settlement boundary, but would be assessed on the basis of the Modified Policy L1 (and NDMP S5)	
293	**Maypool Estates** (Mr Mark Scoot)	Object to a housing target of only 400 dwellings per year; only 42% of LHN. Land at Torquay Gateway (Kingsland) is not viable ass employment and is promoted as a housing site to help achieve the proposed quantum of 550 dwellings in the Future Growth Area. The 2026 Masterplan was prepared without consultation with the landowners. Employment is not viable at Kingsland. The Masterplan does not consider infrastructure or viability constraints. Does not consider the need to increase housing numbers to meet the need. Kingsland should be reclassified as residential.	These issues were discussed at the LP Working Party on 2 November 2026. Members recognised the strategic importance of maintaining employment land to support economic growth, regeneration and the ongoing development of strategic employment uses in the most accessible part of Torbay.	
820	**Mr Roger Arscott**	Land at Kingsland, Torquay should be housing. It is not viable for employment use. The Reg 19 Local Plan over-allocates employment. Object that the proposed housing target of 400 dwellings a year is below the local housing need figure of 972 dwellings per year.	These issues were discussed at the LP Working Party on 2 November 2026. Members recognised the strategic importance of maintaining employment land to support economic growth, regeneration and the ongoing development of strategic employment uses in the most accessible part of Torbay.	
812	**Telereal Securitised Properties GP Limited** (via agent)	Chelston Telephone exchange, Goshen Road, Torquay will become available for development in the Plan period. Support the allocation of the site. H1cT20 Support	Noted – site is within the built up area.	
828	**Farm Finance ltd**. Bell Cornwell on behalf of	Land at Kingsland (adjacent reservoir) is more suitable and deliverable as a mixed-use site including residential.	These issues were discussed at the LP Working Party on 2 November 2026. Members recognised the strategic importance of maintaining employment land	

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		Housing will help meet the identified shortfall in housing numbers.	to support economic growth, regeneration and the ongoing development of strategic employment uses in the most accessible part of Torbay.	
831	**Waddeton Park,** Bell Cornwell on behalf of	Detailed site promotion of Edginswell Valley (excluding Kingsland which is promoted separately via Bell Cornwell) for 340 units including 102 affordable homes, but no school site or employment provision. Detailed masterplan and viability evidence.	Noted. Wider discussions are ongoing with Bell Cornwell about updating the Masterplan for the Edginswell Valley	
470	**Belstone Fox** Collier Planning for	Policies SS1, HS etc. are fundamentally unsound as the Local Plan has not tried to identify additional land for housing. Object to deletion of former Monksbridge, Brixham site. Former H3BCG3 Detailed promotional detail of Monksbridge (Formerly H3BCG 3) indicating that it is able to deliver housing and can overcome impacts on the South Hams SAC.	Wider objections are noted. The site was discussed by the Local Plan Working Party, and no change to the reg 19 Plan is proposed. It is noted that there is a live planning application (P/2026/0148) on the site.	
474	**ABS Limited** McMurdo Land and Planning	Land at Edginswell between Moles Lane and Marldon Road should be allocated for housing development. The site is partly brownfield .	These issues were discussed at the LP Working Party on 2 November 2026. Members recognised the strategic importance of maintaining employment land to support economic growth, regeneration and the ongoing development of strategic employment uses in the most accessible part of Torbay.	
833	**Westcountry Land** McMurdo Land and Planning	Object to SS1, SDB1, HS That the Local Plan does not meet its full housing need. The strategy for Brixham is too reliant on windfalls and does not meet needs. The Local Plan does not do enough to meeting housing supply. Noted that Westcountry Land has permission for 28 dwellings at Upton Manor Farm, Brixham. Land to the west	The issue of the Local Plan's shortfall against LHN is noted and will need robust justification at Examination. The land at St Marys Campsite/ Upton Manor Farm is within the National Landscape and close to the South Hams SAC and likely to have value for greater horseshoe bats. Accordingly, it is not proposed to allocate this land for development.	

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		is promoted for 90-100 units. This is partly previously developed land. TH6 Object to policy of reverting former holiday parks in National Landscape back to countryside fails to meet needs and to re-use previously developed land.	See main modification in relation to tourism policies (TH6).	
843	**Gallagher Developments,** Pegasus Group on behalf of.	Land at Sladnor Park, Maidencombe is subject to a current planning application for 110 dwellings (P/2025/0353) Support the preparation of a local plan, but aspirations (i.e. housing targets) fall well below housing need as required by the NPPF. (SS1/HS object). Support the inclusion of Sladnor Park H3T2 as a residential application. The site is suitable for residential development even without the site allocation. It is adjacent to the Village Envelope boundary. It is argued that Maidencombe is not a hamlet or scattered group of houses, but is a village within the definition of the NPPF. **Policy L1** object: The policy is a "self imposed" constraint. It goes beyond the scope of NDMP S5 in the NPPF and restricts development that is well related to settlements. Policy should be revised to reflect NPMP S5. **Policy HS/SS1** Object that housing delivery is substantially less than the Standard Method. Stepped trajectory will lead to a significant shortfall in the first five years. The strategy is overly reliant on urban brownfield sites.	Areas of agreement noted. There is no proposed change from the regulation 19 Local Plan position. Issue of wider shortfall against Local Housing need noted. See Main Modification in relation to Policy L1.	

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		Sladnor Park (H3T2) continues to be promoted for development and can make a substantial contribution to early delivery. Concerns about the site raised by Torquay Neighbourhood Forum e.g. flooding and drainage have been addressed.		
482	**Vistry Homes**	**H3T6** Land at Hollicombe former Gas Works, Torquay Road is promoted for development. The allocation is supported in principle but viability issues mean that 185 dwellings are no longer deliverable. This affects the soundness of the Plan if sites are not deliverable. 50 dwellings is a more achievable level of development. **Policy H3T6** includes mixed messages referring to flood alleviation, open space and biodiversity, which is unclear and confusing. Current promotion is for a mixed use development comprising retail (foodstore) and residential. The Plan should be amended to reflect this (i.e. revised to include a foodstore). **Policy SS1/HS/H1:** Object that the Local Plan does not meet housing need (LRM's objections at Reg 18 are reiterated).	See minutes of thew Local Plan Working Party of 2 November 2026. The site has flooding issues and the approved/implemented development is likely to represent the optimal use of the site.	
841	**Lidl,** Rapleys on behalf of.	Comments on HS, H2, TC5, TC6, E4 in relation to **Hollicombe** former Gas Works Site.	See minutes of thew Local Plan Working Party of 2 November 2026. The site has flooding and contamination issues and is an "out of centre" location	

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		Note that housing growth will lead to an increase in retail need. This should be expressly met in the Local Plan. **TC5** Object to a 500 sq. m threshold for impact test – the national threshold of 2500 sq. m should apply. **TC6** Object to 280 sq. m limit on out of centre retail. The policy should allow larger formats to meet more recent commercial trends. **E4** Object to the focus of E4 being on "B" uses. Retail development can have significant economic benefits. The Government recognised retail as a Class E use. This should be considered as a form of employment.	that could have a harmful impact on Preston District Centre.	
482	**Vistry Homes** Savills on behalf of	Re. **Land at Yalberton/Long Road, Paignton.** Although Local Plan will be assessed on the basis of the 2024 NPPF, the policies in the 2026 NPPF are relevant. The Local Plan is not sound, particularly in relation to housing numbers. **SS1/HS Object**: The Local Housing Need figure is not being met. Insufficient justification is provided to justify the shortfall. Clarity on the additional number (compared to the already allocated/approved number of dwellings) of dwellings is sought **SDP5** Support. Land at Yalberton is promoted for residential led development of circa 320 dwellings Detailed site promotional details are included. **SS1/E1/SDP1** Object to blanket 25% employment land requirement in Future Growth Areas. **SDP1/H2** Support principle of the Future Growth Area. Much of the area is already developed. The Vistry land can	**Shortfall against LHN** – objection noted**.** This is a key issue that will require robust justification. **Mix of proposed land uses:** These issues were discussed at the LP Working Party on 2 November 2026. Members recognised the strategic importance of maintaining employment land to support economic growth, regeneration and the ongoing development of strategic employment uses in the most accessible part of Torbay. **Strategic Policy IN1** No modification recommended: existing policy and national tests are considered to provide a proportionate route for site-specific viability assessment	

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
Page 237		come forward ahead of any master planning exercise. Object to requirement for 25% employment. **H7** Affordable housing: broadly support. **H9** Self build policy – no objection so long as backed by evidence of demand. **H11** Specialist accommodation- no objection but needs to be supported by evidence of need. **CER1** Object that requirements go beyond Building Regulations standards. Needs to be justified by evidence of viability. Also scope for complication. **CER2** Broadly support but should remain proportionate. **NC2** Broadly support, but requirements should be applied flexibly **ER2** Object – there may be circumstances where water should discharge into combined sewers. **ER3** The water consumption standard of 100 litres/day needs robust justification of exceptional circumstances. **SC4** Sustainable food production – Not stated as an objection, but should be proportionate and overriding need for development should justify the release of land. **DE1** Space standards should be expressed as guidance rather than an upper policy requirement. This will affect viability. **INS/IN1** No objection in principle but developer contribution requirements should be applied flexibly and cumulative impacts on viability taken into account.		
834	**McCarthy and Stone.** The Planning Bureau on behalf of.	**Policy H7** Affordable Housing: Object – the viability of providing affordable housing has not been established through a Whole Plan Viability Assessment. Viability of older people's housing is more challenging than for general-needs housing. Detailed evidence is submitted on viability.	**H11** The viability challenges for housing are noted. Minor modifications to Policy H11 can be discussed to avoid undue impacts to viability and to clarify the standards required. The Whole Plan Viability assessment will provide advice on this. However, it is	

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		M4(3) units need to be larger and reduce the density of development and therefore viability. **H11** Specialist Accommodation for people in need of care. Object to local occupancy requirements. Older persons' accommodation has significant benefits and frees up family housing. Clauses requiring local occupancy should be deleted. **CER1** Net Zero carbon development standards – the viability of this policy will need special justification. Regard should be had to the 2026 NPPF.	recommended that the policy requirement in the Regulation 19 Publication Plan for a local connection is retained.	
852	**Andrew Rowe AR land and Planning** for Persimmon Homes. Late Representation	Reiterate reg 18 promotion of field(s) adjacent to approved housing site at Copythorne Road, Brixham: particularly field shown as F1 to increase the yield on the site from 77 to 94 dwellings. Wider promotional details from the HELAA are also included.	Noted- however the sites are within National Landscape and it is not proposed to revise the Reg 19 Local Plan in relation to this site.	
		Individuals -		
665	Mr Justin Waye	Object to the level of growth due to poor infrastructure. Prioritise brownfield first.	Noted. The Plan takes a brownfield first approach.	
666	Nigel Barker	Refer to building new schools, dentists and doctor capacity and water supply capacity. Hilly topography and road network limit scope for cycling.	Noted. The plan seeks a range of infrastructure	
20	Mr Community Campaigner David Barton	Long representation promoting traditional vernacular architecture, design codes, heritage assets, and parking.	Noted. The Local Plan promotes good quality design and protection of heritage assets. However, Mr Baron's requests would go beyond the scope of the NPPF.	
799	Miss Kira Pittuck	Hard to code and wide-ranging objections and comments. There are enough houses, object to the profit motive, roads are congested, don't rely on data collected during COVID period, housing is not affordable to young people, tackle the economic problems of Torbay.	Issues noted.	

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
802	Mrs Shirley Wilson	Object to Policy H5 Conversion of buildings into flats. Insufficient attention has been paid to cumulative impact of changing the charact of a street. The policy should clarify how over-concentrations of small flats can be avoided. Support Policy H10 HMOs. Additional guidance should be provided on how the cumulative impact on amenity and character will be assessed.	Issues noted. However, S5(ii) does consider cumulative impacts.	
813	Hugh Malyon	Object to HS. 400 dwellings is not sufficient to meet the identified need of 900+ dwellings a year. There should be a stronger commitment to social housing and council housing. Need for stronger focus on urban regeneration. Increasing supply of affordable homes will assist young people to stay in the area. Need to consider cultural and environmental opportunities for people. Need for a stronger commitment to bring empty homes back into use. Environmental sustainability and the UNESCO Geopark need greater prominence. Mention protection of the Global Geopark as a key objective. Food security and the provision of fresh food should be mentioned. Reconsider putting a train station near Torbay Hospital (i.e. support for the proposed train station at Edginswell). Brixham and Paignton seafronts should not be high development zones. Biodiversity net gain should be at least 20% Developments should be carbon negative.	Issues noted. Agree that bringing empty homes back into use should be supported - make an additional modification to support this. Note in Explanation to Policy HS that measures to bring empty homes back into use are unlikely to require planning permission but will be supported as a sustainable way of boosting housing supply. There proposals do require planning permission, regard will be had to the quality of accommodation and living standards created (see Policy DE2)	No

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
149	Mr Peter Carder	Policy HS Support. There are strong reasons why Torbay cannot meet the area's development needs. The approach taken by the Plan is consistent with national policy. H1a, H1c Support: Support the emphasis on sustainable town centre locations. LS and L4: Objectives of Policies LS and L4 are supported but may be difficult to achieve in practice. Object to SC4 West of Paignton Future Growth Area. Loss of BMV agricultural land.	Support noted. The Local Plan seeks to take a proportionate approach to resisting the loss of BMV agricultural land homes	
844	Frances Robinson	Brixham is unable to meet its housing target in Policy HS/BCG1. Removal of Middle Street site will make this more difficult to achieve 50 dwellings in the Town Centre. The location of a park and ride facility serving Brixham should be identified more clearly. Should not be in the National Landscape. Support the deletion of Monksbridge as a development site. Several textual/policy amendments: SDB3 -protection of national landscape should be strengthened. L3 should be amended to include stronger protection for beaches.	Noted, the proposed park and ride facility is indicated in Churston, outside the National Landscape. Refer to beaches in the explanation to L3. This is an additional (not main) modification.	
846	Graeme Mason	SDB1 Object: Object to the 400-dwelling target for Brixham. Environmental capacity and junction capacity at Windy Corner. Support the removal of Monksbridge as a housing site. Evidence base documents should be completed and published.	Noted – see above **Ch7 Infrastructure** No modification recommended at this stage: address through the IDP/evidence base and amend the Plan only where completed evidence demonstrates a need.	

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
		Ch7 Infrastructure Requests completion of evidence and a Brixham-specific IDP schedule covering schemes, responsibility, funding, timing and triggers.		
620	Mr R E Harris	SS1, SDB 1 Object. Housing numbers in Brixham are too high due to road constraints and lack of supporting infrastructure.	Noted -see above	
798	Paul Oldrieve	Torbay must remain a holiday destination. The Plan needs to address the "faded grandeur" Development around Hamelin Way is well-served by infrastructure but not clear how transport can be provided to the West of Paignton. The representation appears to advocate reinstating previous proposals to extend ring-road access to the west of Paignton and to Brixham. The Plan should make provision for and consider the impact of autonomous vehicles. The Plan should allocate a specific high-tech business park.	Noted.	
457	Phil Gregory MBE	Object that the Local Plan does not meet all of Torbay's housing need.	Noted.	
		Individuals-site specific		
		H3T1 Maidencombe		
517	Bart and Julie Sewell	Object to H3T1 land at Maidencombe Cross. The land is not available for development due to a long lease controlled by the Sewells (Wright and Bird). Also, object on drainage and highways grounds.	Noted. However, retain the site since developability over the Plan period is possible if site assembly issues are resolved.	
118	David Robins	Comment - Reduction in numbers at H3T1 Maidencombe is welcome	Noted	

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
Page 242		Objections H3T1 Especially the remaining area at Ridge Road (21T065). Lack of sewers in the area, drainage impacts on Gabwell and Stokeinteignhead. Transport and accessibility issues: poor and dangerous accesses onto the A379, lack of pavements, conflicts between road users including horses. Harm to wildlife including cirl buntings and bats. Loss of Best and Most Versatile agricultural land. Reducing the number of the homes from the Regulation 18 draft will affect the validity of the mitigation measures set out in the Sustainability Appraisal. The SA needs to be reconsulted upon. Cumulative conflict with H1T2 Sladnor Park. Reducing the number of homes is likely to affect the viability of development and its ability to support sewerage, drainage, highways, and other infrastructure needed to render the development viable. Conflicting views over land availability – objectors argue that the land is not available for development due to unwilling landowner or complicated ownership issues. There is no reasonable prospect that the land is deliverable. The Local Plan should focus on more accessible locations and brownfield land in the built-up area. There are unbuilt housing sites that are not viable e.g. Palace Hotel, Hollicombe. The HELAA Notes that the area has significant constraints.	Noted. See main Modifications MM3.1 to remove H3T1 Ridge Road due to highway and access concerns but retain Maidencombe Cross. Retain the Village envelope boundary as shown in the Torquay Neighbourhood Plan. A more detail assessment is set out in the Local Plan Working Party briefing note of 2 November 2026.	Yes
801	Dr Paul Barton	Object to 21T065 (Port Talland Farm/Ridge Road)		
803	Mrs Elizabeth Lamport	Object to 21T065 (Port Talland Farm/Ridge Road)		
804	Mr James Dunn	Object to H3T1/ 21T065 (Port Talland Farm/Ridge Road).		

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
21	Mrs Lindsay Cox	Object to H3T1 land at Maidencombe north of Sladnor Park		
26	Mr Mark Hone	Object to H1T1 Maidencombe.		
809	Mr Andrew Rowe	Object to H1T1 Maidencombe.		
381	Miss Raph Robeson	Object to H3T1 Ridge Road.		
98	Mr Spencer Robeston	Object to H3T1 Ridge Road. Additional objection material submitted outside of Opus		
101	Roger Fearnley	Object to H1T1 Maidencombe.		
97	Mr Darin Pound	Object to H1T1 Maidencombe.		
331	Martin Hobbs	Object to H1T1 Maidencombe.		
814	Mrs Sue Moffett	Object to H3T1 Maidencombe.		
370	Miss Deborah Pitts	Object to H3T1 (Ridge Road).		
31	Miss Tessa Barton	Object to H3T1 (Ridge Road).		
114	Mrs Rachel Bell	Object to H3T1 (Ridge Road).		
11	Mr Marcos Kostalas	Object to H1T1 (all sites)		
815	Mrs Helen Saxby	Object to H1T1 (all sites)		
110	Mr Ben Scoggins	Object to H3T1 Maidencombe. Policy H3 should set a maximum number.		
259	Mrs Charlotte Warren	Object to H3T1.		
276	Mrs Samantha Vooght	Object to H3T1		
816	Mrs Liz Keenan	Object to H3T1		
807	Robert Willcock	Object to H3T1		
817	Oliver White	Object to H3T1		
242	Lynette Chapman	Object to H3T1.		
818	Ms Ursula Henkel	Object to H3T1.		
819	Mr Jordan Wallwork	Object to H3T1. Housing numbers should be maximums. Disapply density requirements outside of settlement boundaries.		

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
19	Mrs Lauren Wallwork	Object to H3T1. Housing numbers should be maximums.		
365	Amica Dickson	Object to H3T1 land at Maidencombe north of Sladnor Park		
140	Mr Geoffrey Leyshon	Object to H3T1 (Ridge Road).		
16	Mr Peter Saxby	Not specified but appears to relate to H3T1		
357	Mr Ian Tucker	Object to H3T1 (Ridge Road).		
821	Mrs Janet Garland	Object to H3T1 (all sites)		
822	Jamie Bartlett	Object to H3T1 (all sites)		
29	Mrs Judith and Neil Baker	Object to H3T1 (all sites)		
823	Mr Neil Baker	Object to H3T1 (all sites)		
827	Abigail Kirk-Thomas	Object to H3T1 (all sites)		
566	John Ashcroft	Object to H3T1 (all sites)		
105	Margaret Laithwaite	Object to H3T1 (all sites)		
		H3T2 Sladnor Park		
816	Mrs Liz Keenan	Range of objections similar to H3T1: Poor access, lack of wider pedestrian infrastructure, ecological and landscape impact, drainage, and flooding issues.	Objections noted, but the site has an extant implemented consent for a 188-bed retirement village and is being actively promoted a deliverable site. The Reg 19 allocation is proposed to be retained.	
817	Mr Oliver White	Object to H3T3 as drafted. The High Court Judgement does not permit 120 dwellings as currently proposed. The implemented 188-unit retirement village has different characteristics to the current proposal. Drainage issues remain unresolved.	See above	
365	Amica Dixon	Object to Sladnor Park: highways, landscape and ecology. The area could accommodate 16 houses and 10 apartments.	See above	

ID	Representor	Summary of Regulation 19 Representations	LPA Response and proposed Modification where agreed.	Policies Map Change
29	Mrs Judith and Neil Baker	Object to H3T2 Highways and ecological concerns, lack of drainage in Maidencombe. Poor access to facilities.	See above	
		H1cT2 and H1cT5 Land at Kingskerwell Road and Bottom Park Road Barton Hill Road		
570 - Late rep	Jon Smale	**H1cT2 and H1cT5** (former H3T9 and H3T5) Bottom Park Road/Barton Hill Road. Object. Conflict with the development plan and NPPF		
647	Miss Buckley and Mr Creber	**H1cT2 Barton Hill Road.** Object to **H1cT2** land at Kingskerswell Road r/o Barton Hill Road. Loss of green space, wildlife and visual impact. There are other brownfield parts of the area e.g. former Barton Stables that could accommodate development.		
		H3T5 Broadley Drive, Livermead		
638	Stephen and Rosalind Turner	Object to H3T5 Broadley Drive, Torquay. Reiterate objections made at Reg 18 (formerly H3T12).		

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TORBAY COUNCIL







Draft Torbay Local Plan 2025-45:
A Landscape to Thrive

Regulation 19 Publication Version Local Plan (including minerals and waste). August 2026

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Figure 1 - What is a Local Plan?

Chapter 1. Our shared vision - A healthy, happy and prosperous Torbay

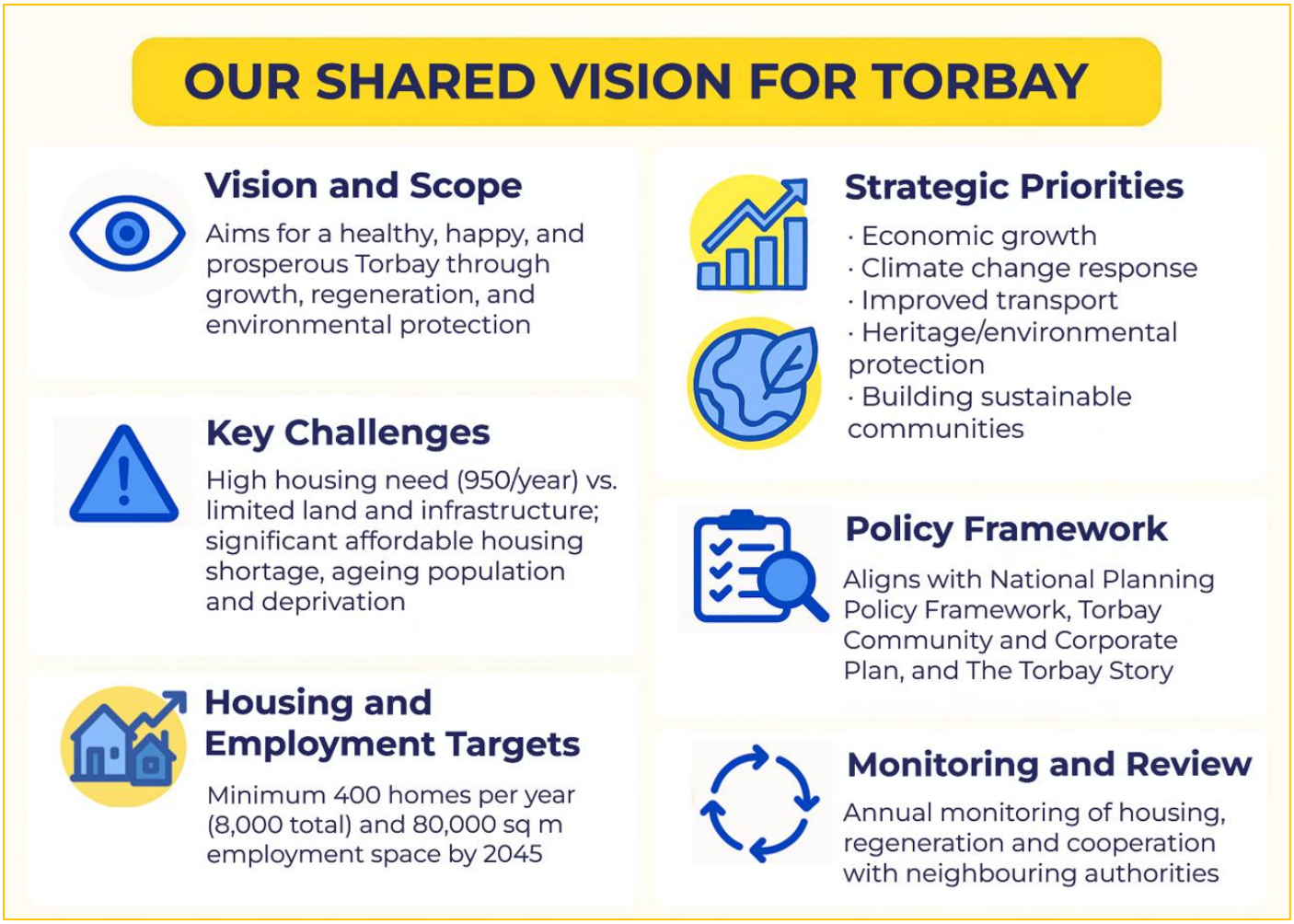

Figure 2 - Our shared vision

Introduction

The scope of this Plan

1.1. This is the draft Local Plan for Torbay. It is a Plan for growth, within environmental limits, and strongly promotes regeneration and modernisation of the built-up area. It seeks to minimise damage to the natural environment and to provide resilience to the effects of Climate Change whilst reducing carbon emissions.

1.2. The Plan contains a strong Presumption in Favour of Urban Regeneration and support for affordable housing. It seeks to achieve an average of 400 dwellings per year over the Plan period 2025-45. This is a minimum number and not a ceiling, should sustainable urban sites be available to exceed this figure. It is also proposed to deliver a minimum of 80,000 sq. m. (equivalent to around 20 hectares) of employment land. It will be important to provide sufficient affordable housing and family homes in order to reduce the risk of labour shortages. The plan also prioritises addressing Climate Change.

1.3. The Plan is not intended to be a sales-pitch document. However, it seeks to implement and provide a positive planning framework to implement other key visions and strategies in particular:

- The council's Corporate and Community Plan 2023-43
- The Torbay Story
- The Housing Strategy
- Regeneration and the Accommodation Repurposing Programme (also referred to as the "Hotels to Homes" initiative).

1.4. When adopted, the Plan will form the legal starting point for determining planning applications and related proposals in Torbay. Decisions are still subject to other material considerations, especially those set out in the government's National Planning Policy Framework (NPPF, currently December 2024), Planning Practice Guidance (PPG) and National Development Management Policies.

1.5. This plan will replace the Torbay Local Plan 2012-30. It covers the period 1st April 2025-31 March 2045. But realistically, the Plan will require a review five years from adoption. This version of the Plan is the "Regulation 19" publication plan. This means that it is at an advanced stage of consultation into the Plan's soundness and legal compliance (see particularly Paragraph 36 of the (2024) National Planning Policy Framework (NPPF). The Local Plan is required by planning law to promote sustainable development. This means applying the Presumption in Favour of Sustainable Development in Paragraph 11 of the NPPF.

1.6. This version of the Local Plan is the result of previous consultations. We have carefully considered the feedback from these in drafting this version of the Plan. The previous consultations are: January 2022 Growth Options consultation, the October 2022 Housing Site Options, and the November 2025-February 2026 Full Draft Local Plan consultations.

1.7. Comments made on the Regulation 19 Local Plan will be carefully considered and reported to the Local Plan Working Party and Full Council in Autumn/ early Winter 2026. We will prepare a schedule of Main Modifications to the Local Plan (assuming these are

needed). Following consideration by Full Council we intend to submit the Local Plan (along with any necessary Modifications to the Secretary of State by the Government's deadline for submission of December 2026.

1.8. Members have been keen to ensure that the Regulation 19 Consultation is a genuine exercise that will be sedulously considered by the Council. The scope of the consultation is however more narrowly defined than at previous stages to matters of the Local Plan's soundness and conformity to legal tests.

1.9. Further information can be set out in the council's Local Development Scheme Local Development Scheme - Torbay Council.

Challenges for the Plan

1.10. Torbay faces significant challenges but also opportunities. We need to be realistic and acknowledge that Torbay has a significant need for development, but limited space or environmental capacity to grow, and limited viability to support its infrastructure and other needs.

1.11. Torbay has a significantly ageing population and needs to plan for the implications of this. It needs to encourage a younger demographic, particularly working age families, as well as provide for the needs of older people. This will be important to meet Torbay's economic regeneration goals.

1.12. Torbay's fantastic environment is its unique selling point. It is justly branded the English Riviera, with a world class tourism offer. It has glamour, high-profile businesses, a beautiful marine setting and internationally important environmental assets. This is accompanied by a rich historic and prehistoric environment. Torbay faces challenges arising from Climate Change and a need to reduce carbon emission and provide resilience to the effects of a changing climate. Development is likely to impact upon the South Hams SAC and the Lyme Bay and Tor Bay Marine SAC, and this needs to be mitigated. Torbay's best asset is its spectacular environment, and it is vital that development does not erode that. Hence the need to double down on urban regeneration and focus growth in the built-up area. Including building upwards where necessary and feasible.

1.13. Like the previous Torbay Local Plan, this is a plan for growth within environmental limits, but the above seeks to be realistic about the scale of the challenges and the scope of a Local Plan to contribute to solutions. The solutions are wider than planning and it is critical that the land use framework supports the council's wider regeneration programmes.

1.14. The Local Plan is intended to be a strategic document. It interacts with and provides a land-use planning framework for other detailed visions, masterplans, and neighbourhood plans.

The National Planning Policy Framework (NPPF)

1.15. The NPPF has a legal weight in plan making. Councils are required by law to prepare a local plan and to seek to achieve sustainable development. Key to this are the Presumption in Favour of Sustainable development at paragraph 11 (a-b) of the NPPF and the Tests of Soundness (Paragraph 36). The NPPF sets out what Local Plans should include:

> **15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.**
>
> **16. Plans should:**
>
> **(a) be prepared with the objective of contributing to the achievement of sustainable development (legally required under S39(2) of the Planning and Compulsory Purchase Act 2004).**
>
> **(b) be prepared positively, in a way that is aspirational but deliverable;**
>
> **(c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations,** businesses, infrastructure providers and operators and statutory consultees;
>
> (d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
>
> (e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
>
> (f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
>
> 17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area.

> There is an expectation that Local Plans should be strategic in nature and should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:
>
> a) homes (including affordable housing), employment, retail, leisure and other commercial development;
>
> b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
>
> c) community facilities (such as health, education and cultural infrastructure); and d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

1.16. The NPPF is supported by online Planning Practice Guidance. The Levelling Up and Regeneration Act 2023 allows the Secretary of State to publish National Development Management Policies (NDMPs) which when published will take primacy over local plans where they are in conflict.

1.17. Within these parameters, there are important local documents, visions and blueprints that the Local Plan seeks to support and ensure that land use decisions are aligned with meeting these community and corporate goals.

The Torbay Community and Corporate Plan 2023-43

1.18. The Corporate and Community Plan sets out the council's Vision, Objectives and Priorities, and to provides the strategically grounded foundation for everything the council does. This includes informing strategic, operational strategies, plans and policies including the Local Plan.

> **The Corporate and Community Plan perceptively states: "Despite everything that is fantastic about Torbay, we know that we face challenges and that some parts of the Bay suffer from nationally significant levels of poverty. There is huge potential, and this Plan brings together the interlinked priorities we need to address to make**

Torbay a happy, healthy and prosperous place for our whole community".

The Plans' Vision Statement is:

We want to see a healthy, happy and prosperous Torbay.

Torbay is a glorious part of Devon with an inspiring natural environment. We are a magnet for tourists and known as the English Riviera. We are home to globally significant technology businesses and have a rich leisure and cultural scene.

We want to deliver for our people and our place. We know we have challenges, but we have high aspirations. By continuing to work closely with our communities and partners and capitalising on our strengths, we want make Torbay a great place to do business – a place where everyone is able to live their best life.

A healthy, happy and prosperous Torbay for all.

To achieve this the Corporate and Community Plan identifies three strategic themes, all of which are relevant to the Local Plan:

- **Community and People**
- **Pride in Place**
- **Economic Growth**

Boxes like this feature after policies throughout the Plan. These indicate how the policy aligns with the visions and themes of the Community and Corporate Plan.

1.19. Land use planning policies are integral to Pride in Place and play a substantial role in community and people and achieving economic growth. The Corporate and Community Plan objectives as follows: .

People Priority

Support real, sustainable change for those in greatest need within our communities, to thriving communities where people can prosper. This should have regard to the following priorities:

- **Ensure our town centres are safe and welcoming for all.**
- **Keep children safe in their communities and provide safe environments for our young people to thrive in.**
- **Ensure early intervention is effective and targeted.**
- **Provide the best care and support available so that residents are empowered to achieve what matters most to them.**
- **Provide clear signposting for those needing our help.**
- **Support and encourage community action.**
- **Improve wellbeing and reduce social isolation.**

Pride in Place Priorities

Support investment in the three town centres to enable them to develop their own distinctive roles, including supporting the provision of affordable housing in town centres. Regeneration of brownfield urban sites will be supported in principle. Regard should be had to the following priorities:

- **Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects.**
- **Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors.**
- **Ensure the effective operation of SWISCo to have resources to reinvest in Torbay.**
- **Deliver priority capital projects within the council's Capital Programme.**
- **Improve the delivery, affordability and quality of housing (including housing standards) for residents in Torbay.**
- **Improve the delivery of our planning service.**
- **Protect and enhance our lived, built and natural environments, including our green spaces.**

Economic Growth Priorities

To attract, retain and grow the economy to create good quality and learning opportunities, and to retain and attract the workforce that Torbay needs including the provision of affordable housing and opportunities for investment in employment. This should have regard to the following priorities:

- **Encourage aspiration, providing opportunities for everyone to raise their skill level, particularly in high value careers.**
- **Drive training opportunities across all sectors to empower people to improve their skills.**
- **Improve transport links to and within Torbay.**
- **Develop a year-round economy.**
- **Increase the amount of full-time employment opportunities within Torbay.**
- **Focus on inclusive growth, with opportunities which benefit everyone.**

The Torbay Story

1.20. The Torbay Story is a strategic initiative aimed at transforming Torbay's prospects whilst celebrating and enhancing its glorious natural assets and heritage. The Torbay Story is the Torbay Place Leadership Board's springboard to promote investment, regeneration, and community development across Torbay. The initiative encourages collaboration between public and private sectors to unlock Torbay's full potential.

1.21. It aims to celebrate and realise the fantastic opportunities for Torbay to be:

- The Premier Marine and Natural Experience
- A hub for adventurers and tech innovation
- A place to invest, live, and thrive

1.22. The Torbay Story promotes "tech by the bay" seeking to improve Torbay's amazing knowledge based businesses scattered across the amazing environment. Whilst there is limited (but important) manufacturing; the Bay has a massive knowledge-based economy based on ideas, innovation thinking and ingenuity, with many globally significant companies in photonics (the science of light), environmental science, marine engineering, green technology, medical technology etc. The Torbay Story aims to grow relationships with regional universities and to encourage start-up business and benefit for the clusters of similar businesses. The spectacular environmental benefits of Torbay to live and work in are key to this.

1.23. The Torbay Vision wants the area to be a Hub for Active Adventurers enabling people to better curate their health and especially mental health by providing a connection with

nature, with endless recreation activities in Torbay's globally important countryside and marine environments.

1.24. The "Big idea" for Torbay is for an overall Torbay as The Premier Marine and Natural Experience. This idea is intended to help the public, private and voluntary sectors think differently to better utilise Torbay's assets, radiate influence, cultivate and encourage strong leadership and developing new relationships to bring business and place together,

1.25. Within this "strategic signature" a vision for each town is set out, to develop their own distinct identities and roles to create a unified and complementary offer.

1.26. Brixham is a centre for creative arts and industries, Food and Fishing Fusion. Paignton is Family Fun on the Foreshore offering traditional values to the best standard it can be with beautiful sandy beaches, nearby zoo, steam railway and oldest surviving cinema in Europe. Paignton is also home to clusters of "tech by the sea" high tech businesses. It is therefore also a centre for Enterprise, Electronics and Entrepreneurship. Torquay is the heart of the English Riviera and a premier holiday experience with the marina, waterfront, Agatha Christie Heritage, UNESCO Global Geopark, food and drink, leading on Leisure and Lifestyle by the Sea.

Town Regeneration Projects

1.27. A range of transformative projects and opportunities aimed at revitalising key areas are proposed as part of the Torbay Story and the council's wider regeneration programmes. Key to this is a range of ambitious urban regeneration projects, all of which are embraced and proposed for development in the Local Plan. These include:

- Stand Torquay
- Union Square Torquay
- Crossways Centre Paignton
- Victoria Centre, Paignton
- Wider regeneration to create jobs, invest in key economic sectors such as "tech by the sea" knowledge-based industries and MedTech
- Working with the Plan for Neighbourhoods to help realise a 10-year strategy to help those in most need in Torquay.

Other Visions and Strategies

1.28. The above documents set out a high-level vision for Torbay. The Local Plan lays out a land-use basis to realise those visions. Both the Local Plan and its supporting documents are informed by other Plans and Strategies. Where relevant, these will be referred to in the Policy Explanations and explained in more detail in background topic papers.

1.29. Some of the key documents are:

- Economic Growth Strategy - Torbay Council
- English Riviera Destination Management Plan - Torbay Council
- Housing Strategy 2023 to 2030 - Torbay Council
- **Greener Way for Our Bay Framework and Action Plan** – Torbay Council
- Torbay Council Climate Change Action Plan - Torbay Council
- Environment and Net Zero Carbon Policy - Torbay Council
- Joint Health and Wellbeing Strategy 2026-30 – Torbay Council
- Devon and Torbay Local Transport Plan 4 2025 to 2040 – Devon and Torbay Combined Authority

Local Plan Key Objectives

1.30. The Previous Torbay Local Plan 2012-30 sets out several key aspirations. These are still largely consistent with the objectives in the NPPF, Community and Corporate Plan and The Torbay Story. The proposed aspirations are set out below but have been amended to confirm that they are the Plan's strategic priorities. They also take into account:

- A higher priority to urban regeneration and the provision of affordable housing, and more established programmes for delivering these.
- Responding to Climate Change being given a higher priority.
- A focus on matters that land use planning is able to control (e.g. land use allocation) rather than things beyond the control of planning.

1.31. The Plan has five strategic priorities for the Bay:



Figure 3 - The Five Strategic Priorities for the Bay

1.32. These aspirations are interconnected, but at their heart is the need to focus development on urban renewal in order to protect the wider environment.

Strategic Priority 1: Secure Inclusive Economic Growth for All

1.33. To achieve economic growth and deliver new jobs and housing, in order to promote equality, reduce disadvantage and poverty and increase Torbay's competitiveness. This will be achieved by meeting the following objectives:

- To strongly support town centre and other urban regeneration to provide more home, including affordable housing, jobs and commercial development. The Plan sets out a Presumption in Favour of Urban Regeneration.

- To drive forward regeneration schemes and provide sufficient land and co-ordinated infrastructure to achieve sustainable growth.

- To boost the supply of affordable housing.

- To provide sufficient, varied full-time employment and increase earning potential.

- To support existing employment sectors whilst providing land, training opportunities and a positive climate to encourage new employment, particularly in the knowledge based, high tech and medical technology sectors.

- To ensure the English Riviera achieves its potential as a premier tourist resort by continued investment in existing facilities, waterfront areas and marine environment, and the provision of new attractions.

- To cater for changing holiday demands and expectations to attract new visitors, investment in high quality facilities and accommodation, whilst releasing outdated accommodation and facilities for housing.

- To encourage a younger demographic in Torbay, including retaining college leavers by providing better job and training opportunities and better access to housing.

- To provide a range of goods, services, events and facilities that make Torbay a leading destination of choice for people with money to spend, particularly new and improved provision in the town centres.

- To strengthen Torquay town centre as the Heart of the English Riviera and a retail commercial, social and cultural focal point. Paignton and Brixham town centres to develop their role, on a proportionate basis, focused on meeting the needs of their own residents and tourists.

Strategic Priority 2: Respond to Climate Change and Protect our Communities

1.34. To ensure the use of energy and natural resources, the sensitivity of the natural environment and public health needs are taken into consideration when planning new development. This will be achieved through meeting the following objectives:

- To promote the installation of low carbon and renewable technologies, particularly making better use of existing and new roof spaces for solar energy.

- To improve the energy efficiency of new developments, and existing buildings, to reduce the reliance on fossil fuels and the impact of rising utility bills on poverty.

- To roll out a network of electric charging for vehicles and other infrastructure needed to transition to a low-carbon economy.

- To become resilient and adaptable to climate change.

- To minimise flood risk to new and existing development by incorporating sustainable drainage and other measures to address run-off, sea level rise, increased storminess and unpredictable weather.

- To recognise the multiple benefits provided by open spaces, biodiversity, green infrastructure such as green corridors/wedges, rural landscapes, beaches and the Bay itself, having regard to their statutory significance and value to the community over the lifetime of development.

- To minimise the generation of household, business and construction waste and reduce its negative impacts upon the environment by focusing on the prevention, re-use and recycling of waste as set out in the waste hierarchy and prevent pollution.

- To support the growth of environmental technology and related businesses in Torbay.

- To resist the installation of fossil fuel dependent infrastructure or facilities.

Strategic Priority 3: Connect Communities through Improved Accessible Transport and Technology

1.35. To ensure that Torbay has excellent accessibility and connectivity within the Bay and elsewhere. This will be achieved by meeting the following objectives:

- To increase accessibility throughout the Bay and beyond with fast, frequent, reliable and sustainable travel, giving people real choice as to how they make their journeys.

- To encourage active travel to promote health and environmental sustainability.

- To deliver an integrated transport system, providing a choice of transport and supporting walking, wheeling, cycling and public transport.

- To improve road, rail links, walking, wheeling and cycling routes, to reduce congestion and environmental impact.

- To promote water-based transport in the Bay, for both work and leisure.

- To ensure the safe and convenient movement of people and goods.

- To minimise the length of journeys for employment, shopping and other activities by the careful siting of development and through the detailed planning of the mix of uses in growth locations.

- To require the creation of permeability for active travel in all major development and to mandate interconnectivity between adjoining developments.

- To provide next generation broadband connections.

Strategic Priority 4: Protect Torbay's Natural, Cultural and Built Heritage

1.36. To conserve and enhance the richness and diversity of the built, historic, marine and natural environments, which provide Torbay with its unique setting and important economic benefits. This will be achieved by meeting the following objectives:

- To safeguard existing and maximise opportunities for biodiversity enhancement in and around developments to deliver a net gain for biodiversity.

- To provide a network of recreation and Green Infrastructure including Suitable Alternative Natural Greenspace (SANG) to relieve recreational and other pressure on the South Hams Special Area of Conservation and other critical environmental assets.

- To ensure new development makes a positive contribution to local character and identity, including the wider landscape character river corridors, open spaces, country parks and natural areas and setting of proposals.

- The safeguard the Best and Most Versatile Agricultural Land to assist with food security in a changing environment.

- To preserve, safeguard and protect heritage assets from inappropriate development including those at risk in a manner proportionate to their significance, whilst supporting the need for regeneration and renewal of town centres and the built-up area. To have regard to the role of heritage assets in helping to deliver economic regeneration, express local identity, reveal social histories and narratives and increase the connection of communities with place.

- To avoid mediocre design by the application of clear design standards, including the use of Torbay's Design Review Panel to maintain quality development that is well integrated in its surroundings and responds successfully to local character.

- To require conversions and extensions positively to enhance the existing building, especially in Conservation Areas, removing unsympathetic extensions and rectifying poor quality alterations where necessary.

- To encourage the re-use of empty homes and businesses, including bringing back historic buildings into beneficial use.

- To make the most of the English Riviera's status as the world's first internationally recognised Urban Geopark in recognition of its geological, historical and cultural heritage and sustainable tourism value.

Strategic Priority 5: Build Better Communities with the Homes, Spaces and Opportunities that People Deserve

1.37. To meet the needs of Torbay's residents, including disadvantaged, care-experienced, and minority groups, and to provide everyone with a full range of opportunities in life. This will be achieved through meeting the following objectives:

- To build enough houses to give all Torbay residents a chance of a decent home.
- To end the cycle of deprivation linked to substandard accommodation and resist inappropriate conversions and poor design where this may exacerbate disadvantage and deprivation.
- To provide a range of supporting living opportunities to assist existing Torbay residents live independently in their own home for as long as possible, whilst providing and supporting facilities to minimise social isolation.
- To resist development that will create additional costs to the healthcare and social services, unless the impact of these is fully funded.
- To provide a full range of facilities and shops within town centres necessary to meet day to day needs, particularly the provision of fresh food.
- To resist inappropriate development that would harm the vitality and viability of town centres.
- To diversify the leisure and cultural offer in the town centres, particularly the nighttime economy in Torquay.
- To create a more enjoyable, creative built and natural environment using heritage assets, public art and revitalisation of the public spaces to attract events, exhibitions and festivals that celebrate and enhance the culture of Torbay.
- To allow tall buildings in appropriate locations where this secures wider regeneration benefits, particularly where informed by Town Centre masterplans and other design codes.
- To provide a suitable and sustainable range of physical and community infrastructure to promote economic prosperity and social cohesion, spiritual wellbeing and contribute towards higher aspirations and achievement, particularly amongst the young.
- To support the expansion and improvement of existing educational establishments, especially South Devon College, and plan positively for new education and lifelong learning, and links to employment especially in the knowledge based economy.

- To help tackle hotspots of child poverty, multiple deprivation, high levels of crime and unemployment wherever they arise.

- To support new and enhanced recreational, play and leisure facilities, to promote health and social wellbeing for all, including young people. To create sufficient burial and ceremonial spaces, as part of the green infrastructure offer to provide dignified resting, ceremonial and remembrance facilities.

Housing Numbers

1.38. The Plan will support the delivery of a minimum of 8,000 homes over the Plan period 2025-45. This is around the long-term average achieved since 1980 and will require a significant uptick in urban regeneration and increased urban living. There is a particular need to boost the supply of affordable housing.

1.39. Detailed assessment of spatial options for growth has shown town centres, Torquay Gateway and West Paignton as the most sustainable locations. Updated masterplans will be prepared to support and expedite delivery.

Natural and Historic Environmental Capacity

Crucially, the Plan recognises the unique quality of the Bay's natural environment. This attracts people, investment, businesses and visitors. It is vital this Plan protects and enhances that quality, to bring more investment, more visitors and more people into the Bay. Torbay enjoys a significant historic environment, and there is a need to conserve and enhance the most important heritage assets, and also improve the quality and perception of parts of the built up area, to assist urban renewal. As a UNESCO Geoparks Torbay also has internationally significant geological and palaeontological value.

Sustainability Appraisal

1.40. The Local Plan is supported by a Sustainability Appraisal (SA). This assesses the environmental, social, and economic impacts of the Local Plan, and includes legal requirements from UK and European regulations. The SA helps make sure that the Local Plan:

- Promotes sustainable development

- Avoids harmful impacts on people and the environment

- Considers different policy options and chooses the most balanced and beneficial ones

- Includes ways to prevent or mitigate negative effects.

Land and Labour Supply

1.41. The Local Plan, working alongside Torbay's Economic Growth Strategy supports a step change in the economic fortunes of the Bay. The Plan seeks to provide a minimum of 80,000 sq. m of employment land over the Plan period. The Local Plan seeks to set out a positive land use framework to support businesses, and particularly urban regeneration.

1.42. A key economic threat is a shortage of working-age people due to Torbay's ageing demographic. It will therefore be important to boost the supply of affordable housing and family homes to support economic recovery. It will also be critical to support the needs of young people, especially care-experienced, to enter the local jobs market, for example through local training agreements. There is a need to provide specialist accommodation for older people, but this must be focused on meeting the needs of existing residents and supporting people to downsize.

Infrastructure

1.43. The Local Plan recognises the need to invest in infrastructure across the Bay – whether in green infrastructure or additional road capacity. Much is already being planned to improve infrastructure: a new rail halt at Edginswell; an enhanced ferry service across the Bay; increased capacity on the Western Corridor, and flood protection scheme at Paignton.

1.44. At present, infrastructure 'pinch points', such as shared sewers in the town centres, the need for better resilience to climate change, and the need to improve the management of the South Hams Special Area of Conservation are potential constraints. The Plan sets out flood resilience, water management and Green Infrastructure proposals to address these issues.

1.45. The Local Plan Regulation 18 Consultation and background evidence indicated that particular attention needs to be paid to Torbay's water-cycle and municipal waste management infrastructure in addition to planning for the impacts of climate change and an ageing population.

1.46. The level of environmental constraint and access difficulties get more significant in the south of Torbay, particularly south of Windy Corner. The Plan therefore seeks to focus more strategic development in Torquay and Paignton, with more localised development proposed in the Brixham Peninsula focussed at meeting the more localised needs and its fishing and food specialisms.

Monitoring

1.47. The Local Plan will be monitored annually against the delivery of new homes, affordable housing and urban regeneration. The council will set these out in its Authorities Monitoring Report.

Duty to Cooperate

1.48. The Planning and Infrastructure Bill 2025 introduces a strategic plans know as Spatial Development Strategies. The council considers that wider strategic matters are best addressed through the forthcoming SDS. However effective cooperation between strategic policy making authorities and other bodies is an important part of the Local Plan's test of soundness.

1.49. Although Torbay is a largely self-contained housing market area (HMA) and Functional Economic market Area (FEMA), its population growth is entirely driven by inwards migration. This is largely from people moving from elsewhere in the UK. Whilst the closest neighbours are Teignbridge and South Hams, the council considers that unmet housing need, (as calculated by the Standard Method and demographic projections) is a sub-regional matter that needs to be resolved in cooperation with wider Devon Authorities through the Spatial Development Strategy.

Navigating the Local Plan

1.50. The Local Plan is set out in theme-based chapters. The NPPF requires Plans to indicate where a policy is strategic. Each subject is prefixed with an overarching strategic policy (HS, ES etc.) however other policies in the Plan are strategic and these are indicated. The NPPF indicates that strategic policies are those that are necessary to address the strategic priorities for the area (including cross-boundary matters) but should not extend to more detailed matters.

- Chapter 1: Our shared vision - A healthy, happy and prosperous Torbay (this chapter)
- Chapter 2: Shaping our places - Local identity and community-led planning
- Chapter 3: Homes for all - Meeting Torbay's housing needs
- Chapter 4: Building a prosperous and inclusive Torbay - Unlocking opportunity for all
- Chapter 5: Thriving communities - Wellbeing, safety and belonging
- Chapter 6: Moving Torbay: Sustainable travel and inclusive access
- Chapter 7: Building for the future: Resilient and smart infrastructure

- Chapter 8: Our changing climate: Protecting our Bay for future generations
- Chapter 9: Our natural places: Protecting and enhancing Torbay's environment
- Chapter 10: Our shared history: Protecting and enhancing Torbay's heritage and identity
- Chapter 11: Designed with quality: Taking pride in Torbay's place-making
- Chapter 12: Responsible resource use: Minerals and waste
- Chapter 13: Making it happen: Monitoring and partnership working

Chapter 2. Shaping our places - Local identity and community-led planning



Figure 4 - Local Identity and Community-led Planning

Spatial Strategy and Area Policies

Strategic Policy SS1: Torbay Growth Strategy - Prioritising our communities through improved health, housing, place making and opportunities for all

All development should support the achievement of Torbay Community and Corporate Plan 2023-43 priorities. In particular, proposals should support achieving People, Pride in Place and Economic Growth priorities as far as relevant and proportionate to the scale and type of development.

Spatial Strategy

Torquay will remain the largest town within Torbay. Major urban regeneration in the town centre and waterfront is proposed to support its housing, retail and tourism role as the Heart of the English Riviera.

Paignton will retain its family tourism role, particularly around the Esplanade and beaches and will provide better public transport and active travel links to other tourist attractions within Paignton and beyond.

Brixham and its rural hinterland will accommodate more limited development consistent with meeting its local needs and supporting its role as a major fishing port and high quality food and leisure centre of excellence.

All development must be well designed having regard to function, visual appearance and add to the overall quality of the area. All development should contribute to safeguarding the area's natural, historic and built environment. The highest level of protection must be afforded to European Wildlife Sites.

Development will be supported by the timely delivery of Infrastructure. This includes, but is not limited to measures needed to make development safe and resilient to the effects of climate change and water management, and achieving no net increase in water entering combined sewers.

All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay's carbon footprint, and provide resilience to climate change. All development must be supported by appropriate and proportionate evidence setting out how it mitigates and adapts to climate change.

Development will positively address health inequalities in Torbay and contribute to shaping healthy neighbourhoods, proportionate to the scale and nature of development.

Development should, as far as practicable, improve transport connectivity and make provision for accessibility by walking, wheeling, cycling and public transport and maximise opportunities for active lifestyles.

Development should provide and support facilities that will enable social and spiritual well-being and minimise social isolation.

The Plan supports the creation of at least 80,000 sq. m of Class E(g)/B2/B8 net employment space over the Plan period, (equal to around 20 ha). with an emphasis on bringing employment space forward as early as possible in the Plan period.

Future Growth Areas and strategic developments will be brought forward as mixed use developments including the provision of employment.

The Plan also seeks to deliver at least 8,000 new dwellings over the Plan period of 2025-2045 equal to an average of around 400 dwellings a year over a 20-year Plan period, with a stepped trajectory as set out in Policy HS.

Proposals for housing on previously developed land within the settlement boundary will be supported unless they cause substantial harm to the economy, environment or amenity. Proposals should contribute to creating mixed and balanced communities and avoid creating concentrations of deprivation or compounding the older demographic structure of Torbay. The council will apply the Presumption in Favour of Sustainable Development to proposals for brownfield regeneration within settlement boundaries that meet these criteria, even where the Local Plan's housing target is exceeded.

Town Centres

Town centre regeneration schemes will be brought forward and supported where appropriate through master planning. Regeneration and urban densification corridors are identified around Torquay Gateway to Torre and Preston District Centre.

Future Growth Areas

Future Growth Areas, shown outlined in red on the Key Diagram and shown on the policies map are foci for delivering growth and change in the Bay over the Plan period. They are allocated in the plan as strategic and sustainable broad locations for new employment space, homes, and infrastructure over the Plan period. They are:

SS1.1 Torquay Gateway

SS1.2 West of Paignton

Development in Future Growth Areas will be supported by updated masterplans, and/or neighbourhood plans. They will deliver a balance of jobs, homes, and infrastructure, including green infrastructure. At least 30% of new homes should be provided as affordable housing. A minimum of 25% should be provided as employment use, with a preference for on-site provision, or through developer obligations towards job creation or urban regeneration where not possible.

Other Housing Allocations

Other housing allocations are proposed in Policy H3 of the Plan and should be brought forward in accordance with the requirements in Policy H3, and provide affordable housing in accordance with Policy H7.

Major development proposals outside the built-up area, Future Growth Areas and allocated sites will only be supported where all of the following are met:

The proposal is subject to an environmental assessment that shows that:

i) it is acceptable in terms of landscape, biodiversity and infrastructure impacts, including consideration of the cumulative impact of development and;

ii) It is demonstrated that there is no likely significant effect, alone or in combination, on European Wildlife sites (or equivalent designation); and

iii) Is demonstrated to meet an economic, social or environmental need that significantly and demonstrably outweigh the impacts of the proposal.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.1. This policy sets out a growth strategy for Torbay for the period 2025-2045. The Plan relies very heavily on regeneration of brownfield sites and other urban areas to maximise its development opportunities and deliver on town centre regeneration programmes, drawing investment into our towns and breathing life into our town centres. The Local Plan contains a brownfield Presumption in Favour of Sustainable Development and is highly supportive of urban brownfield development, especially in town centres. This is applied at all times and is not dependent upon a five-year supply being demonstrated. The Policies Map defines the settlement boundaries around Torbay's main towns. The term "settlement boundary" is defined in the NPPF, and has the same functional meaning as "within the built up area". The Key Diagram below summarises broad locations for growth in the Local Plan.

2.2. The Local Plan proposed a minimum of 8,000 dwellings over the Plan period. The broad distribution of development is set out in table 1 below. This is below the government's Local Housing Needs target (of 972 dwellings a year at July 2026) but seeks to maximise the delivery of homes within Torbay's significant environmental and infrastructure limits, and high level of constraint. It would represent a return to housing delivery levels not seen since the early 2000s and the more benign economic climate of that time. The figure also sets out a bold target in light of limited economic viability to deliver new homes through the market, despite there being a high level of need.

2.3. The Local Plan seeks to provide 80,000 sq. m of employment space and will especially safeguard key local economic sectors such as high-tech manufacturing, medical technology, and the maritime/fishing industries. Torbay is a premier tourism resort, and safeguarding its spectacular environment is critical to maintaining and developing this role

2.4. Within Torbay, the larger towns of Torquay and Paignton are expected to provide the main growth areas, particularly within the settlement boundary and Future Growth Areas at Torquay Gateway and to the West of Paignton.

2.5. The Bay has a rich biodiversity, geodiversity and historic environment which all contribute to its setting as a resort, in addition to being of value in their own right. It is important that development respects Torbay's important environmental assets. Notwithstanding this, the Plan recognises the need for some greenfield expansion in order to help meet needs.

2.6. Brixham and its surroundings are the most environmentally constrained by the South Devon National Landscape (formally AONB), South Hams Special Area of Conservation (SAC) and travel times affected by the peninsular nature. Limited development is proposed in Brixham, aimed at meeting local needs and supporting its economy.

2.7. The Local Plan recognises the significant challenges that climate change will create and the adaptations that will be needed. Proposals should contribute towards carbon reduction through location, design and orientation. All development will be expected to submit an Energy Statement proportionate to the nature and scale of development. Proposals will also need to ensure that they are resilient to the effects of climate chaos, particularly in terms of flood, heat and drought resilience.

2.8. Torbay has Bay wide coverage of neighbourhood plans, which were adopted ("made") in June 2019 and are now in need of refreshing. It is hoped that new Neighbourhood Plans will be brought forward to support community aspirations about how development in their area will look and feel. The Local Plan sets out strategic development (SD) policies for Torquay, Paignton, Broadsands Churston and Galmpton Villages (BCG Villages), and Brixham. These provide a framework for neighbourhood planning based on the current neighbourhood area arrangements, although these could change and the Local Plan is not proposing fixed neighbourhood areas.

2.9. The Local Plan proposes (allocates) sites for major development. Major development is defined by the General Permitted Development Order (GPDO) and is generally taken to be 10 dwellings or 1,000 sq. m (whichever is smaller).

Table 1 Local Plan Housing and Employment Targets

Local Plan Housing and Employment Targets by Neighbourhood Plan Area.

	Annual Housing target	Over 20 years. 2025-45	Class E(g), B2,B8 Employment Uses. 2025-45
Torquay	180	3,600	37,000 sq. m
Paignton	170	3,400	37,000 sq. m
Brixham (Town Council area)	20	400	5,000 sq. m
Broadsands, Churston and Galmpton Villages	30	600	1,000sq. m
Torbay	400	8,000	80,000

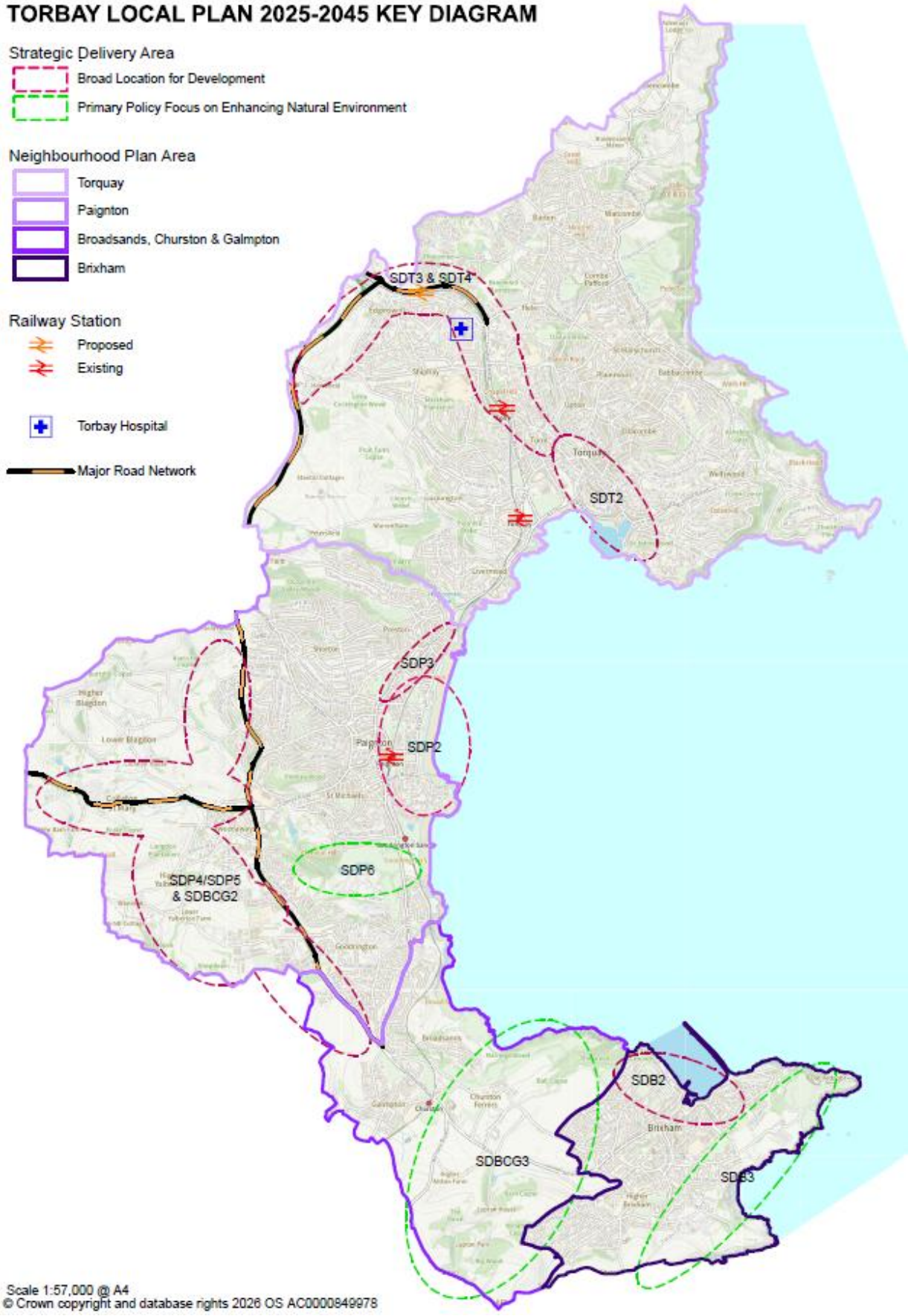

Figure 5 - Torbay Local Plan Key Diagram

Neighbourhood Plan Area Policies:

Torquay

Leading on Leisure and Lifestyle by the Sea



Figure 6 - Sustainable growth in Torquay

Strategic Policy SDT1: Torquay – A strategy for sustainable growth

Torquay will remain the primary commercial and healthcare centre of Torbay. Harbourside and town centre sites will be regenerated for appropriate mixed uses, including the provision of housing.

The urban areas will be improved and renewed, with strong support for family homes, where practicable. Uses that reinforce deprivation will be resisted.

Regeneration, comprehensive redevelopment, and large scale investment will ensure that the town centre and Torquay Harbour areas evolve as the principal town centre and the centrepiece of a modern, prosperous, and sustainable Torbay, whilst conserving or enhancing the historic and natural environment.

Torquay Gateway area to the northwest of Torquay is allocated for employment, housing, green infrastructure, and leisure provision. High quality developments will be sought, appropriate to their gateway setting, which respect and enhance the natural and built environment. The regionally important role of Torbay Hospital will be safeguarded.

Priority species such as Cirl Buntings and Greater Horseshoe Bats will be safeguarded.

All development will be required to adhere to the drainage hierarchy and minimise or reduce surface water draining into combined sewers, in order to safeguard the Marine Special Area of Conservation.

A strategic green gap between Torquay and Kingskerswell will be maintained.

Torquay will deliver a minimum of 37,000 square metres (net) of Class E(g), B1 or B2 employment floorspace and at least 3,600 new homes over the Plan period, equal to an average of around 180 dwellings a year over the Plan period 2022-42.

Strategic Policy SDT2: Torquay Town Centre - the Heart of the English Riviera

Torquay Town Centre will be regenerated to maintain and enhance its role as the principal town in Torbay. The upper part of the town (from market Street) will provide significant new residential development opportunities including redevelopments at Union Square and Lower Union Lane. The Harbourside and Waterfront will deliver improved tourism and leisure facilities including on Stand (former Debenhams).

The value of designated and other heritage assets will be conserved and enhanced as key elements of regeneration schemes.

All development must contribute to climate change and flood resilience and follow the Drainage Hierarchy to reduce pressure on the Fleet and combined sewer in accordance with Policies NCS2, ER1, ER2, ER3, ER4 and W5, so that waste water and surface water effects on the Lyme Bay and Torbay Marine SAC are avoided.

Development should help to boost the area's economic prosperity and reduce concentrations of deprivation. Development that reinforces deprivation will be resisted.

The area is expected to deliver:

i) **At least 800 new homes in major developments, of which 30% should be affordable**

ii) **Enhanced and improved retail and commercial area focussed around the Harbourside , Waterfront and Fleet Steet providing a mix of shopping, leisure, employment and commercial activities as the principal town centre in Torbay.**

iii) **New and enhanced leisure and tourism facilities including a hotel at Strand, and revitalisation of key heritage assets.**

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.10. Torquay Town Centre and Harbour will be a focus for regeneration which supports its retail & commercial role. This means high quality development which improves the public realm and provides an improved, multifunctional town centre, including higher levels of residential development. Regeneration will achieve a leisure based retail offer at Torquay Harbour. The lower part of the town is within Torquay Harbour Conservation Area and development will be expected to complement the area's historic character.Several key sites offer considerable opportunities for regeneration many of which will be further identified through Town Visions and master planning. Particular opportunities exist at Union Square, Lower Union Lane, the Telephone Exchange and Temperance Street. The Local Plan supports all brownfield town centre development unless there are substantial reasons to resist development.

Strategic Policy SDT3: Torquay Gateway – A sustainable growth hub for homes, jobs and nature

Torquay Gateway (also referred to as Edginswell) is allocated as a Future Growth Area. High quality homes, employment, education and leisure facilities will be delivered in the Torquay Gateway to raise the economic prosperity of Torbay, and complement town centre regeneration and provide transport improvements serving the Bay.

The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

i) **Around 550 new homes of which at least 30% should be affordable.**

ii) **At least 10 serviced self-build housing plots.**

iii) **A negotiated stopping place for Travellers, subject to a need being demonstrated.**

iv) **Mixed use employment space, with at least 25% of the area provided as Class E(G), B2 or B8 employment.**

v) **Improved sustainable transport infrastructure including a new train station at Edginswell and park and ride/transport hub at, or close to, Gallows Gate.**

vi) **A landscape led design with integrated green infrastructure and biodiversity net gain. This could include increased provision for green burials.**

vii) **Subject to an ongoing assessment of need, a new primary school in conjunction with the delivery of new housing within the Edginswell Valley**

A high quality of design will be required to enhance the built and natural environment, strengthen the sense of arrival into Torbay, and protect the green gap between Torbay and Kingskerswell.

Design should include the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve ecological mitigation and a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Gateway area. Proposals must not adversely affect the integrity of the South Hams either alone or in combination with other plans or projects. Development must avoid effects on Greater Horseshoe Bat foraging habit commuting routes and dark corridors, in accordance with Policies NCS2 and NC1 to NC4. Development must avoid effects upon the Marine SAC and ensure sustainable water management in accordance with Policies ER1 to ER4.

Particular attention should be given to the protection of Cirl Bunting habitat.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.11. Torquay Gateway is an important area of growth for Torquay and has been rolled forward from the Torbay Local Plan 2012-30. The masterplan (adopted in 2016) will be updated.

2.12. In addition to providing new homes and jobs, there will be opportunities provided through strategic developments to improve connectivity for pedestrians, cyclists, public transport and motor vehicles within the area and to the town centre. The council is seeking to achieve a new train station at Edginswell to support growth in the area and provide an opportunity for sustainable transport including to Torbay Hospital.

2.13. The setting of Edginswell Hall and Village will be conserved or enhanced. The effective provision of green infrastructure will be provided as part of the development to improve the accessibility of greenspace in the area, improve connections between communities, manage flood risk (particularly minimising run-off into Aller Brook) and maintain and enhance a strategic green gap between Torquay and Kingskerswell. The area could provide additional green burial opportunities as part its landscape and recreation provision.

2.14. Care should be taken for development to avoid impact on the gas main running through the Future Growth Area.

Strategic Policy SDT4: Newton Road to Torre – A regeneration corridor for homes, jobs, health and connectivity

The regeneration of brownfield sites within the broad corridor between Edginswell and Torre, shown indicatively on the key diagram and policies map, will be supported to achieve:

i) The safeguarding of Torbay Hospital as a key healthcare facility. Support for upgraded and improved healthcare facilities and key worker accommodation at Torbay Hospital to support its role as a sub regionally important healthcare facility.

ii) The improvement and modernisation of employment facilities whilst rationalising outdated space.

iii) The provision of around 500dwellings over the Plan period including a affordable homes in accordance with Policy H7.

iv) The provision of water sensitive urban design and sustainable drainage.

v) **The improvement of facilities for active travel and coordinated public transport including the provision of improved integration of sustainable transport at Torre Station and delivery of a new railway station at Edginswell.**

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.15. SDT4 Newton Road to Torre Regeneration Corridor policy outlines a strategic vision for revitalising a key area in Torquay, with a focus on sustainable development and infrastructure improvement. It seeks to establish a regeneration corridor into Torbay Town Centre along key sustainable travel hubs and to maximise the use of available urban land, including at Torre Station. Proposals will be supported and expedited through masterplans. These will help to provide strong and coordinated active travel linkages between Torre Station, Edginswell Station, the Town Centre and other key destinations such as Shiphay Lane, Torbay Hospital and local employment hubs.

2.16. The Torquay Gateway (Edginswell) Masterplan will be expanded to set out proposals for both Edginswell and the Newton Road to Torre regeneration corridor. There is scope for enhanced waiting areas, cycling parking and employment facilities, as well as a significant increase in residential development at Torre Station.

2.17. There are opportunities for brownfield housing in this corridor. It will be important to safeguard and improve prospects for employment. However there is scope to make better use of employment land in the area.

Paignton

Family fun on the foreshore and a centre for enterprise, electronics and entrepreneurship



Figure 7 - Sustainable growth in Paignton

Strategic Policy SDP1: Paignton – A strategy for sustainable growth

Paignton will be rejuvenated through high-quality mixed-use development of key town centre, harbour, and waterfront sites. Improvement of the built environment will re-capture the historic character of the old town and appeal of the 19th Century 'Garden Suburb' to the east. Green infrastructure will underpin both recreational and flood-resilience measures, including a new sea wall. Residential uses will be supported in the town centre, subject to being safe for their lifetime, including from flooding and climate change risk.

Uses that reinforce deprivation in and around the town centre will be resisted.

The area around of Preston District Centre will be regenerated to make best use of underutilised brownfield land for housing, whilst maintaining the areas retail tourism, leisure functions.

The role of Goodrington as a leisure and employment hub will be promoted and enhanced, whilst protecting the area's environmental assets and providing resilience to climate change. Extended train services to Goodrington will be supported.

The completion of housing at Great Parks and Development of the Future Growth Area to the west of Paignton will be delivered to provide employment and family housing opportunities. This will be underpinned by enhanced sustainable transport infrastructure and opportunities along the Western Corridor and A385 Totnes Road. These will take account of environmental sensitivity through a green infrastructure led design approach. Landscaping, biodiversity, and flood risk management measures will be required to minimise the environmental impact of development, particularly cross-boundary impacts.

Priority species such as Greater Horseshoe Bats and Cirl Buntings and their habitats will be safeguarded, and any impacts mitigated.

Paignton will provide a minimum of 37,000 square metres (net) of Class E(g), B2 or B8 employment floor space, and at least 3,400 new homes, equal to an average of around 170 dwellings a year over the Plan period 2022-42.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.18. Paignton is the second largest town in Torbay, with a medieval core, C19th "Garden Suburb" east of the railway, and significant C20th residential suburbs. It includes the district centre of Preston.

2.19. There will be significant regeneration of Paignton town centre, harbour and waterfront areas to enhance its role as a tourism destination and provide an improved retail, leisure and commercial function. Rejuvenation of the town, including its historic core, will be supported through master planning, major investment and new development. Improved links within the town centre, upgrading the transport hub in the town centre, and connections to other parts of the Bay will be encouraged. Policy SDP2 deals with Paignton Town Centre in more detail. Regard should be had to the conservation or enhancement of the built, natural and historic environment, in accordance with other policies in this plan.

2.20. The cluster of sites to the north and west of Paignton will continue to be a key focus for urban expansion as a Future Growth Area, as well as the completion of previously allocated sites at Great Parks. New housing and mixed-use developments will provide a range of residential, employment, of sites. These will require a high quality of design and appropriate landscaping to protect and enhance the rural backdrop to the area and should include the delivery of green infrastructure assets which provide multiple functions and benefits. On-line improvements and provision of active travel and public transport facilities will be required to minimise congestion on the Western Corridor. These will be

accompanied by measures to encourage modal shift away from car use in order to manage demand on the road network.

Strategic Policy SDP2: Revitalising Paignton Town Centre and Waterfront - A destination for living, tourism and leisure

Paignton Town Centre will be regenerated in order to improve its economy, historic, built and natural environment. The connectivity of the Town Centre to the Waterfront and surrounding areas will be restored and improved, including through the provision of a "Paignton Gateway" sustainable transport hub around Paignton train and bus stations. New developments will complement the area's historic character, rejuvenating Paignton as a popular tourist destination, a modern Town Centre to support the needs of the local residents and tourists. New residential development will be supported subject to flooding considerations.

Development must be resilient to the effects of climate change including sea level rise and contribute towards reducing flood risk. Sleeping accommodation in basements will not be allowed in areas at risk of flooding. A new sea wall is proposed on Paignton and Preston seafront.

Development must avoid adverse effects on the integrity of the Lyme Bay and Torquay Marine SAC, including through recreation and water quality impacts, in accordance with Policies NS2, ER1, ER2, ER4 and W5.

The tourism role of The Esplanade and Harbour Core Tourism Investment Area (CTIA) will be enhanced and supported. A flexible approach will be taken to allowing residential use of holiday accommodation outside of the CTIA, in order to boost housing supply arising from former holiday accommodation. The introduction of houses in multiple occupation will be resisted in these areas.

The area is expected to provide at least 500 additional dwellings from major developments over the Plan period.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.21. Paignton Town Centre will remain a focus for commercial and tourism activity. The Centre will be regenerated to strengthen and update its offer for businesses, tourists and

residents. This will incorporate improved public space to help re-establish the formerly distinctive grid pattern of Paignton, linked to the regeneration of major development sites, connecting the medieval town with the Victorian garden suburb. Upgraded transport hub and facilities for travellers is supported around Paignton train and bus stations with measures to support modal shifts to sustainable transport and connectivity.

2.22. The boundaries of the retail core and Core Tourism Investment Area will be drawn back to encourage residential led regeneration, whilst improving the provision of modern purpose-built holiday accommodation on the Esplanade. Policy TO1 deals with Core Tourism Investment Areas. Policies TC1 and TC4 deal with town centre retail, including primary and secondary shopping areas.

2.23. It is critical that flood defence works are completed to address the effects of climate change in the form of the Paignton and Preston Promenade Coastal Flood Protection Scheme. Paignton and Preston Promenade coastal flood protection scheme - Torbay Council. Despite its vulnerability to flooding, Paignton Town Centre is a highly sustainable location for development and is well served by public transport. It is therefore sequentially preferable to other out of town locations as a focus for development. In some instances, an exceptions test will be required to support town centre development. All development must meet the requirements of site flood risk assessments and be safe for its lifetime. Development will need to avoid flood vulnerable uses in high-risk areas; in particular, basement flats will not be permitted in areas at risk of flooding.

2.24. There are several significant sites in Paignton Town Centre that provide an opportunity for residential led regeneration. It will be important to make the best use of urban land and to encourage tall buildings as far as possible to maximise value and gain sea views. These include Crossways, Station Lane, Station Square and nearby buildings, and Victoria Square.

Strategic Policy SDP3: Preston – A thriving district centre and Regeneration Hub for living and community

A regeneration hub around Preston District centre is shown on the Policies map and indicatively on the key diagram. The role of Preston as a district centre serving local needs should be safeguarded but marginal areas of the District Centre will be released for residential redevelopment. Regeneration of suitable brownfield land, including under-utilised employment space will be supported, including the provision of taller buildings subject to design and amenity considerations. The area is expected to provide at least 150 additional dwellings from major developments over the Plan period.

Opportunities to improve active travel and public transport facilities, and safe links to Torquay and Paignton train stations should be maximised.

Development should enhance the natural environment and support improvements to public open space at Hollicombe Park and Oldway Mansion and provide sustainable drainage and water sensitive urban design.

Developments in Preston must not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torquay Marine SAC including through effect on ecology or recreation, drainage or water quality impacts, in accordance with Policies NCS2, NC4, ER1, ER2, ER4 and W5.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.25. The Local Plan supports new housing on brownfield sites in principle, subject to other considerations such as heritage and flooding. The Plan identifies particular brownfield regeneration opportunities in the vicinity of Preston District Centre, Paignton. This includes allowing more flexibility for residential development in the marginal parts of the District Centre and making better use of land within easy walking and wheeling distance of the A3022 traffic corridor. Support will be given to taller buildings subject to amenity and design considerations.

2.26. Public Open space at Hollicombe Park and Oldway Mansion will be protected. The need to find an economic use for Oldway Mansion will be considered subject to heritage and open space considerations.

2.27. It is noted that parts of Preston are sandstone, and development will need to have regard to ground conditions.

Strategic Policy SDP4: Collaton St Mary – Sustainable growth in a connected village

Collaton St Mary is allocated as a Future Growth Area, primarily focussed on new homes. The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

i) Around 600 new homes, including at least 30% affordable housing

ii) At least 12 serviced plots for self-build housing

iii) A negotiated stopping place for travellers, subject to need being identified.

iv) **Improved community facilities and strengthened village centre focussed on the east of the Future Growth Area**

v) **Any retail (or other Class E/F1 uses) should be limited to meeting neighbourhood needs and no retail use of more than 500 SQ M (net) will be permitted**

vi) **Improved drainage and sewerage infrastructure**

vii) **Conservation and enhancement of the area's heritage, including listed buildings.**

Development should be accompanied by upgraded transport infrastructure. This should include including improved walking, wheeling, cycling and bus routes and facilities along the A385 Totnes Road, and junction improvements at the junction of Stoke Road/Totnes Road. Development will need to contribute towards sewer and drainage infrastructure, including protection of the Water Meadow and watercourses from urban creep. Proposals must ensure that down-stream settlements are not put at increased risk of flooding.

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Collaton St Mary area.

Proposals must not adversely affect the integrity of the South Hams SAC alone or in combination with other plans or projects, including through effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, in accordance with Policies NCS2, NC1 and NC4

Particular attention also must also be given to Cirl Bunting habitat.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.28. The west of Paignton offers the largest area of land for expansion within Torbay, although there are infrastructure requirements that need to be met prior to or in parallel with major development. Sites allocated at Great Parks, Collaton St Mary, Yalberton, and White Rock will continue to be allocated, and the Local Plan expands on these areas as the least

damaging option for greenfield expansion. The South of the wider growth area at Inglewood falls within the Broadsands Churston and Galmpton Neighbourhood Plan area

2.29. Development is dependent upon a vision led approach to improve reduce dependence upon private cars using the A3022 Western Corridor. Improvement works to Kings Ash and Tweenaway Cross have taken place during the previous Local Plan (2012-30) but scope and funding for further road improvements is likely to be limited, and therefore demand management and support of walking, wheeling, cycling and public transport infrastructure will be important to support successful development.

2.30. The A385 Totnes Road needs a comprehensive approach to reduce existing congestion and minimise the number of new accesses onto it. The Local Transport Plan 4 2025-30 note that sustainable transport will be prioritised in order to unlock growth. Development should provide new, segregated and continuous walking, wheeling and cycling route, physically separated from traffic, alongside high-quality bus provision and transport demand management.

2.31. The wider corridor is well served in relation to retail, schools and employment, but connectivity between the different growth areas is somewhat disjointed. Improved permeability between development areas is needed should be given a high priority in masterplanning of the area and as part of travel plans supporting development proposals.

2.32. Improved sewerage infrastructure will be needed to connect development to the waste water treatment works at the West of Paignton.

2.33. An update to the current Masterplan (adopted 2016) will support additional development at Collaton St Mary. The 2016 Masterplan proposes about 460 dwellings which remain proposed for development where not yet built (at 2025 some are under construction). At least 150 additional dwellings are expected to be provided beyond the boundaries of the 2016 Masterplan.

2.34. Developments should seek to achieve better access to the countryside south and west of the developed area, providing recreation, landscaping and biodiversity value and provision of green infrastructure including allotments. For example redevelopments in the area should consider opportunities for habitat enhancements, such as planting to provide bat and wildlife links through the area.

Strategic Policy SDP5: Long Road, Yalberton - Sustainable living and employment neighbourhood

Land to the west of South Devon College and south of Berry Acres is allocated as a Future Growth Area delivering a mix of new homes and employment land. The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

i) **An additional 650 dwellings, including at least 30% affordable housing.**

ii) **At least 12 serviced plots for self-build housing.**

iii) **Provision of a negotiated stopping place for travellers or provision of an alternative site, subject to need being identified.**

iv) **25% of the area to be Class E(g), B2 or B8 employment delivering at least 20,000 sq m of industrial development. Land allocated for industrial development will be safeguarded for such purpose.**

v) **The role of South Devon College will be supported and enhanced as an key facility serving a wider strategic education, training, employment and community role.**

vi) **The designation of Devonshire Park retail centre as a District Centre, subject to improvements to active travel to and from the site. Outside of this, new retail provision in the area should be located in the local centres and strictly of a scale to meet local needs (around 500 sq. m maximum).**

vii) **Yalberton Household Waste and Recycling Centre and Yalberton Quarry will be safeguarded for municipal waste and associated purposes and should not be sterilised from operation by nearby developments.**

viii) **Strategic landscaping and open space to protect the highest parts of the landscape and rural setting of Higher and Lower Yalberton.**

ix) **Yalberton Valley including Lower and Higher Yalberton will be protected for its biodiversity and to conserve and enhance its local historic environment.**

Development must be accompanied by upgraded walking, wheeling, cycling and sustainable transport infrastructure, within the Future Growth Area and along the Western Corridor to provide greater permeability within the area and to improve sustainable transport linkages to Paignton town centre. Development will be supported by and improvements to sewerage capacity

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Long Road, Yalberton area.

Proposals must not adversely affect the integrity of the South Hams SAC and Marine SAC, alone or in combination with other plans or projects including through effects on Greater Horseshoe Bat habitat, commuting routes and dark corridors, in accordance with Policies NCS2, NC1and NC4. Particular attention should also be given to cirl bunting habitat.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.35. This area includes the Local Plan 2012-30 Future Growth Areas of Bery Acres, Yalberton (Wilkins Drive) and White Rock. The south of the area being built out at Inglewood is within the Broadsands Churston and Galmpton Neighbourhood Area but functionally relates to the developments on the West of Paignton. The Plan proposes further areas to those allocated in the previous local plan or with planning permission. These should deliver at least 200 additional dwellings beyond the number previously proposed at Berry Acres and Devonshire Park in the Torbay Local Plan 2012-30, and approved Inglewood development. .At least 20,000 sq m of employment land (beyond that already built out at March 2025) should be delivered in the Future Growth Arewa, with an emphasis on early delivery. It is important that sufficient employment land in the area is safeguarded for such use, or sufficient financial contribution made as a site deliverability matter to unlock the provision of nearby sites. These may include Claylands Phase 2. South Devon College, Epic and a range of other businesses in the area form part of Torbay's "high tech hub. Supporting the expansion and safeguarding these is an important Plan objective. Improvements and expansion of South Devon College, including provision of an energy centre / sustainable construction centre and similar facilities are a vital economic, social and cultural asset to the bay.

2.36. The role of Yalberton and Yalberton Quarry will be safeguarded for waste purposes, and residential uses should not encroach on these, where this could introduce amenity conflicts. The role of Yalberton and Yalberton Quarry will be safeguarded for waste purposes, and residential uses should not encroach on these, where this could introduce amenity conflicts. Detailed proposals for area will be supported and expedited through a new Masterplan for the area. The Yalberton Valley to the West of the Future Growth Area contains areas of landscape, ecological and heritage importance, including several listed buildings. It is important that a strategic landscape buffer and traffic management is put in place to protect the character and integrity of this area and its designated heritage assets. This valley and historic environment may in the future be designated as a conservation area.

2.37. Please note that Policy SDBCG2 Land at Inglewood and its environs north of Windy Corner could also fit within this section of the Plan but is included withing the BCG Village part of the Plan to reflect the Neighbourhood Plan Forum arrangements for the area.

Policy SDP6: Clennon Valley - Active leisure and nature hub

Developments within the Clennon Valley Leisure Hub will comprise a mix of recreation, active travel and green infrastructure. It will deliver improvements to the recreation and tourism offer, providing safe, continuous and accessible walking, wheeling and cycling routes, and a landscape-led green corridor. whilst enhancing green infrastructure and biodiversity in the area.

Development will comprise a landscape and green infrastructure-led design approach to ensure the conservation of a strategic green corridor linking Goodrington's beaches with the top of the valley and nearby holiday accommodation and parks. Development in this sensitive location should provide resilience and adaptation to the effects of climate change and safeguard or enhance the integrity of important wildlife sites and features, including the local water features and ecology and the wider South Hams SAC and Marine SAC.

Development must not adversely affect the integrity of the Lyme Bay and Tor Bay Marine SAC or South Hams SAC alone or in combination with other plans or projects, including through effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, in accordance with Policies NCS2 and NC4.

Community and Corporate Plan – Pride in Place

Explanation

2.38. Clennon Valley is an important recreation, leisure and tourism destination for the whole Bay. It provides a good opportunity for expanded sports and recreation provision. Tourism uses, including water-based activities and holiday accommodation, are appropriate to this location. Seafront development should provide opportunities to improve permeability and public access to the beach and be of a high quality reflecting the area's important natural setting.

2.39. Proposals should promote pedestrian and green links west-east, connecting South Devon College, Paignton Community College, Paignton Zoo, Long Road South Business Park and the wider countryside to Quaywest, Goodrington Sands and the sea.

2.40. Development should incorporate and contribute towards flood alleviation and sea defence measures to provide resilience to climate change and providing biodiversity enhancements, using sustainable drainage methods wherever practicable. Flood vulnerable uses will be directed to areas of no/low flood risk.

2.41. The integrity of the green valley that connects the open countryside with the sea should be conserved and enhanced. Any built development should be located and designed to conserve this important natural corridor and respect its natural setting.

Brixham

A colourful collision of creativity, craft, food and fishing

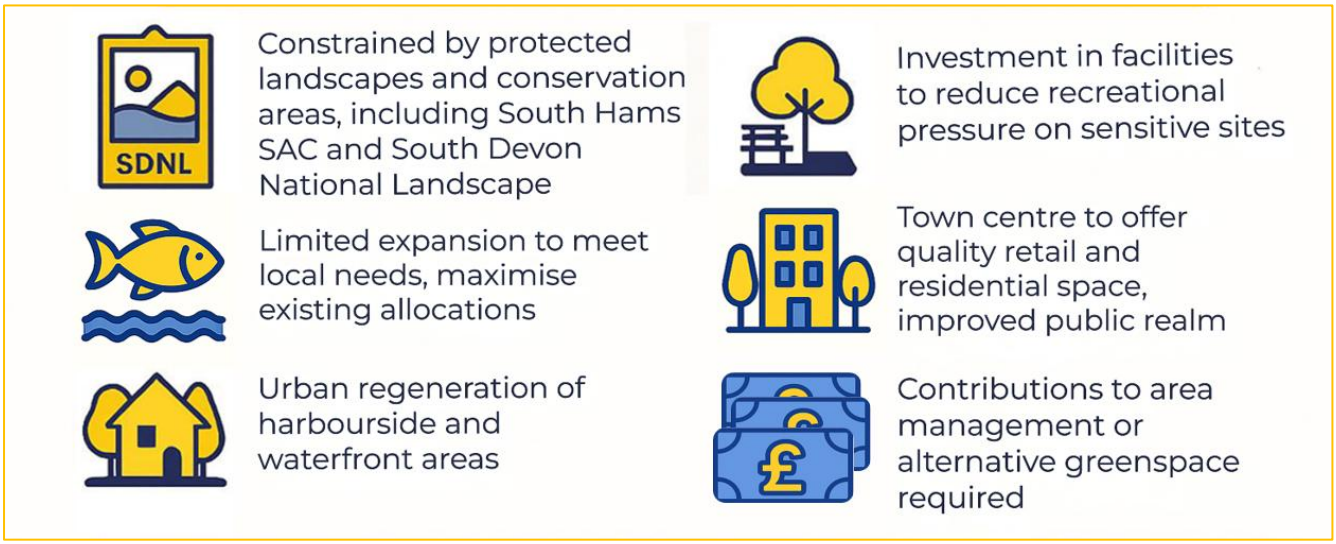

Figure 8 - Sustainable growth in Brixham

Strategic Policy SDB1: Brixham – A strategy for sustainable growth

Brixham will accommodate appropriate but limited new growth aimed at regenerating the town centre and built-up area, to sustain a viable town centre retail function, maintain an appropriate range of community facilities and meet local housing and employment needs.

Brixham's role as a fishing port and resort, with a nationally important and historic working and creative harbour, will be enhanced.

New maritime facilities including improved water-borne transport, employment space, and facilities to support the fishing industry including a Northern Arm Breakwater are proposed, subject to the area's important natural and marine environment being safeguarded and enhanced.

Brixham will deliver around 5,000 square metres of employment floorspace and at least 400 dwellings over the Plan period, equal to around 20 dwellings a year, aimed at meeting the needs of local people.

Development is expected to conserve or enhance the local historic environment

The National Landscape and its setting will be conserved and enhanced to protect its intrinsic landscape and biodiversity value, and for recreational and tourism

purposes. Major development will not be permitted within the South Devon National Landscape, unless brought forward through a neighbourhood plans, and is shown to be in the public interest.

Development in Brixham will only be acceptable if it can be accommodated without prejudicing the integrity of the South Devon National Landscape, and South Hams Special Area of Conservation. Development should be resilient to flood risk and the effects of climate change.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.42. This policy relates to the "parished" town of Brixham, i.e. the Brixham Town Council area. Brixham is bounded by the South Devon National Landscape (formerly AONB) which constrains its outward expansion. The area around Berry Head is a Special Area of Conservation, which is an international important wildlife designation. The coast is also bounded by the Lyme Bay and Torbay Marine SAC designated for its reefs and sea cave habitat, and Marine Conservation Zone designated for its seagrass, and diverse marine habitats. These constraints make it difficult for Brixham to meet its need for housing and other facilities, and some limited development will need to be accommodated within the adjoining BGC Villages area. It is important that this be limited to meeting local needs and that Brixham meets as much of its needs as possible.

2.43. It will be important that longstanding development allocations such as Northcliffe Hotel, Middle Street Car Park, Paint Station and former St Mary's dairy are built out and residential opportunities maximised.

2.44. There is scope for further urban regeneration within the harbourside and waterfront areas of Brixham. Land at Freshwater Quarry and Oxen Cove, and adjacent to the Fishmarket will provide employment space to support and improve maritime industries. The Northern Arm Breakwater has featured in previous Plans and continues to be allocated, subject to an Environmental Impact assessment and Habitats Regulations Appropriate Assessment. However additional floorspace can also be created within existing harbour land in the shorter term.

2.45. The tourism and leisure economy will be developed in a way that respects the towns rich historic and environmental character.

2.46. The appropriated investment in facilities such as Battery Gardens, Shoalstone Pool, Breakwater Beach and WW2 Hard, and Brixham Museum will be supported where these

would enhance the conservation value and, in particular, provide an alternative to reduce recreational pressure on Berry Head.

Strategic Policy SDB2: Revitalising Brixham's Town Centre, Harbour and Waterfront - A destination for living, maritime activity and tourism

Mixed use regeneration is proposed in the Brixham Town Centre, Harbour, and waterfront areas, to provide a range of retail, employment, leisure, and residential facilities appropriate to the scale of the town. The purpose of this development is to meet local needs, to sustain Brixham's role as a vibrant maritime resort, to support and develop traditional industries and diversify the economic base. The provision of a Northern Arm Breakwater is proposed subject to the outcome of an Environmental Impact assessment and Habitats Regulations Appropriate Assessment.

Residential development above commercial

Proposals for residential above commercial will be encouraged and supported, subject to amenity considerations and safeguarding the role of the working harbour and fish processing activities.

Brixham town Centre is expected to provide around 50 dwellings over the Plan period from major developments, so long as these can be achieved within the area's constraints and would not undermine the role of the working harbour.

Development must take flood risk and water management into account, and make sustainable drainage, flood risk mitigation and resilience measures central to the design of development.

Proposals will be permitted only where it can be demonstrated that they will not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torbay Marine SAC, alone or in combination with other plans or projects. This includes through new recreation pressure or effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, or through recreation and water quality pathways in accordance with Policies NCS2, NC4, and ER1 to ER5.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.47. Brixham Town Centre will continue to provide local needs and quality ground floor retail facilities with residential or commercial above. This will include the redevelopment of the car park at Middle Street, to provide commercial space, car parking to serve the town, residential units and improved public realm. The scheme will create a high quality and vibrant public realm.

2.48. The harbour area will have improved sustainable transport links to reduce the need to travel by car. There will be improved walking, wheeling, cycling and maritime facilities to increase the permeability of the town centre and provide a high quality working and recreational environment for residents and tourists.

Strategic Policy SDB3: Berry Head to Sharkham Point - Coastal conservation and recreation management

The Berry Head to Sharkham Point Area will be conserved and enhanced to protect its landscape and biodiversity value. Development will only be permitted within the area where it is shown to enhance the area's environmental or landscape value and does not adversely affect the integrity of the South Hams SAC South Devon National Landscape, and Lyme Bay and Torbay Marine SAC. This includes through creating new recreation pressure or effects on Greater Horseshoe Bat core (juvenile) sustenance zone, foraging habitat, commuting routes and dark corridors, or through recreation and water quality impacts, in accordance with Policies NCS2, NC4, ER1 to ER4, and W5.

Should existing uses, including holiday parks in the SDNL and Core GHB Sustenance Zone cease to operate, there will be an expectation that they should revert to open countryside.

Community and Corporate Plan – Pride in Place

Explanation

2.49. The Policies Map shows a 'Berry Head Special Area' covering the country park and adjoining area. This is shown to clarify the range of designations lying within it including National Landscape and Special Area of Conservation. This area is the most environmentally sensitive, and peripheral part of Torbay.

2.50. There is existing tourism development and a need to balance competing pressures for tourism and recreation with safeguarding the internationally important environmental

assets, and reducing existing degradation on the SAC including through recreation impacts. The area therefore needs careful management. Development within an 8km zone of influence will be required to contribute to improved management or the provision of new alternative areas or enhanced facilities at new or existing alternative recreational sites. There is unlikely to be sufficient land for a single suitable alternative natural greenspace (SANG), so a range of sites and options will be supported.

2.51. Development that may have an adverse effect on the landscape and scenic beauty of the area, or encroach further upon the area's special characteristics, will be considered to constitute major development and only be approved if clearly demonstrated to be in the public interest.

Brixham Hinterland and Rural Villages

Rural hinterland to Brixham, valued landscapes and biodiversity, green farmland and villages rich in history

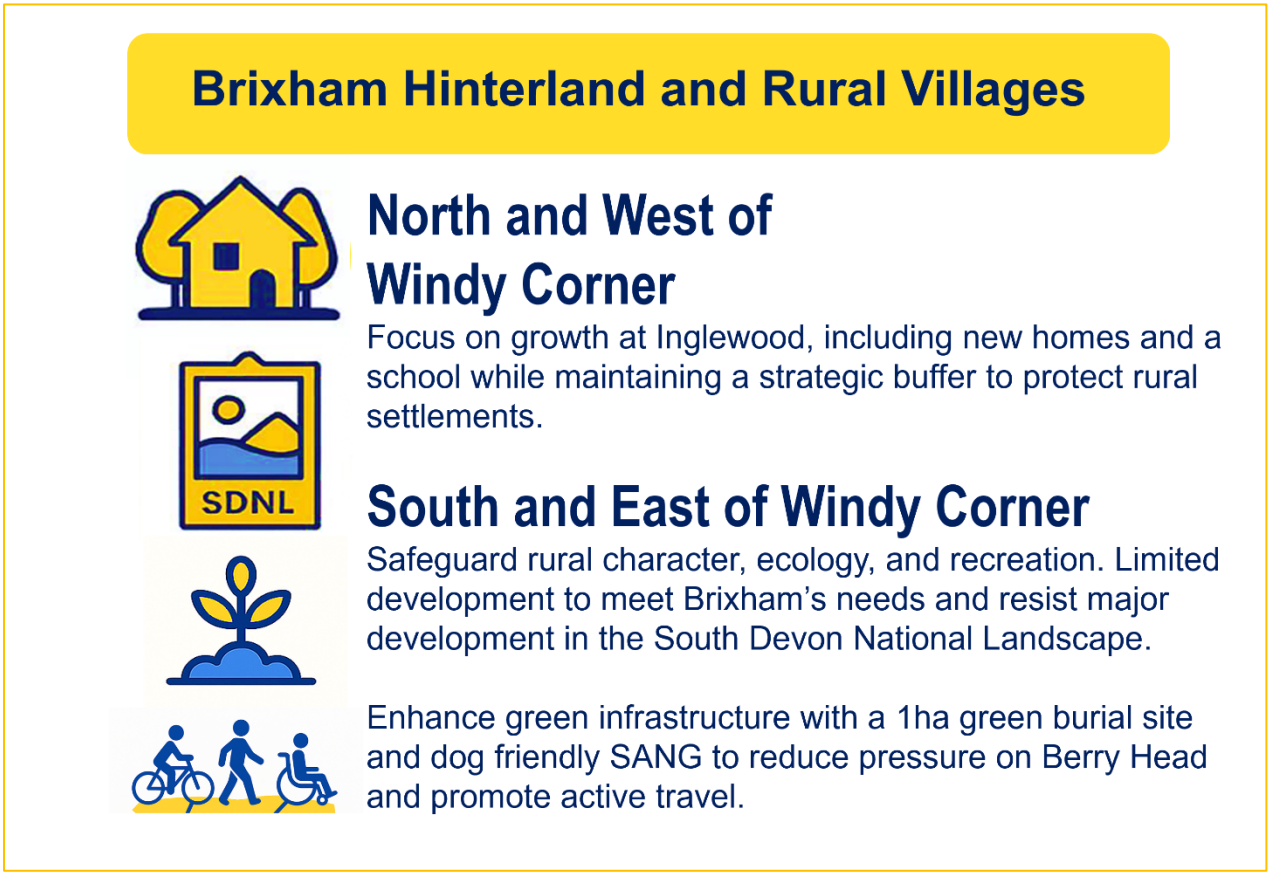

Figure 9 - Sustainable Growth in Brixham Peninsula and Rural Villages

Broadsands Churston and Galmpton (BCG Villages)

Strategic Policy SDBCG1: Broadsands, Churston and Galmpton Villages - Sustainable living and landscape protection strategy

North and West of Windy Corner

The focus of growth in the Broadsands Churston Galmpton Villages (BCG villages) Neighbourhood Plan area will be on the approved site at Inglewood and land to the North of Windy Corner (SDBCG2). This will include the provision of new homes and delivery of a school site on the Inglewood development, as shown on the Policies map.

A strategic buffer between Inglewood and Churston, Galmpton and Broadsands, will be maintained to safeguard the landscape character, ecological integrity, recreational and economic value of the rural settlements to the south and east of Windy Corner (SDBCG3).

The BCG Area is expected to provide a minimum of 500 dwellings over the Plan period with the bulk in the vicinity of Inglewood North and west of Windy Corner. (BCG2)

South and East of Windy Corner

The focus of the plan to the south and east of Windy Corner (SDBCG3) will be to safeguard the area's rural character, landscape, ecology, environmental and recreational value whilst strengthening settlement gaps and improved provision of green infrastructure.

A park and ride site (transportation hub) serving Brixham is proposed, subject to assessment of landscape, ecological and transport impacts.

Major development in the South Devon National Landscape will be resisted.

The Overall BCG Villages Area

The BCG area will provide appropriate green infrastructure including an area of search for a burial site, a nature reserve and dog-friendly recreation area and facilities to reduce recreational pressure on Berry Head and maximise active travel opportunities.

Community and Corporate Plan – Community and People, Pride in Place

Explanation

2.52. The area between the south and west of Paignton and the North of Brixham is covered by the Broadsands Churston and Galmpton Villages Neighbourhood Forum Area (BCG Villages). This area was formerly part of the Brixham Peninsula Neighbourhood Plan (adopted June 2019) and forms the rural hinterland to Brixham.

2.53. The BCG area broadly falls into two halves. The area to the north of Windy Corner junction and containing the Inglewood development area and relates functionally to the developed area of White Rock and the west of Paignton. Policy SDBCG2 sets out considerations for this area.

2.54. Windy Corner marks where the "Western Corridor" (A3022) rejoins the Torbay Coast Road (A379). The junction is located within Common Land and is operating at above capacity,

although recent junction improvements have improved capacity somewhat. Despite efforts over many decades, no solution, or funding, has been identified to overcome this bottleneck. Measures within the Local Plan will manage demand for use of the road and promote better conditions for walking, wheeling, cycling and public transport. There is potential for improved rail accessibility to Galmpton via the Paignton to Dartmouth Steam Railway. However, this is primarily a leisure route at the present time.

2.55. The land to the south of Windy Corner contains Galmpton Common, The South Devon National Landscape, Greater Horseshoe Bat sustenance and landscape connectivity zones, as well as conservation areas covering the rural villages of Churston Ferrers and Galmpton. This area is therefore environmentally constrained as well as relatively inaccessible. Policy SDBCG3 deals with the Rural Villages South of Windy Corner, with a focus on conserving the area's rural character. Nevertheless, some limited development is proposed on the boundary with Brixham in order to meet the town's local needs. Other major development in the National Landscape or GHB Core Sustenance Zone will be resisted.

2.56. The BCG area will provide important green infrastructure which is essential to supporting other development in Torbay. This includes areas for nature conservation and new and enhanced recreation and dog-friendly facilities to mitigate development pressure on the South Hams SAC. Whilst a single Suitable Alternative Natural Greenspace (SANG) would be supported, it is more likely that a range of facilities will be provided including dog recreation areas. Developer contributions will be sought towards providing these as a "site deliverability matter" as set out in Chapter 9. Cemetery space (but no crematoria) will also be provided in the BCG area, potentially sharing parking and ceremony space in conjunction with the proposed mobility hub in Policy TAS.

Strategic Policy SDBCG2 Land at Inglewood and its environs north of Windy Corner

Development in the north of the BCG Area will focus upon the approved development at Inglewood with some expansion into adjoining areas, as shown on the Policies Map. Sustainable transport and other functional links with the White Rock area and Paignton will be strengthened and improved.

Development in the SDBCG2 Area should achieve the following:

i) A minimum of 450 dwellings from major developments over the Plan period (focussed at Inglewood and the adjoining area within the H2P4 Future growth Area).

ii) At least 30% affordable housing on sites within the settlement boundary or areas proposed for development.

iii) **The provision of a school and playing pitch.**

iv) **At least 500 sq. m of employment land within Class E(G), B2 or B8.**

v) **Maintenance and enhancements to public open space, including recreation facilities appropriate to the location, and enhancement of countryside access.**

vi) **The retention and enhancement of a green landscape buffer between Inglewood and Whiterock to the north, Galmpton to the South and the National Landscape to the South and West.**

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the BCG Villages area.

Proposals must not adversely affect the integrity of the South Hams SAC, alone or in combination with other projects including through recreational pressure or effects on Greater Horshoe Bat functionally linked habitat, commuting routes, dark corridors or or recreational pressure at Berry Head to Sharkham Point, in accordance with Policies NCS2, NC1, and NC4. Particular attention should also be given to the protection and enhancement of Cirl Bunting habitat.

Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.57. Policy SDBCG2 deals with land to the north of Windy Corner. The bulk of the area is covered by the Inglewood development (under construction in 2025). Additional development opportunities in the Inglewood Area are shown on the Policies Map. The areas should provide for a school as shown on the Inglewood Masterplan (and Legal Agreement to application P/2017/1133 and varied by P/2023/0377). If not required for primary purposes, it should be retained for other education requirements.

2.58. The area is expected to provide around 450 dwellings and 500 sq m of employment land over the Plan period in the area within Torbay.

2.59. Land to the west of Waddeton Road is within South Hams and may be promoted for development to the neighbour authority. It will be important for joint working and agreement on cross-boundary matters. In addition, some ecological mitigation and agricultural mitigation land for development at Inglewood is located within the South

Hams. This relates to mitigation of impacts on the South Hams Special Area of Conservation (Greater Horseshoe Bat sustenance zone and other ecological mitigation), so it will be a matter of Habitats Regulations compliance to ensure that sufficient mitigation is provided to offset the impact of the Inglewood development. The land is also within the setting of the South Devon National Landscape (former AONB), and a high-quality landscape led design to any further development will be needed to minimise additional impact on the National Landscape.

2.60. The south of the SDBCG2 area is closer to the National Landscape and the village Galmpton. A green buffer between Inglewood and Galmpton should be maintained to provide a settlement gap and prevent coalescence of Paignton's southwards development with Galmpton. The area may be suitable for a green burial site and associated facilities to meet Torbay's need for cemeteries, and is shown within the area of search. This should help reinforce the undeveloped settlement gap.

Policy SDBCG3: Rural villages south of Windy Corner – Landscape, ecology and settlement gap protection zone

Development to the South of Windy Corner will focus upon protecting the area's significant landscape, environmental, historic and agricultural character, whilst providing sufficient development to meet the local needs.

The BCG3 area is expected to provide around 80 dwellings from major development, mainly at Copythorne Road and 500 sq m of employment space within Class E(G) , B2 or B8. The BCG3 area should also provide a dog friendly natural green spaces with recreation and leisure facilities appropriate to the area's rural setting, to provide an alternative to Berry Head.

The area will also provide a park and ride facility serving Brixham, ideally forming a recreational transport hub within safe and easy onward mobility opportunities, including the provision of walking, wheeling and cycling routes.

The South Devon National Landscape and its setting will be conserved and enhanced to protect its intrinsic landscape and biodiversity value.

Major development will not be permitted within the National Landscape unless brought forward through a Development Plan, and shown to be in the public interest. Non-major development in the National Landscape will only be allowed as a rural exception to provide affordable housing for local people.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the SDBCG3 area.

All development in this sensitive location must not adversely affect the integrity of the South Hams SAC alone or in combination with other plans and projects. All development must adhere to planning guidance for Greater Horseshoe Bats and secure avoidance and mitigation to maintain foraging habitat, roosting opportunities, connectivity and dark corridors. These should achieve no increase in lighting above 0.5 lux in bat flyways. All development must avoid or mitigate additional recreational pressure at Berry Head to Sharkham Point, in accordance with Policies NCS2, NC1 and NC4.

Existing green infrastructure assets, trees, hedgerows, and connectivity between individual assets should be safeguarded or enhanced.

Community and Corporate Plan – Community and People, Pride in Place,

Explanation

2.61. The land within the BCG Villages to the south of Windy Corner has substantial environmental constraints. It is partly within the South Devon National Landscape (formerly AONB), and the open country around Kennels Lane, Galmpton and Churston Ferrers forms an important valued landscape within the setting on the National Landscape. The land is also within the Sustenance Zone and landscape connectivity zone for greater horseshoe bats associated with the Berry Head maternity roost, which is part of the South Hams. It contains Torbay's largest area of Torbay's Grade 2 agricultural land. The rural villages have heritage significance.

2.62. Any development beyond the approved development at Copythorne Road should be minor and limited in nature and aimed at meeting the area's local needs. The council will take the General Permitted Development Order (10 dwellings/1000 sq. m) as a starting point when considering whether development in the NL is "major" but may apply a smaller threshold where proposals could have a significant impact on landscape and scenic beauty (see paragraph 67 of the 2024 NPPF).

2.63. The area provides opportunities for enhanced public and active transport, linking with green infrastructure, tourism, leisure and other uses of the area. Ideally this should capitalise on the area's rich tourism and Agatha Christie associations. It will be important to manage recreation pressure and reduce damage to the calcareous grassland at Berry Head. The SDBCG3 area should therefore include an alternative natural greenspace (SANG or similar provision) with dog friendly leisure/recreation facilities appropriate to the rural location. This will be part funded by development contributions from development within the Berry Head 8Km recreational zone of influence (see Policies NCS1 and NCS2). There is a need for cemetery provision in Torbay (see Policy SC6), and an area of search around Kennels Lane may be suitable for a green burial site in conjunction with other green infrastructure.

Chapter 3. Housing and Regeneration Policies



Figure 10 - Housing and Regeneration

Strategic Policy HS: Overall Housing Strategy and Presumption in favour of Urban Regeneration

The Local Plan proposes to deliver at least 8,000 dwellings over the period 2025-2045, equal to an average of 400 dwellings a year over the Plan period. The Local Plan proposes to deliver homes on the following minimum trajectory:

Year (Financial year beginning 1 April)	Trajectory
2025	200
2026	200
2027	200
2028	200
2029	250
2030	250
2031	300

2032	**300**
2033	**350**
2034	**350**
2035	**400**
2036	**450**
2037	**450**
2038	**500**
2039	**550**
2040	**550**
2041	**600**
2042	**600**
2043	**650**
2044	**650**

Proposals that provide housing on previously developed land within the defined settlement boundary will be approved unless:

1) Harm to protected species, Habitats sites irreplaceable habitats SSSIs, National Landscape, designated heritage assets (and archaeological assets of equal value), or flooding, drainage and coastal change matters provide a strong reason for refusal. Or

2) Adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when weighed against the development plan, read as a whole, and other material considerations. This includes directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. Given Torbay's difficult economic circumstances special regard will be given to achieving urban regeneration and boosting the supply of housing on previously developed land.

Regeneration areas are proposed for Torquay, Paignton and Brixham Town Centres and are shown on the policies map. The council will work proactively and in partnership with landowners, applicants, and the community to find sustainable solutions to enable development.

The change of use or redevelopment of former hotels to housing will be supported unless other planning considerations significantly outweigh the benefit. The Council will give significant weight to the additional benefits of boosting housing numbers when considering redevelopment proposals in the built-up area, and substantial weight for the delivery of affordable housing through the council's Accommodation Repurposing Programme.

Redevelopment opportunities to increase the number of homes in the Torre Gateway and Preston sustainable transport corridors (Policy H1b) will be supported subject to

other policies in this plan, the retention of employment land or the improvement of employment opportunities. Proposals should contribute to the improvement of active travel and public transport links.

Future Growth Areas are shown on the Policies Map as areas for residential and mixed-use development. These sites should be developed at optimal densities taking in into account the natural and built environment, and provide a mix of housing, employment, community facilities and green infrastructure.

Major greenfield development on unallocated sites outside of the settlement boundary or Future Growth Areas will be resisted, unless brought forward though a Neighbourhood Plan or supplementary plan, or where it meets the requirements of the Affordable Housing Exceptions Sites Policy H8.

All development should achieve the following:

i) A high quality of urban design and create good quality living accommodation and environments,

ii) Mixed and balanced communities including the avoidance of concentrations of deprivation and promotion of social connectedness.

iii) The provision of affordable housing on major developments in accordance with Policy H7.

iv) Resilience to extreme weather events and incorporation of sustainable drainage and climate resilience measures.

v) Optimise the use of land consistent with protection of the natural, built, and historic environment and the creation of high-quality living environments. Tall buildings will be supported where they are consistent with high quality design, amenity and the historic environment.

Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.1. Meeting objectively assessed housing needs is an important test of soundness for the Local Plan. Torbay's substantial environmental, infrastructure and market-capacity constraints mean that it is not able to accommodate its full Local Housing Need (LHN) as calculated by the December 2024 Standard Method (which at July 2026 is 972 dwellings a year). The council has applied the Presumption in Favour of Sustainable Development (at paragraph 11(a-b) of the framework). It has sought to identify the best development strategy it is able to within the environmental, infrastructural and viability constraints it

faces. The proposed shortfall against LHN requires robust justification, which is set out in the supporting Topic Paper.

3.2. Table 2 below sets out Torbay's broad sources of housing land. It is noted that this comes to 8445 dwellings, but numbers are approximate over this scale and time period. The Plan proactively supports brownfield regeneration by applying a "freestanding presumption" to urban brownfield development within the settlement boundary independently of five-year supply or Housing Delivery Test penalty considerations.

3.3. HS recommends a stepped trajectory for the purpose of calculating five year housing supply, and the Housing Delivery Test. This is based on the significant infrastructure improvements particularly related to the water cycle and drainage, and additional green infrastructure required to safeguard the marine SAC and South Hams SAC, and likely lead in times for the town centre regeneration schemes. These figures will not be treated as a maximum with regard to development of previously developed land within the settlement boundary or other allocated sites.

3.4. This approach is consistent with the importance of making effective use of land and concentrating development in the defined settlement boundary close to existing facilities and sustainable transport.

3.5. The council has ambitious town centre regeneration visions and an "Accommodation Repurposing Programme" that promotes the redevelopment of brownfield land (and particularly the conversion of redundant hotels) into new high quality social housing. These are pivotal to meeting the Local Plan's housing target and will be a key way of boosting affordable housing delivery in the built-up area. Longer term delivery will need to be kept under review, and the Plan assumes that around 1,500 dwellings will be delivered on major sites (10+ dwellings) over the Plan period through its Accommodation Repurposing Programme.

3.6. It is acknowledged that much of the urban area contains constraints such as flood risk and other infrastructure issues. In addition, a significant part of the built-up area, including the three town centres, are designated conservation areas. Nevertheless, the Plan's key focus is to develop in these locations due to their wider sustainability benefits. Any heritage impacts of increasing densities and taller buildings in highly sustainable town centres will need to be minimised through high quality design. However, the benefits of development in highly sustainable urban locations and the likely environmental harm of building on less well-located greenfield sites will be balanced against heritage impact.

3.7. Policy H1a outlines town centre regeneration areas. Policy H1b identifies opportunities to make better use of the built-up area around sustainable transport corridors along the Newton Road to Torre Gateway (see also Policy SDT3) and Preston District Centre in Paignton (see Policy SDP3). These are sustainable urban locations where there are opportunities for urban densification and to make better use of underused land, subject to

protecting employment opportunities. These areas are served by public transport, and within moderate walking and wheeling distance of train stations. There is therefore scope to relax minimum parking requirements, so long as improvements to public transport, walking, wheeling and cycling opportunities are achieved. Policy H1c identifies other sites within the settlement area, although these are not exhaustive and other sites are likely to come forward over the Plan period.

3.8. Policy H2 identifies existing and expanded Future Growth Areas. The West of Paignton was the main area of urban expansion in the previous Local Plan 2012-30, and it is proposed to continue this strategic approach. More detail about the policy requirements from these areas is set out in the area "Strategic Development" policies in Chapter 2 of the Plan. Broadly speaking, where clusters of development sites are likely to provide more than about 200 dwellings they have been treated as Future Growth Areas.

3.9. Policy H3 contains site allocations for major but less strategic housing proposals outside of the current built up area/settlement boundary.

Windfall sites

3.10. The Local Plan allocates sites for "major development" i.e. those likely to deliver 10 or more homes or 1,000 sq. m floorspace. About 120 homes have historically arisen each year from sites of fewer than 10 dwellings. It is not practical to allocate these on the policies map – other than to set out a supportive policy for achieving them. A major plank of this programme is the Council's Accommodation Repurposing Programme, which is expected to deliver at least 75 dwellings a year (or 1500 over the Plan period). These are likely to be counted elsewhere in the trajectory, so no separate number is set out in in Table 2 (below) to avoid double-counting with urban regeneration and other sites in the built up area (Policies H1(a-c).

3.11. Between 2012-24, the average annual number of completions from non-major sites (1-9 dwellings) was as follows:

- Torquay 65 (53.7%)
- Paignton 42 (34.7%)
- Brixham (Peninsula) 14 (11.6%)
- Total average annual homes on non-major sites: 121

3.12. Based on historic rates of delivery, the Plan expects 120 homes a year to arise on non-major sites. Neighbourhood Plans are welcome to allocate non-major sites, but caution will be needed to ensure that these are not double counted with the Plan's windfall allowance.

3.13. Note also that the Town and Country Planning (Development Management Procedure) (England) Order 2010 defines major development as 10 dwellings or 1,000 sq. m. So, a development of fewer than 10 dwellings that is more than 1000 sq. gross internal floor area is still liable for affordable housing under policy H7

3.14. It is likely that larger windfalls of more than 10 dwellings will come forward during the Plan period. Where these sites are on previously developed land in the built-up area, Policies HS and H1 provide support in principle. Torbay does not have significant rural brownfield sites other than holiday parks. Policies TO5 and TO6 deal with planning considerations affecting holiday parks. Some holiday parks are located in the National Landscape and close to Berry Head to Sharkham Point component of the South Hams SAC, and if these fall out of holiday use, they should be restored to nature.

3.15. The Policies Map defines the settlement boundary: formerly referred to as "within the built up area". This is defined in the NPPF. Land outside of the settlement boundary falls within the Countryside Area. Small hamlets and settlements, such as Maidencombe and Churston villages are shown within the countryside area and are outside of the settlement boundary. These are subject to Policy L1 of the Plan. Proposals on unallocated greenfield sites outside of the settlement boundary (i.e. in the Countryside Area) are likely to be in conflict with the Local Plan's strategy and therefore will not be supported unless some other material consideration indicates otherwise. One such exception may be for affordable housing on rural exception sites, which is dealt with by Policy H8.

3.16. Torbay has a pressing need for affordable housing, and Policy H7 sets out a strategic policy for it. The need for other types of specialist accommodation is covered in policies H9-H13.

Table 2 Potential Broad Sources of Housing

Policy	**Potential Local Plan Broad Sources of Housing.**		
		Total (20-year plan)	Per annum (20-year plan)
	Town Centre Regeneration and Densification		
H1a	Torquay Town Centre Regeneration	800	
H1a	Paignton Town Centre Regeneration	500	
H1a	Brixham Town Centre Regeneration	50	

	Urban Regeneration along sustainable transport corridors		
H1b	SDT4Newton Road to Torre Gateway	500	
H1b	Preston Brownfield Cluster (within environs of the District Centre)	150	
H1c	Elsewhere within the settlement boundaries (built up area): sites of 10+ dwellings. Accommodation Repurposing sites. Torquay circa 750 Paignton circa 500 Brixham circa 190 BCG Villages 80 (including. Copythorne Rd)	1520	
N/A	Windfalls (all non-major sites) at 120 dwellings a year	2400	
H2	Future Growth Areas		
H2/SDT3	Torquay Gateway, Edginswell	550	
H2/SDP4	Collaton St Mary, Paignton	600	
H2/SDP5	Long Road, White Rock and Inglewood, Paignton (and BCG Villages) dwellings	700	
	Total in Future Growth Areas (will be within settlement boundary when developed).	(1850)	

H3	Additional Sites outside Current Settlement Boundary (will be within the settlement boundary when developed unless specified otherwise).	675	
		8445	
	Total	8000	400

Strategic Policy H1a: Town Centre Regeneration Areas

Proposals that regenerate or remodel town centre areas and adjoining areas, whilst enhancing the living environment and providing a high quality environment which is resilient to climate change will be supported.

Proposals should promote good design that conserve or enhance the character of the built and historic environment, taking into account the need to support urban brownfield development and regeneration. Tall buildings and urban densification in town centres will be supported unless adverse impacts constitute a strong reason to resist development. Proposals must demonstrate that they will not lead to an increase in water draining into combined sewers and will be safe for their lifetime.

Proposals should provide mixed use developments, including new housing provision unless there are clear planning reasons not to include housing.

Detailed proposals will be supported and expedited through master planning or Supplementary Plans for the areas. Town Centres are expected to provide at least the following number of dwellings on major sites over the Plan period.

- **Torquay 800 dwellings**
- **Paignton 500 dwellings**
- **Brixham 50 dwellings**

Regeneration Proposals must not adversely affect the integrity of the Lyme Bay and Torbay Marine SAC including through hydrological, wastewater drainage, water quality or recreation impacts, in accordance with Policies NCS2, ER1-ER4 and W5. Where proposals may increase recreation pressure on Berry Head to Sharkham Point, they must also demonstrate that they will not adversely affect the integrity of the SAC in accordance with Policies NCS2, NC1 and NC4.

Explanation

3.17. In line with the Local Plan's driving strategy of maximising the use of previously developed land, Policy H1 sets out a presumption in favour of urban regeneration of brownfield sites. Table 3 below sets out broad number of homes that they could deliver. This should not be taken as maximums if schemes come forward that would exceed this number.

Table 3 Town Centre Regeneration Areas

Area	**Sites** (Please note that these are examples and are not an exhaustive list – not a definitive list as there is a general Presumption in support of town centre regeneration).	**Yield (**Numbers are approximate and subject to detailed assessment/ master planning)
Torquay		
H1aT1 Castle Circus Area	Town Hall Car Park* 21T032a Magistrates Court 21T070 Castle Circus House & adj. Buildings 21T140 Former Argos block	100
H1aT2 South West of Union Street, Lower Union Lane,	Union Street north of cinema including Nat West (90-96) 21T146 Land rear of Castle Circus House* 21T141 Former New Look Store 21T123 Telephone Exchange Lower Union Lane Lower Union Lane Car Park Within Temptation/ Hop and Grapes	375
H1aT3- NE of Union Street , and Market Street, Pimlico	21T037 Former Blockbuster/ Morrisons All Pimlico including 21/T040 and 21T041 and Pub 21T075 Union Square Market Street north of Castle Lane	200
H1aT4 Abbey Road, Rock Road, Roebuck House	21T038 Roebuck House TCRT013 Adj. Abbey Hall (former Laundry Site)	50
H1aT5 Fleet Street, Torquay Harbour: Living Coasts, Strand, and Marina Car Park	21T161 30-34 The Terrace 24T008 48-50 The Terrace 21T081 Strand and Torquay Harbour 21T139 The Marina Car Park (adj. The Pavilion) TCRT018 Living Coasts 21T093 The Imperial Hotel 21T047 Fleet Walk Shopping Centre (upper floors).	75

Torquay Town Centre Sub Total		800
Paignton		
H1aP1 Paignton Harbour	22P003 Paignton Harbour R/o Roundham Road	30
H1aP2 Crossways and adjacent land and Victoria Street.	21P025 Crossways 24P005 12-14 Victoria Street	100
H1aP3 Victoria Square	21P027 Victoria Square	60
H1aP4 Paignton Gateway: (Station Lane and Station Square)	TCRP04 21P028 -Paignton Gateway, TCRP05 Station Square 62-70 Victoria Street 21P048 21P026 Hyde Road and Torbay Road Former Woolworths, Peacocks, Superdrug etc	250
H1aP5 Paignton Hospital	25B001	60
Paignton Sub Total		**500**
Brixham		
H1aB1 Brixham	Middle Street, SW of Apters Hill (Primary Shopping Area removed) Fore Street Upper floors	50

3.18. Further details are set out in the "Strategic Development" policies for the town centres (SDT2 Torquay, SDP2, Paignton and SBD2 Brixham). The Local Plan proposes a "Presumption in Favour of Regeneration" which supports brownfield urban development subject to other plan considerations. The above sites have been identified as being within the regeneration clusters. More detailed assessments will come through master planning or neighbourhood plans. Some of these sites will be mixed use developments including ground floor commercial use where viable. Some of the sites are within conservation areas or other designated heritage assets. Good quality design will be required to conserve or enhance these; however the need to deliver homes in highly sustainable town centre locations carries significant weight in the planning balance.

3.19. It will be important that developments are safe for their lifetime from the effects of climate change, and particularly flooding. It will simply not be possible to meet Torbay's housing need without some development in areas of flood risk. However, development must avoid sleeping accommodation on ground or basement floors in flood vulnerable areas and provide safe escape routes and resilience measures. Development must not lead to an increase in water draining into combined sewers. Where onsite measures such as

sustainable drainage are not feasible, a planning contribution towards upstream water retention measures will be required as a site deliverability issues (See Policies ER1 and ER2).

3.20. Within town centres a minimum level of car parking will be required (see policy TA4) subject to appropriate investment into walking, wheeling, cycling and public transport facilities. All development, and particularly new homes should provide secure, covered and fire-safe parking for electric cycles with charging facilities where possible.

Policy H1b Densification around Urban Sustainable Transport Corridors (revised Policy H3)

Urban regeneration clusters in the Torre and Preston area are identified in Policies SDT4 and SDP3. Redevelopment proposals that maximise the delivery of housing consistent with their location close to transport hubs will be supported. Proposals should not result in the loss of employment space unless there is a net employment or economic benefit arising from development.

Development must not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torbay marine SAC, alone or in combination with other plans or projects.

Explanation:

3.21. The Local Plan has identified opportunities for urban densification and reuse of land in the urban corridor between Edginswell and Torre and Preston. These areas are well connected by public transport and in the Torquay Gateway's case close to Torre train station and the proposed Edginswell train station. More detailed proposals are set out in area Policies SDT4 and SDP3. The following sites are set out as examples of where development may arise but other sites are likely to arise during the Plan period.

3.22. The council will prepare masterplans. Where detailed site assembly is needed, or there is a requirement to secure more socially beneficial use of sites, the council will consider the use of compulsory purchase to deliver sites if necessary.

Table 4 Urban Regeneration Clusters

The following broad urban regeneration clusters are proposed for housing development:			
Ref.	**Site**	**Anticipated number**	**Notes**
	Torquay		

SDT4/H1b	**SDT4 Newton Road to Torre** Examples of sites are as below (note this list is not exhaustive);	500	
	Newton Road (hotels)		
	Area around Torre Station		
	Grounds of Rowcroft, Avenue Road		Approved 24T009– assisted living units
	Kwik Fit, Torre (in conjunction with Torre Marine – see below)		
2	R/O Edinburgh Villas, McKay Avenue, Torre Marine (Specialist housing)		21T095
	Densification around Local Centre.		
SDP3/H1b	**Preston District Centre and Regeneration Hub**		
	Hollacombe, Chadwell Centre, employment buildings	150	

Policy H1c Housing elsewhere within the Settlement Boundary

In accordance with Policy HS, housing proposals within the built up area will be approved unless the benefits of doing so would be substantially outweighed by the adverse effects, when considered against other policies in this Plan.

Other urban brownfield sites will be supported subject to other Local Plan considerations.

Explanation

3.23. The Local Plan focusses heavily on development within the settlement boundary,and has a large number of urban sites that are likely to be suitable for development. The table below is not comprehensive but lists sites within the settlement boundary that have been assessed as being suitable to accommodate development of more than 10 dwellings. However, other sites are likely to arise over the Plan period.

3.24. Non-major sites of fewer than 10 dwellings/1,000sq m) will be treated as windfall developments and are not listed here.

3.25. Other planning considerations including design, heritage issues, flooding and drainage and ensuring no likely significant effects on Habitats Regulations issues must be taken into account when considering development proposals.

Table 5 Sites Proposed for Housing Development

The following sites are proposed for housing development:			
Ref.	**Site**	**Anticipated number**	**Notes**
	Torquay		
	Example of sites within the settlement boundary (note that other sites may arise).		
H1cT1	Brunel Manor, Conversion of buildings.	15 (35 gross)	Conversion of Brunel Manor 21T148.
H1cT2	Land at Kingskerswell Road and r/o Barton Hill Road	10	21T056 (ULPA but within built up area)
H1cT3	Holiday Parks, North of The Willows	250	21T016,21T017, 21T018 Existing allocation. Need to retain and enhance tree cover.
8 H1cT4	Babbacombe Business Park, Babbacombe Rd, Torquay	12	21T072
H1cT5	Land North of Bottompark Lane, Barton Hill Road.	20	21T145
			(completed)
H1cT6	Grand Hotel Garage Block	10	21T138
H1cT7	Bancourt Hotel, Avenue Road	40	21T054
H1cT8	Maycliffe Hotel, St Lukes Road South	15	24T002
H1cT9	Site 1 Higher Cadewell Lane	18	21T021
H1cT10	Site 2 Higher Cadewell Lane	12	21T020
H1cT11	Hatchcombe Lane, Scotts Bridge/Barton	50	21T129
H1cT12	Westhill Garage, Chatto Road	15	21T131
H1cT13	Seabury Hotel, 11 Manor Road, Torquay	~~12~~ 20	21T080
H1cT14	Stoodley Knowle, Ansteys Cove Road, Torquay	80	21T085(not including built units)
H1cT15	Shelley Court Hotel, 29 Croft Road, Torquay	20	21T003
H1cT16	Conway Court, Warren Road	14	21T060
H1cT17	Shedden Hall Hotel Site, Shedden Hill	30	21T124
H1cT18	Coppice Hotel	20	
H1cT19	Hotel Virginia, Falkland Road	15	
H1cT20	Chelston Telephone Exchange Goshen Road	10	24T005
H1cT21	Menzies House Parkfield Road	10	24T007
	Proposed New sites		
H1cT22	St Peters Church, Queensway	10	25T002

H1cT23	Shedden Hill Car Park	20	25T004
H1cT24	Seascape Hotel	30	21T077
H1cT25	Burlington Hotel	20	25T003
	Torquay Sub Total	@750	N.b. the Number above comes to 766 but need to avoid double counting:
	Paignton **Example of other sites in the Built up Area (note that other sites may arise).**		
H1cP1	Summerhill Hotel, Braeside Road	10	21P055
H1cP2	Former Kia Garage, Totnes Road	25	21P088. Existing permission for Screwfix- but keep allocation until implemented, due to the sustainability of the site.
H1cP3	Totnes Road Service Station	15	21P075
H1cP4	Alan Kerr Garage, Brixham Road	15	21P033
H1cP5	Church site, Belfield Road, Foxhole	25	21P069
H1cP6	3 Keysfield Road	13	21P085
H1cP7	Former Local Centre	10	21P081
H1cP8	Great Parks Phase 2 (Allocation H1.12)	60	21P068
H1cP9	North of Luscombe Lane, Great Parks	80	21P014
	New Sites in the built up area		
H1cP10	Toyota Garage, Totnes Road	15	25P006
H1cP11	YMCA Dartmouth Road	40	25P009
H1cP12	Kings Ash House	15	25P010
H1cP13	Cornerplace Surgery Dartmouth Road	15	25P008
H1cP14	Orchard End, 9 Brixham Road , Tweenaway Cross	15	25P007
H2P.2	Great Parks Phase 2 (Number additional to completions at 2025).	150	
	Paignton Sub Total	**500**	
	Brixham (Town Council area) Example of other sites in the Built up Area (note that other sites may arise).		
H1cB1	Wall Park Extensions (R/O Wall Park Farm, 39 Wall Park Rd), Brixham	20	

H1cB2	Brixham Paint Station, Kings Drive**	35	Increase. 21B007 Include church area
H1cB3	Site of Northcliff Hotel	15	21B008
H1cB4	St Kildas (Specialist housing)	20	21B011
H1cB5	Torbay Industrial Estate Part 1	10	21B053 Subject to amenity issues
H1cB6	St Marys Road (Old Dairy Buildings)	30	22B001 Any revised planning application would be subject to compliance with NCS2
H1cB7	Former Jewsons, New Road.	20	P/2024/0311
H1cB8	Brixham Hospital	15	25B001
	New Sites in Brixham		
H1cB9	Laywell House, Summer Lane	25	21B032
	Brixham Sub Total	**190**	
	BGC Villages		
H1cBCG1	Copythorne Road	77	Permission P/2023/0480 Any revised planning application/reserved matters would be subject to compliance with NCS2
	BCG Villages Sub Total	**80**	(77 rounded to nearest 10)
	Total	1520	Rounded

Strategic Policy H2: Future Growth Areas

Future Growth Areas are allocated for strategic development within Torbay. They should be developed as sustainable mixed use developments, including housing, in accordance with the principles set out in the relevant Sustainable Development (SD) policies:

The following Future Growth Areas are allocated for development:

Area	Local Plan Relevant Local Plan Policy	Indicative level of dwellings

SDT3	**Torquay Gateway, Edginswell**	**550**
SDP4	**Collaton St Mary, Paignton**	**600**
SDP5	**Long Road, White Rock and Inglewood, Paignton (and BCG Villages)**	**700**

Development in Future Growth areas must demonstrate that it does not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torbay Marine SAC, alone or in combination with other plans or projects, in accordance with Policies NCS2,NC1, NC4,ER2, ER3, ER4 and W5.

Community and Corporate Plan – Pride in Place

Explanation

3.26. Future Growth Areas are broad locations for growth. Policy requirements are set out in the relevant "SD" policies in Chapter 2. Table 4 sets out indicative sources of housing within Future Growth Areas. Updated masterplans will be prepared showing how they can be delivered as mixed use areas that make provision for a range of uses including employment, housing.

3.27. They are shown as site allocations on the Policies Map.. They should provide opportunities for sustainable transport and environmental protection, including biodiversity net gain.

3.28. Torquay Gateway (Edginswell) is allocated in the Torbay Local Plan 2012. The 2016 Masterplan will be updated to set out how the site can be delivered.

3.29. Great Parks Phase 1 was built in the 1990s, with some more recent completions of the second phase of development. The second phase has remained undeveloped for several decades due to infrastructure issues. The creation of a second access road to serve the Lidl store (opened in 2025) will help unlock the later phases of development to the north of the area. A non-statutory masterplan (2013) was endorsed by Policy PNP21 of the Paignton Neighbourhood Plan, but will be updated.

3.30. Collaton St Mary: The bulk of Collaton St Mary is allocated for development in the Torbay Local Plan 2012-30 and the subject of a Masterplan SPD adopted in 2016. The draft Local Plan proposes to extend these areas. An updated masterplan will be needed to deal with access issues, and making the development accessible for active travel and public transport.

3.31. Long Road/White Rock: The Long Road/White Rock area is allocated in the Torbay Local Plan 2012-30 and is mainly built. However, there are further opportunities for development of homes and employment. It will be important to preserve the environmental and historic character of Yalberton Valley and hamlets of Higher and Lower Yalberton.

3.32. The south of this area falls within the Broadsands, Churston, Galmpton Village Forum Neighbourhood Plan area (See Policy SDBCG2). It will be important to maintain a settlement and visual gap between the built-up area and the more rural settlements to the south, which sit within the setting of the South Devon National Landscape.

Table 6 Future Growth Areas

Ref.	Site	Approx. Number of dwellings	Indicative list of sites.
H2T.1	Torquay Gateway, Edginswell, Torquay	550	21T122 The 2025 Masterplan will be updated, but it is important to maximise housing delivery insofar as this does not undermine other Local Plan objectives including the delivery of employment land.
H2P.1	Collaton St Mary, Paignton (Extension	600	21P042 Land adj. Bona Vista Holiday Pk, Totnes Rd 21P043a Land adj. Beechdown Farm Bungalow, Totnes Rd (extended site) 21P041 Plot 1 & 2, Totnes Road 21P077 Western half of Taylor Wimpey Site, North of Totnes Rd 21P010 Land North of Totnes Road (Bloor now Cavanna Homes) 21P080 Torbay Holiday Motel, Totnes Rd, Collaton St Mary 21P015* South of Totnes Rd, Collaton St Mary

			21P008* Land to the North of Totnes Road (Taylor Wimpey) 21P078* Land North of Totnes Road
H2P.2	Long Road, Yalberton, White Rock and Inglewood (Extension)	700	Around 200 dwellings in addition to allocation in the Torbay Local Plan 2012-2030. 21P012 Lower Yalberton Holiday Park 22P001 Yalberton Holiday Park/Berry Acres 'Link' 21P067 Land North of Lower Yalberton Holiday Park, Long Road 21P001* Land off Brixham Rd (Devonshire Park) 21P053 R/o Local Centre 21P079 Limekiln Close 21B002 Inglewood (under construction- within BCG Villages). 24BCG001 Inglewood pub-restaurant site.

Strategic Policy H3: Other Local Plan allocated sites (outside the built up area in the Adopted Torbay Local Plan 2012-30)

The following sites are allocated for housing. All proposals for housing, will contribute to creating sustainable, inclusive and mixed communities. This will be achieved by providing an appropriate mix of decent, good quality homes, which provide for affordable housing as set out in Policy H7.

Sites should be developed at the highest density appropriate to their location and consistent with good design. Proposals that do not make optimal use of land will be resisted.

Table 7 Proposed Housing Sites

The following sites are proposed for housing development:

Ref.	Site	Anticipated number	Notes
	Torquay		
H3T.1	Maidencombe North of Sladnor Park	30	Part 21T143 and 21T065 remain allocated.
H3T.2	Sladnor Park, Maidencombe. Due to High Court decision the principle of development has been established, see application P/2020/0315*	120	21T064 Subject to successful resolution of drainage issues. Due to its location within the coastal landscape, the bulk of the site will remain outside of the settlement boundary, with the exception of the development area broadly corresponding to the previously developed area of Sladnor Park.
			Site deleted due to lack of evidence of promotion and objection from Cherry Blossom Farm, which makes access impractical.
H3T.3	Additional site to the north of Brunel Manor.	10	. Land to the north 23T007
H3T.4	Land adjacent and south of Watcombe Hall	10	24T012 Site to remain outside of the settlement boundary due to its coastal location.
H3T.5	Land adjacent to Broadley Drive, Livermead, Torquay	50	21T050

H3T.6	Hollicombe (former gas works) – all of the site developed for housing or flood alleviation/open space/biodiversity.	185	21T015. Number reverts to 185 to reflect permission and pre-application:188 units.
	Torquay Sub Total	**405**	
	Paignton		
H3P.1	North of James Avenue – extend the existing site. Scope to increase to 50	30	21P087
H3P.2	Barton Pines	50	24P006. Removal of holiday occupancy policy. Due to location outside of the built up area , the site will remain outside of the Settlement Boundary
H3P.3	Land at Preston Down Road North, Paignton	50	21P017 Previously allocated site
H3P.4	Land at Preston Down Road South, Paignton	50	21P018 previously allocated site
H3P.5	Hilltop Nursery, Great Parks	10	21P051
	Paignton Sub Total	**210**	
	Brixham (Town Council area)	0	
	BGC Villages		

H3BCG.1	Gliddon Ford Filling Station, Dartmouth Road, Churston Ferrers. Access to the Archery Field	10	21B001
H3BCG.2	Archery Field, Churston	50	21B005
	BCG Villages Sub Total	**60**	
	Total	**675**	

Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.33. As noted in Policies HS and H1 the Local Plan seeks to support development within the settlement boundary (i.e. the built-up area). There are fewer opportunities for sustainable development outside of the built up area or defined Future Growth Areas. Policy H3 allocates a limited number of sites on the edge of the existing built up area for housing. When built they will become part of the built-up area and fall within the settlement boundary, unless it is specifically indicated that they will remain outside of the settlement boundary. They will require strategic landscaping to create a break between the built up area and countryside area.

3.34. There is an expectation all major development will provide affordable housing in accordance with Policy H7. Applications should also meet other Local Plan requirements in relation to providing a high quality of design, climate change resilience, environmental protection etc.

Policy H4: Achieving Optimal density

New housing should be developed at maximum densities consistent with protecting the natural and built environment, providing well-designed places, resilience to

climate change including water management, and providing a decent standard of accommodation and residential amenity.

In particular, high densities will be supported on urban sites and are located within easy walking and wheeling distance of public transport, food stores, community facilities and public open space. In these circumstances car parking provision may be reduced.

Developments should ensure that safe access for emergency vehicles can be achieved and that safe covered provision for electric cycles is provided.

Regard must also be had for amenity issues in relation to existing uses and avoid new housing where it would lead to pressure for existing commercial or leisure uses to be curtailed.

Community and Corporate Plan – Community and Place

Explanation

3.35. Torbay has very little opportunity to expand outwards and the limited green hinterland that exists has significant environmental designations. It is important that new housing on both greenfield and brownfield sites is provided at the highest density consistent with providing an adequate level of privacy, amenity and tranquillity for residents.

3.36. Paragraphs 129-130 of the NPPF (2024) require plans to make the best use of land and for minimum density policies to be considered, especially in urban locations that are well served by public transport.

3.37. Because Torbay has a range of landscape, historic and built environment constraints, it is not feasible to set out a clear minimum density. However, greenfield housing developments should seek to achieve 30-50 dwellings per hectare. Proposals that achieve lower than 30 dwellings per hectare will need special justification in terms of design, landscape or ecological constraints.

3.38. Higher densities should be provided in town centres and other locations within easy reach of facilities and public transport. It will be important to consider living conditions of residents in such proposals and to avoid “agent of change” issues whereby new housing leads to conflict with existing businesses or uses. This will be an important consideration for new housing development close to commercial areas such as waste management, harbours and waterfronts, and the fishing industry.

Policy H5: Conversion of buildings into flats

Applications for the conversion or sub-division of buildings into flats will be supported where:

i) **The accommodation provided creates good quality accommodation of a reasonable size with ample provision for amenity space, parking and waste/recycling provision having regard to the surrounding area.**

ii) **The proposal does not lead to a concentration of deprivation, for example by creating very small dwellings or dwellings with poor living conditions. Special attention will be had to Community Investment Areas and other indicators of deprivation.**

iii) **The conversion of modest size family houses of up to around 110 sq. m floor area into small apartments will be resisted, unless this can be shown to have a positive benefit for the creation of mixed and balanced communities.**

iv) **The buildings are self-contained.**

v) **The proposal incorporates improvements to the fabric of the building, including the removal of deleterious additions, particularly in conservation areas.**

vi) **The proposal is acceptable in terms of its environmental, water management, and ecological impact. In particular it will not lead to additional pressure on drainage or on Special Areas of Conservation.**

vii) **The proposal will not lead to a net increase of water into the sewer network. Proposals should retrofit surface water sustainable drainage or attenuation to create at least an equal volume of capacity for waste water. Where onsite measures are not feasible, a contribution will be required for off-site measures.**

viii) **The conversion of buildings achieves best use of land, having regard to heritage and other policies in the Local Plan.**

Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.39. Some conversion of buildings to apartments can be caried out under “prior approval” which is a reduced “permitted development” consent regime in Part 3 of the General Permitted Development Order (GPDO). Local Plan is strongly supportive of brownfield development. However, the creation of very small apartments can exacerbate Torbay’s severe deprivation problems and reduce the availability of family accommodation. It is also important that converted apartments should not result in poor living conditions. Whilst the policy does not apply rigid space standards, self-contained apartments of less than 37sq

m. are likely to be in conflict with Policy H5. Regard will also be had to natural light, overlooking and outlook etc.

3.40. Where historic buildings are sub-divided, the council will seek to achieve built environment improvements including the removal of harmful features, such as later lean-tos, roof extensions and other mid C20th features. These were often applied to buildings formerly in holiday use.

3.41. Other policies in the Local Plan relating to flooding, water management and reducing the amount of water draining into shared sewers, will be important to mitigating flood risk.

Policy H6: Loss of homes

Where proposals result in the loss of housing, including through the combination of dwellings, applicants should demonstrate that one or more or the following apply:

i) The proposal would result in improved standard of accommodation and improved living conditions where the existing standard and conditions are poor.

ii) The proposal would make a positive contribution to reducing deprivation.

iii) The proposal would restore or enhance historic features or architectural features of heritage assets.

iv) It is demonstrated that the loss of housing would be outweighed by a regeneration, economic or environmental benefit.

Proposals that do not achieve one or more of the above will not be supported. The council will consider the impact of loss of dwellings on housing supply and the creation of mixed and balanced communities.

Where the amalgamation of dwellings is approved, a condition will be attached to restrict use as a house in multiple occupation unless all of the criteria in Policy H10 "Houses in Multiple Occupation" are met.

Community and Corporate Plan – Community and Place

Explanation

3.42. Torbay's constrained land supply means that it will be important to maintain the existing dwelling stock for residential use. As such the amalgamation/combination of dwellings will be regarded as development that requires planning permission. It is important to note that

some of Torbay's housing stock does not provide a good standard of accommodation, particularly where buildings have been badly sub-divided into flats, or holiday apartments have lapsed into permanent occupancy. Concentrations of such accommodation can create deprivation hotspots and poor living conditions, mainly for private sector renters. In such cases the amalgamation of dwellings will be supported if this would improve the quality of the environment or support mixed and balanced communities.

3.43. The council will resist the creation of very large dwellings, where this does not make good use of land, or could lead to multiple occupancy. Where necessary, permitted development rights for use as class C4 HMOs will be removed.

3.44. In assessing the "reasonable" size for a dwelling the council will have regard to the following guideline sizes. Layouts that significantly exceed this (e.g. by more 20%) are likely to raise questions about whether a proposal is making best use of land.

Table 8 Typical Floorspace Range of Dwellings.

General description	Floorspace range (excluding communal areas)	Typical of dwelling type
Smaller Apartments	37 – 59 sq. m	Studio and 1-2 bedroom flats
Small-medium dwellings	60-79 sq. m	2-3 bedroom apartments, Smaller 2-3 bedroom houses.
Medium size dwellings	80-108 sq. m	Large apartments, 3-4 houses.
Larger dwellings	109+ sq. m	4+ bedroom houses

3.45. There may be instances where the loss of housing is necessary for economic purposes, e.g. to support infrastructure improvements. Such instances are likely to be uncommon, and the public interest economic or other benefits will be taken into account as part of the overall justification for the loss of dwellings.

Strategic Policy H7: Affordable Housing

Policy requirement

Residential development will contribute to meeting affordable housing needs across Torbay by providing a proportion of new housing as affordable homes.

All major residential developments (meaning developments including mixed use developments that contain 10 or more dwellings irrespective of use class or where the site has a combined gross floorspace of more than 1,000 square metres, or is located in the National Landscape) will be required to contribute towards the provision of affordable housing as set out in Table 9:

Table 9: Affordable Housing Thresholds

New dwellings (gross)	**Proportion of affordable housing**	**Equal to no. of homes**	**On-site or offsite.** Note that smaller sites may also provide affordable housing on-site in discussion with the Strategic Housing and Delivery Team.
Sites outside of the South Devon national Landscape (AONB)			
0-9			Proscribed by paragraph 64 of the NPPF. If this changes, affordable housing will be sought in accordance with national policy.
10	3%	0.3	Off site contribution unless brought forward as part of the council's Accommodation Repurposing Programme.
11	6%	0.66	Off site contribution unless brought forward as part of the council's Accommodation Repurposing Programme.
12	9%	1.08	Off site contribution unless brought forward as part of the council's Accommodation Repurposing Programme.
13	12%	1.56	Off site contribution unless brought forward as part of the council's Accommodation Repurposing Programme.

14	15%	2.25	Off site contribution unless brought forward as part of the council's Accommodation Repurposing Programme.
15	18%	2.7	Onsite unless offsite provision is agreed with the Head of Housing.
16	21%	3.36	Onsite unless offsite provision is agreed with the Head of Housing.
17	24%	4.08	Onsite unless offsite provision is agreed with the Head of Housing.
18	27%	4.86	Onsite unless offsite provision is agreed with the Head of Housing.
19	30%	5.7	Onsite unless offsite provision is agreed with the Head of Housing.
20+	30%	6 (+0.3 per dwelling thereafter)	Onsite unless offsite provision is agreed with the Head of Housing as a special exception.
Allocated sites in the South Devon National Landscape			
All sites in the South Devon National Landscape	Exceptions sites in accordance with Policy H8.		Onsite unless agreed by the Head of Housing. Unallocated sites in the National Landscape are likely to only be acceptable as rural exceptions affordable housing sites. A higher rate of affordable housing will be sought from rural exception sites in the National Landscape in accordance with Policy H8.

i) Affordable housing should be provided on-site where indicated above. Off-site provision or commuted sums will only be considered on sites of 15+ dwellings in exceptional circumstances and must be justified with a planning statement demonstrating that:

a. there is a good planning reason why on-site provision is not viable or practical.

b. **Contributions of land and/or money are made sufficient to achieve the same or greater number of affordable homes than would be achieved through onsite provision.**

ii) **Within the South Devon National Landscape, sites (of whatever size) should provide additional affordable housing in line with Policy H8.**

iii) **Unallocated sites in the countryside area will be subject to policy H8 Affordable Housing Exceptions sites in the Countryside.**

iv) **A site's overall capacity to accommodate dwellings will be taken into account when calculating the affordable housing requirement. Proposals that artificially sub-divide, or under-develop sites will be resisted.**

Tenure Mix

v) **The tenure of affordable housing should be agreed through the planning process. The council will seek:**

a. **70% Social Rent**

b. **30% Intermediate housing (Shared Ownership, and other affordable housing as defined in the NPPF and Glossary).**

Regard will be had to up-to-date local evidence of housing need and evidence of viability.

Design and Integration

vi) **Affordable housing must be indistinguishable in appearance from market housing and fully integrated within the development, including provision in clusters.**

vii) **Affordable units must meet the Nationally Described Space Standards and Building Regulations Part M4(2) (Accessible and Adaptable Dwellings) unless otherwise agreed.**

Viability and Flexibility

viii) **Where applicants seek to provide fewer than the required affordable units due to viability concerns, they must submit a proportionate Viability Assessment in accordance with the National Planning Practice Guidance and local validation requirements. All viability assessments must be:**

- **Submitted at the planning application stage;**
- **Made publicly available;**

- **Reviewed by an independent assessor appointed by the LPA, at the developer's cost.**

ix) **Before reducing the quantity of affordable housing, other options such as changing the tenure mix or other funding sources must be investigated.**

Delivery and Timing

x) **Affordable housing shall be delivered in phases alongside market housing unless otherwise agreed through a planning condition or Section 106 agreement.**

xi) **Developers will be required to:**

- **Enter into a Section 106 Agreement to secure affordable housing;**
- **Provide details of the proposed Registered Provider or alternative delivery mechanism.**

xii) **The early development of affordable housing on site will be encouraged**

xiii) **The provision of additional affordable housing on non-major sites, or in excess to the plan requirement will be supported in principle, subject to the creation of mixed and balanced communities.**

Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.46. Torbay has a very pressing need for affordable housing. Around 8% of Torbay's housing stock is made up of affordable housing, compared to around 18% nationally. Increasing the levels of affordable housing, providing a range of tenures and housing types within mixed and balanced communities can aid social mobility.

3.47. Policy H7 ensures that all major residential developments contribute to affordable housing supply, and support the creation of mixed and balanced communities. The policy provides flexibility where schemes are genuinely unviable but prioritises on-site provision in line with national policy and local housing needs.

3.48. The Policy also supports the delivery of affordable housing on non-major sites, whilst respecting the nationally prescribed threshold of 10 dwellings (or 1,000 sq. m) outside of the National Landscape. On that basis, non-major affordable housing schemes are likely

to come forward through non-S106 routes, unless provided as local need rural exceptions sites (see policy H8 below).

3.49. Early discussion with the council's Head of Housing or Affordable Housing Manager should take place to agree matter such as location, tenure and timing of provision.

3.50. When negotiating affordable housing tenure, regard will be had to evidence of housing need, including the latest Housing and Economic Needs Assessment (2026), waiting list and affordability data.

3.51. The expectation is that affordable housing should be provided on-site for larger sites. However, the policy allows for the provision of land or financial contributions for provision elsewhere. This must be agreed by the council's Head of Housing (or equivalent post) and provide for at least an equivalent number and type of affordable homes that would have been provided on site. It should also take into account the additional costs of off-site provision such as site acquisition.

3.52. The council will consider a site's capacity to provide affordable housing and resist attempts to under-develop sites or subdivide plots to minimise affordable housing liability. This also includes providing abnormally large dwellings or void areas in building layouts (unless justified by other constraints such as flood risk etc). It will be assumed as a starting point that sites are capable of providing 30 dwellings per hectare gross, although extenuating factors will be considered. Developments of apartments are likely to be capable of providing significantly higher levels than 30 dwellings per hectare.

3.53. When assessing whether land is an "incremental" site where affordable housing may be sought the council will consider matters such as land ownership, whether sites are directly adjacent or connected, and any levels differences between sites.

3.54. Torbay's main need is for rented affordable housing; however, demand for intermediate affordable housing has increased in recent years. It is also important that affordable housing is provided as mixed and balanced communities and that concentrations of deprivation are avoided (see Policy SCS). The provision of intermediate housing can assist with the creation of mixed and balanced communities and aid viability. The council's preferred means of delivering intermediate housing is through shared ownership homes managed by registered providers. There is currently a high take up for these. The NPPF does acknowledge that other forms of intermediate housing, such as discount market sales housing do exist. Where proposed, other forms of tenure should be agreed with the Head of Housing or Affordable Housing Manager.

3.55. The NPPF (paragraph 65) and PPG requires councils to allow Vacant Building Credit to be granted to incentivise the reuse or redevelopment of vacant buildings. Eligibility for VBC will be determined by Torbay Council at application stage. Robust evidence will be required to support an application for VBC. Buildings that have been abandoned or made vacant for the purpose of redevelopment will not be eligible. The council will have regard

to the definition of vacant buildings in the CIL Regulations (2010 as amended) when considering VBC eligibility i.e. a vacant building is defined as not having been in lawful use for 6 months or longer in the last 3 years. However, the council will also have regard to the imperative of incentivising brownfield development.

3.56. Where the provision of affordable housing may render affordable housing unviable, it is important that early discussion takes place with the council's Affordable Housing Manager. An independent assessment of viability will be required, with the developer underwriting the cost of the viability assessment. A reduction in the level of affordable housing provision will only be agreed where:

i) The provision of affordable housing is shown to make the development unviable.

ii) Other options to achieve policy compliant level of affordable housing have been explored. These include (but are not limited to) increasing the proportion of intermediate housing, or sale to an affordable housing provider.

iii) A recovery mechanism is provided that allows affordable housing to be provided should viability improve, based on a deferred calculation of development profitability.

Viability assessments should be proportionate to the proposal and consider whether there are abnormal costs such as contamination or additional policy requirements such as climate change resilience and Habitats Regulations mitigation.

3.57. Affordable housing will be prioritised for local people though local lettings policy (Devon Home Choice). Proposals that provide support to groups such as care experienced young people will be given particular support.

3.58. This policy will be reviewed periodically to ensure continued alignment with national policy, housing needs, and viability evidence across Torbay.

3.59. More detailed advice on the implementation of this policy will be set out in updated Planning Contributions and Affordable Housing guidance.

Policy H8: Affordable housing exceptions sites in the countryside

In the countryside (as defined by Policies L1 and L3 and shown on the Policies Map), the development of sites for affordable housing to meet the needs of local people as a rural exception will be supported where:

i) There is a proven need for affordable housing from households that have a strong local connection; and

ii) **The site adjoins a settlement and does not have a significantly adverse impact on environmental, landscape, or historic assets, individually or in combination with other developments; and**

iii) **The scale of provision is limited to meeting the identified local need; and**

iv) **Dwellings remain as affordable housing for local people in perpetuity.**

v) **The proposal is acceptable in terms of its landscape, ecological and other impacts, and in particular does not have adverse flooding, drainage or water management impacts.**

There is an expectation that homes permitted as rural exception housing should be 100% affordable housing.

Where market homes are proposed to support the overall viability of the site, they will need to be supported by a viability assessment indicating why they are necessary to deliver the development. Market homes should in any event be a small proportion of dwellings, up to 30% of homes on site.

Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.60. Policy H8 sets out criteria for considering rural exceptions where this would achieve affordable housing to meet an identified local need. Since the policy allows housing to be built in locations where it would not usually be acceptable, it should be limited to providing affordable housing. To achieve this a s106 obligation will be sought to require the dwellings to be provided as affordable housing and retained as such in perpetuity. Occupation should meet local needs with a cascade to town level and Torbay level if not achieved. This will be managed through a local lettings policy via Devon Home Choice.

3.61. It will be assumed that dwellings will be 100% affordable, with an emphasis on social rent. Where it is argued that market housing is needed to achieve viability, robust evidence will be required to demonstrate this, having regard to other available sources of funding including public subsidy.

3.62. Policy H8 is expected to deal with relatively small sites in general. Because the dwellings would not normally be acceptable other than to meet affordable housing needs, it is considered appropriate that the normal threshold for affordable housing is waived.

3.63. Proposals should not cause serious landscape or ecological harm and should be able to provide safe access.

Policy H9: Self-build housing in Future Growth Areas

To accommodate demand for self-build homes, the provision of at least 1% of dwellings within Future Growth Areas, shall be provided as serviced plots for sale to self or custom home builders.

This will be controlled by the following means:

i) The provision of serviced plots in an agreed location will be set out through a s106 Planning Obligation.

ii) Where plots have been made available and marketed appropriately for at least 3 months and have not sold, the plot(s) may either remain on the open market as self-build for up to 12 months, or be offered to the council for affordable housing. Where no take up of self-build plots occurs within 12 months, it should be offered to the council for the provision of affordable housing.

iii) Planning permissions should include conditions requiring self-build developments to be completed within 3 years of a self-builder purchasing a plot.

iv) If provision is made off-site, alternative sites should be provided as serviced plots with planning permission.

v) Where the provision of serviced plots for self-build is not practical for site assembly, layout or other reasons, an equivalent number of homes should be provided as affordable housing.

Community and Corporate Plan – Community and Place

Explanation

3.64. Policy H9 seeks a small proportion Future Growth Areas to be provided as self-build plots. In the context of this policy, self-build also refers to custom build plots. These should be provided by the developer as serviced plots, and will be allocated from the Self Build Register with first preference to existing Torbay residents or those with a strong family connection.

3.65. Where the provision of serviced plots is not practical, for example due to site servicing or insurance reasons, the provision should be rolled into the provision of affordable housing (and additional to the affordable housing requirement). The assumption will be that such units will be offered for sale through a Registered Provider as shared ownership products

through a local lettings policy. Similarly, where there is no take up of self-build plots, they should default to affordable housing.

3.66. Where self or custom-built homes are built, whether on allocated sites or through windfall sites, it is essential that CIL Self Build Exemption is applied for as an application validation measure, even if the development is zero rated for CIL.

Policy H10: Houses in Multiple Occupation (HMOs)

The conversion of HMOs to self-contained dwellings will be supported.

Applications for new buildings or sub-division of existing buildings into non-self-contained residential accommodation (HMOs) will only be permitted where the following criteria are met:

- **i) The property is located within easy reach of sustainable transport and community facilities.**
- **ii) An standard of residential accommodation can be provided that meets or exceeds the council's standards.**
- **iii) The scale and nature of the use would not harm neighbourhood amenity, for example by way of noise, general disturbance, litter, on-street parking, or impact on visual amenity.**
- **iv) To avoid an over-concentration of similar uses that could exacerbate deprivation, no more than 5% of the total dwelling stock within 100 metres of the application site should be HMOs; and the application does not sandwich a dwelling between two HMO properties.**
- **v) The building is not within an area of significant deprivation.**
- **vi) The proposal is not within or directly abutting a Core Tourism Investment Area, and would not otherwise adversely affect the character of holiday areas.**
- **vii) Adequate storage facilities are provided for cycles, waste, and recycling collection; and**
- **viii) There is supervision by a resident owner or manager, or an appropriate alternative level of supervision. Ongoing management will be secured through condition or s106 Planning Obligations where appropriate.**
- **ix) Where new dwellings (within Class C3) do not meet the above tests, the council will restrict the change of use to Class C4 (Small Houses in Multiple Occupation).**

Explanation

3.67. An HMO is a building or part of a building that is occupied as a main residence by more than one household, i.e. unrelated people who do not live together as a family but share some facilities such as a bathroom or kitchen. HMOs with more than 6 occupants are 'sui generis' and require planning permission. Small HMOs of 4-6 people fall within Use Class C4. These require planning permission where permitted development rights to change use have been removed, for example through an Article 4 Direction.

3.68. Planning control of HMOs is separate from housing legislation. The Housing Act 2004 defines licensable HMOs as 5+ occupants living in more than 1 household in buildings of three stories or more. Note that the existence of an HMO licence does not confer planning permission or imply that the use is acceptable in planning terms.

3.69. HMOs form 2.3% of Torbay's housing stock compared to a national rate of 1.6%. A proliferation of houses in multiple occupation, particularly where badly managed can worsen the serious urban deprivation that besets many coastal towns.

3.70. On this basis, 'sui generis' or Use Class C4 HMOs will be resisted where there are concentrations of deprivation or where a proliferation of such properties could be harmful to achieving mixed and balanced communities. As a guideline, where applications make up more than 5% of housing stock within a 100m radius, or where proposals are within the 10% most deprived neighbourhoods in the Indices of Multiple Deprivation, they are unlikely to comply with Policy H10.

3.71. HMOs should meet an acceptable standard of accommodation to deliver a healthy living environment. This will be taken as those set out in: Our standards for Houses in Multiple Occupation - Torbay Council. This includes amenity, living conditions, space standards, waste and recycling provision.

3.72. HMOs should contain adequate provision for waste and recycling, cycle storage and resident amenity space. HMOs should seek to provide an area of 30-35 square metres per single bedspace. Communal areas such as lounges and kitchens may be counted towards to this space. Where permission is granted for HMOs, the council will require the property to be appropriately managed, either through an on-site manager or other arrangement that provides for 24 hour emergency cover. This will be secured through planning condition or s106 Planning Obligations, and a monitoring obligation sought.

3.73. HMOs will not be supported in Core Tourism Investment Areas and other key tourism locations where they would adversely affect the tourist economy. Unauthorised HMOs will be prioritised for enforcement action. Note that the Tourism Policies (especially TO3) have

been drafted to support conversion of holiday accommodation into self-contained residential dwellings outside of CTIAs.

3.74. Policy H4 will apply to all HMOs. The council will use these Policy criteria in considering whether to pursue enforcement action against existing unauthorised HMOs. The Policy aims to reduce the number of poor-quality HMOs and to slow the growth in their number in the Bay, whilst acknowledging that well-run establishments can contribute to meeting a need for low-cost accommodation.

3.75. Note that Policy H10 does not apply to accommodation where significant care or ongoing support is provided by a charitable organisation. Such uses are dealt with in Policy H11 below.

3.76. The council will resist very large dwellings which are likely to be HMOs where they fail the tests of this policy. In Community Investment Areas (i.e. within the top 20% most deprived neighbourhoods), the council will restrict permitted development rights to convert Class C3 dwellings to Class C4 HMOs.

Strategic Policy H11: Specialist housing for people in need of care or support

The council will support measures to help people live independently in their own homes and to live active lives within the community.

This will be achieved through the following:

1. **All new dwellings should be capable of adaptation for disabled people, as far as is practical. All major developments should provide a minimum of 25% of all new homes to Building Regulations Approved Document Part M4(2) (accessible and adaptable dwellings) standard.**
2. **The provision of accommodation providing additional support and assistance to local care-experienced young people will be supported unless other policies in the Local Plan provide a strong reason for refusal.**
3. **Adaptations to assist people living with disability will be supported unless they conflict significantly with other Local Plan Policies. Where accommodation is provided for annexes for relatives or other dependants, the council will require accommodation to revert back to being part of the main dwelling when no longer needed for annex purposes, unless the annexe is suitable for residential accommodation according to the policies and obligations set out in this plan.**

Age Restricted Accommodation

4 **Specialist and age-restricted accommodation (irrespective of use class) should be aimed at meeting the needs of local people, or those with a strong family connection. The occupation of specialist and age restricted accommodation will be restricted to people living in Torbay for a minimum of five years or with a direct family member living in Torbay. Exceptions to this will be provided where one or more of the following apply:**

i) Specialist accommodation such as specialist dementia care and facilities etc. for Torbay residents with support of adult social care

ii) Affordable housing or institutions (including extra care managed by local lettings agreement)

iii) Where specialist accommodation is not restricted to occupation by people with a strong local connection, and (i)- (ii) above does not apply, the council will seek financial contributions via s106 Planning Obligations to meet likely local healthcare and social service costs generated by the development. This should reflect the average additional cost to Torbay Adult Social Care and the NHS arising from inwards migration of people likely to require additional care and support over the lifetime of the development.

5 **Specialist accommodation for older people or other people in need of care should be located within easy ~~reach~~ walking and wheeling distance of community facilities, places of worship, shops, and public transport. They should be located on relatively level sites where possible. Proposals should show how they will promote social connectedness and reduce social isolation.**

6 **New care homes and other specialist accommodation, extensions to existing care homes and development of retirement villages will only be approved where:**

i) Occupancy is restricted to local residents as per criteria 4 above.

ii) they will not harm the creation or retention of mixed and balanced communities.

iii) they will not add undue pressure on local healthcare or social services; and

iv) the accommodation leads to an improvement in the quality-of-care facilities provided especially the provision of specialist nursing or care facilities.

Where development, including residential development, places an additional need upon health services, community or other facilities, the council will seek financial contributions towards the funding of those facilities.

Explanation

3.77. A key issue that Torbay faces is an ageing population. By 2032, 30% of Torbay's population is projected to be aged 65 or older, up from 26% in 2022. This can bring considerable social and economic benefits to an area. However, it also raises significant health and accommodation issues and costs. In addition, there is a wide range of people with additional needs who may require some form of assistance to live independently. On this basis it is important that the provision of homes for older people assists with freeing up local housing stock for working age people and families. It will be important that new age-restricted housing does not lead to increased inwards migration of older people.

3.78. The overarching aim of Policy H9 is to assist people to live good-quality of life in their own homes for as long as possible, and supports adaptations and the appropriate provision of specialist accommodation.

3.79. Torbay's need for specialist housing was assessed by Housing LIN (Local Intelligence Network) in 2026 (forth coming) and Torbay Housing Needs Assessment (ORS, 2026). Evidence indicates a large increase in older people living along and the need to provide better specialist facilities; but a falling need for care home spaces offering no additional services

3.80. Torbay Council's and the Torbay and South Devon Healthcare NHS Foundation Trust's policy is to help people to live in their own homes for as long as possible. Adapting homes to provide facilities such as wheelchair access will not usually require planning permission, however a sympathetic view will be taken of people's needs in instances where permission is required. The creation of annexes for dependent relatives will be supported subject to design and neighbour amenity matters. It will usually be necessary that annexes are subject to a planning condition requiring planning permission to be sought for them to be used as a separate dwelling.

3.81. Age-restricted dwellings offering no additional facilities (sometimes referred to as sheltered housing) is likely to fall within use class C3, but subject to different space, parking and open space standards to general needs housing. Extra-care and supported housing providing additional care and facilities may fall within Use Class C2 or C3 but is still "housing" and liable for affordable housing under Policy H7.

3.82. The council recognise that there is a need for housing offering additional support and assistance for young people, including care experienced young adults and people with

additional needs. These should be run by a recognised body such as a Registered Provider as affordable housing and provide additional support such as links to local employers' training agreements. Such dwellings may fall within Use Class C3(b) or sui generis depending on the number of residents and whether care is provided. Policy H11 seeks to provide a supportive framework for such accommodation, subject to other Local Plan considerations, particularly management arrangements and neighbour amenity.

3.83. Where an application is likely to lead to an increase in health and social care costs in the area, the council will seek s106 Planning Obligations to meet the additional cost to the area. This will not be sought where occupation is restricted to Torbay residents or people with a strong family connection. This will generally be taken to mean 5-years or more residency or a direct family connection. In the case of affordable housing, occupancy will be managed via local lettings agreement at the discretion of the Head of Housing.

Policy H12: Proposals involving the loss of care accommodation

Proposals involving the loss of existing care accommodation will be supported where it is demonstrated that it does not represent the most appropriate way of delivering care, or it provides a type of accommodation that is not needed.

Proposals for change of use or redevelopment of care accommodation should achieve a good quality of residential accommodation.

Where such a change of use is agreed, the creation of family homes or employment space will be encouraged, and the council will seek the restoration of buildings by the removal of unsightly features or additions relating to their specialist use.

Community and Corporate Plan – Community and Place

Explanation

3.84. As set out in Policy H11 the majority of Torbay's housing need, including specialist accommodation should be met by assisting people to live in their own homes, including assisting them to down-size to age restricted and extra care dwellings. Nursing homes should provide for facilities such as dementia care or specialist facilities, and there is

unlikely to be a need for care homes that provide no additional nursing or specialist facilities.

3.85. Properties converted into care homes, for example from Victorian Villas often lack facilities such as level access or ensuite accessible wet rooms. Policy H12 recognises that some care homes should convert, or be redeveloped, for residential purposes. This will allow need to be met though more modern purpose-built facilities.

3.86. Regard should be had to the design policies in the Local Plan in relation to the sympathetic conversion of older buildings, particularly the removal or improvement of unsightly features and additions.

Policy H13: Sites for travellers

The Local Plan will provide for a temporary negotiated stopping places for Travellers within Torquay Gateway and Collaton St Mary Future Growth Areas. Provision may be made offsite, subject to suitable alternative sites being provided by the developer. These should have regard to the criteria below.

Other applications for caravan sites for travelling people, including residential sites for settled occupation, transit sites and temporary stopping places, will be assessed against the following criteria:

i) Evidence of need for pitches for travellers or plot/yards for travelling show people.

ii) The availability and suitability of accommodation on existing mobile home sites with licences for permanent occupancy.

iii) Proposals should promote peaceful and integrated co-existence between the site and the local community. They should not be to the detriment of the amenities of adjoining areas in respect of noise and other disturbance arising from the movement of vehicles to and from the site,

iv) Sites should be provided with a satisfactory means of vehicular access, together with adequate provision for turning, parking and stationing of incidental business vehicles on the site.

v) Sites should be provided with an appropriate level of essential services including access to drinking water, refuse collection and sewage disposal.

vi) Sites should be located within reasonable distance of local services and facilities (e.g. shops, schools, and hospitals).

vii) Sites should not be located in areas at risk of flooding.

viii) **Sites will be acceptable outside of the settlement boundary only if they are well-screened and do not conflict with landscape, nature conservation, countryside, and agricultural protection policies in the Local Plan.**

ix) **Proposals in in rural or semi-rural settings, should ensure that the scale of such sites does not dominate the nearest settled community.**

Community and Corporate Plan – Community and Place

Explanation

3.87. The government's Planning Policy for Traveller Sites was updated in December 2024 as a sister document to the NPPF. Where there is an identified need, councils should maintain a 5 year supply of pitches. Pitches may include:

- Residential sites for settled occupation (with infrastructure including provision of sanitation and other services);
- Transit sites (possibly with limited facilities); and
- Temporary stopping places (with normally only basic facilities)
- Plots or yards, for travelling show people with facilities to allow over-wintering and storage of equipment.

3.88. Torbay does not have a history of settled traveller or Romani Gypsy communities, or others with a heritage of travelling expressing a wish for pitches. Furthermore, there have been no planning applications for any type of sites in the Unitary Authority area.

3.89. The 2014 Gypsy and Traveller Accommodation Assessment (GTAA) in Torbay confirmed that no evidence existed that indicated a need for the council to make provision for permanent or transit site accommodation for travellers or travelling showpeople. However, there is a need to identify negotiated stopping sites. Evidence of need (if any) is assessed as part of the

3.90. Un updated assessment of need for accommodation will be provided by the 2026 GTAA (ORS- forthcoming). In the event that a need for a permanent site is identified, the first preference will be in the built-up area in proximity to schools and other services. Torbay does have a significant stock of mobile home accommodation on the West of Paignton that is likely to meet demand for settled accommodation. If a need for local-need affordable pitches in the rural area is identified, Policy H13 will be the starting point for determining proposals.

Chapter 4. Building a prosperous and inclusive Torbay - Unlocking opportunity for all



Figure 11 Building a Prosperous and Inclusive Torbay

Introduction

4.1. This chapter is divided into three sections:

- Part 1: Economy and Employment Land
- Part 2: Tourism
- Part 3: Safe and Welcoming Town Centres for All (Town Centre and Retail policies)

Part 1 - Economy, Tourism and Town Centres

Economy and Employment Land

Strategic Policy ES: Torbay employment and innovation strategy

The Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Growth Strategy. Proposals that create or improve employment or enable expansion will be supported subject to other policies in the Plan.

The Local Plan proposes the creation of at least 80,000 sq. m. of new industrial space within Use Class B2/B8/ E(g), equal to at least 20 hectares of employment land. Additional provision will be made for healthcare and education where there is an identified need.

Phased delivery of mixed-use development must include early provision of serviced employment space, unless there are compelling reasons to justify later delivery, and safeguards to provide compensation in the event of non-delivery. The provision of local training and employment schemes will be supported.

Where planning permission is granted for Class E(g) or B2/B8 space the council will use conditions or seek a s106 obligation to ensure that the space is retained for employment purposes.

Community and Corporate Plan – Economic Growth

Explanation

4.2. The Torbay Economic Growth Strategy was adopted by Torbay Council in 2023. This identifies a need to increase Torbay's productivity by broadening the economic base and reducing reliance on the service sector. The Economic Growth Strategy sets out how the council and its partners can improve economic conditions and help businesses to improve performance, create new opportunities for residents, tackle poverty and improve health outcomes.

4.3. The Local Plan recognises the importance of the hi-tech sector and knowledge-based economy. Torbay has specialisms in areas such as photonics, electronics, and medical technology. Many firms are reaching capacity and need grow-on space. There is a need to

provide improved employment prospects and learning opportunities, and to provide better opportunities for younger people to stay in Torbay. This involves improving links with education providers such as South Devon College and providing improved prospects for local young people, especially those from care-experienced and other special education needs backgrounds. More details of the Economic Growth Strategy are available at: Economic Growth Strategy - Torbay Council.

4.4. Torbay's Community and Corporate Plan prioritises inclusive economic growth, aiming to create opportunities for all residents. This section supports that ambition by focusing on job creation, skills development, and business resilience. The emphasis on high-tech industries and education partnerships reflects a commitment to long-term prosperity and social mobility. Investment in employment land and infrastructure is key to unlocking Torbay's potential and reducing deprivation.

4.5. The Local Plan supports a step change in the economic performance of the Bay, building on the recent signs of recovery and maximising the opportunities for regeneration. The National Planning Policy Framework (paragraphs 18-22) supports economic growth. Plans and decisions should support growth and to plan proactively to meet development needs. At the same time, many employment and commercial activities are outside the control of planning, particularly with the creation of a wide Class E commercial use class, and permitted development rights to convert many commercial buildings to housing.

4.6. The Local Plan sets out a positive spatial framework to support the economic prosperity aspirations of the Community and Corporate Plan and Economic Growth Strategy. Central to increasing Torbay's productivity and employment prospects, the Local Plan seeks to create a land use framework to support the maintenance and expansion of hi-tech industries identified in the vision in the Torbay Economic Growth Strategy, Community and Corporate Plan and The Torbay Story.

4.7. Whilst not an exclusive list, the following sectors are particularly important in Torbay:

- Tourism, hotel and catering
- Manufacturing
- Professional services
- Financial services
- Advanced electronics and photonics / hi-tech
- Medical / Healthcare
- Education and training

- Business Process Outsourcing and
- Food production and processing.

4.8. Policies ES and E1 set targets for the provision of employment land in Torbay. This is informed by the Torbay Economic Development Needs Assessment (EDNA) (DLP 2024) https://www.torbay.gov.uk/council/policies/planning-policies/local-plan-update/economic-development-needs-assessment/as well as the Torbay Economic Growth Strategy (2023). Based on the 2024 EDNA, the Local Plan seeks to allocate at least 20ha of employment land that should achieve at least 80,000sq m of net additional employment floorspace within Class E(g), B2 or B8 (i.e. traditional employment uses such as offices, light industry and high tech that would have fallen into Use Class B1 prior to 2021, Use Class B2 General industry and Use Class B8 Storage and Distribution). Policy E2 sets out site allocations. There is an emphasis on traditional former "Class B" jobs in these allocations due to the need to increase GVA and widen the areas industrial/high tech base. The Local Plan identified about 32ha of employment land in Policy E1, but makes an allowance for other uses including Class B8 and non-completions. This level of provision is more likely to deliver 80,000sq m of employment space rather than simply relying 20ha, which would be the requirement based on a typical 40% site coverage assumption (i.e. assuming that 1 hectare allocation yields 4000 sq. m. floorspace). The delivery of employment space will be kept under review in order to ensure that it delivers at least 80,000 sq. m. Class B2/B8/E(g) floorspace.

4.9. The 80,000 sq. m. employment space allocation does not include provision for education or healthcare jobs. Provision should be made for growth within these sectors, particularly at Torbay Hospital, South Devon College and other strategically important institutions. Development in Future Growth Areas should make provision for education and healthcare facilities in line with Policies SCS and SC1

4.10. Home working has become increasingly important, both because of flexible working arrangements, and improvements to ICT. This usually takes place as ancillary to the domestic use of properties, and there has not been an upsurge in demand for live-work units. However, the Local Plan seeks to accommodate the rise in home working through policies supporting to-the-door fibre (Policy IN2) and provision for vans as part of residential layouts (See Policy TA4). The Local Plan also supports the provision of work hubs or start-up units are part of the Class E(g) employment space offer.

Strategic Policy E1: Strategic employment land allocation

The following sites are proposed for employment use within Class B2, B8 or E(g), to meet the needs of existing, growing and new businesses.

Within these areas, a minimum of 50% (or 2000 sq. m. per hectare) will be provided as Class B2 or E(g) employment, subject to other policies in this Plan. Early delivery of serviced units of Class E(g) or B2 space will be sought. Where later delivery of B2 /E(g) units is proposed, a S106 phasing agreement will be required setting out safeguards including compensation for non-delivery of employment units.

Proposals must not adversely affect the integrity of the South Hams SAC or Lyme Bay and Torbay Marine SAC, alone or in combination with other plans or projects, including through effects on bat habitat and commuting routes, or through recreation, drainage and water quality matters, in accordance with Polices NCS2, NC4, ER2, ER3, ER4 and W5.

Table 10 Local Plan Employment Allocations.

	Site	**Site Size**	**Notes** (These will be incorporated into an Employment Topic Paper for the Submission Plan but are included here for information).	**Status**
	Torquay			
E1T.1	Land at Orchard Way	1.5ha	Excluding built out area	
E1T.2	Adj. Ridge Lane and Moles Lane, Edginswell	3ha	23T003- New allocation. Land to the West of the Ring Road.	Proposed new allocation
E1T.3	Kingsland, Torquay	3.2ha	Allocated as part of SDT3 and shown on the Adopted Masterplan (2015) as employment. HELAA site 21T125. Application P/2019/0710 for 90 houses and offices refused/appeal dismissed.	Allocated in Local Plan 2012-30
E1T.4	Land adj. Kingsland Torquay	1.2ha	HELAA site 21T004	New proposed allocation
E1T.5	Former Market Site, Stantor Barton	1.3ha	HELAA site 21T136 Promoted for housing in the HELAA).	New proposed allocation

	Site	Site Size	Notes (These will be incorporated into an Employment Topic Paper for the Submission Plan but are included here for information).	Status
E1T.6	Riviera Way adj. Magistrate's Court	0.6ha	The site has outline permission P/2024/0511	
	Paignton			
E1P.1	Claylands Cross phase 2	2.4ha	Allocated site in Local Plan 2012-30 (SDP1/SDP3) Permissions P/2016/1115, P/2016/1123, **P/2018/0700,** P/2020/0187 2022/0027 Hybrid permission 11,188 sqm B2/B8 floorspace (10,788 sq. m +400 sqm approved under P/2018/0700 in 2 units. Unit 1 built out (5,600sq m). Outline permission for phase 2. (Circa 5,600 sq. m).	Allocated and committed site. 5,574sq m built; outline permission for phase 2 (circa 5,035sq m).
E1P.2	Land at Yalberton Road/Berry Acres	1.7ha	**Berry Acres** Development allocated for business use, rear of Yannons Farm. Part of a mixed-use site approved as P/2014/0983. The housing has been built. P/2014/0983 and P/2018/0977, P/2019/0605, P/2019/0173. Circa 7,400sq. m of employment. S106 plan shows three fields at north of site for employment (0.68ha +0.98ha+ 0.431 ha). (Plus a separate plot at Wilkins Drive -	Allocated site with outline permission. 1ha likely to be deliverable.

	Site	Site Size	Notes (These will be incorporated into an Employment Topic Paper for the Submission Plan but are included here for information).	Status
			see below). Part of the land used for sustainable drainage and access. So likely to be middle portion of land circa 1ha that is deliverable. The site is close to proposed waste operation at Yalberton, but is suitable for employment use.	
E1P.3	Wilkins Drive, Yannons Farm	1.3	Standalone part of Berry Acres. Access strip controlled by local housebuilder being. The site is being promoted for housing. Allocated site in Torbay Local Plan 2012-30 SDP3.4 If it comes forward as housing, there would need to be compensation for loss of employment land unless another social benefit is provided e.g. affordable housing in excess of policy requirement.	Allocated site in Torbay Local Plan 2012-30. Outline permission – but being promoted for housing
E1P.4	Land north of Wilkins Drive PMU	1.5ha	21P034 in HELAA	New proposed allocation
E1P.5	Land at Long Road/Lower Yalberton Farm Holiday Park .	4.7ha	21P012 (south of 21P067) - promoted to the HELAA as housing/mixed use development.	New Proposed allocation
E1P.6	Land at Devonshire Park Long Road	(Circa 0.7ha)	**Allocated**/ part of outline P/2014/0947. 5,547 sq. m of Class B1/B8.	Existing allocation with permission. Not being actively

	Site	Site Size	Notes (These will be incorporated into an Employment Topic Paper for the Submission Plan but are included here for information).	Status
			Retail Park built out (8,501sq m +139 sq. m of Class E). Housing and employment land not started.	promote for employment.
E1P.7	Land at White Rock (South of Woodview Road)	4.77ha	Units C (12,000 sq. ft), G (930 sq. m. 10,000 sq. ft), F (1,120 sq. m/12,000 sq. ft) approved. Part of P/2011/0197 and subsequent RMs for 350 dwellings and 36,800 sq. m of employment floorspace plus 1652 sq. m retail and 392 sq. m A1/A3 units. Two sites to the south of approved units G and C. H 1400 sq. m./15,000 sq. ft. J 1,860 sq. m/ 20,000 sq. ft.	Part existing allocation with Permission / Part new proposed allocation
E1P.8	Land North of Peters Copse, Long Road (West of Graphics Contol, Western Bowl).	1.7ha	Part of HELAA site 21P060. Being promoted for residential use.	New Proposed allocation
	Epic Phase 2 Waddeton Approach, White Rock		Land at Long Road and White Rock.	
E1P.9	Land South of Peters Copse, Long Road. (To the West of Graphic Controls).	2.5ha	Part of HELAA Site 21P060 Within White Rock Future Growth Area but not previously shown as development land. Three Units	New Proposed allocation

	Site	Site Size	Notes (These will be incorporated into an Employment Topic Paper for the Submission Plan but are included here for information).	Status
			K 2,440 sq m./ 26,250 sq. f. L 1,770 sq m / 19,000 sq. f. M 1,120 sq.m. 12,000 sq ft)	
	Brixham			
E1B.1	Oxen/Freshwater Cove	0.9ha	Allocated in BPNP and Local Plan 2,7500 sq. m Class B2, B8 and E with specific focus on supporting maritime and fishing industries. Total site is 1.8 but 0.9ha assumes retention of car park.	Existing allocation with ~~no~~ historic permission
E1B.3	Northern Arm Breakwater		Subject to Environmental Impact Assessment	Existing allocation rolled forward.
	Total	32 ha		

Community and Corporate Plan – Economic Growth

Explanation

4.11. Policy E1 proposes employment allocations. The main focus of these should be on providing employment space within the “industrial” use classes which are needed to support Torbay’s key employment sectors such as photonics and MedTech, as well as the Bay’s Marine economy. There is an emphasis on the following use classes to support these sectors:

- B2 General Industry

- E(g)(i) Office
- E(g)(ii) research and development
- E(g)(iii) any industrial process which can be carried out in a residential area.
- Limited Class B8 Storage and distribution where necessary to support key industries or the wider economy.

4.12. The table above provides around 32 ha, but not all of the areas are likely to be suitable for employment development at 40% site coverage, and some are subject to alternative proposals. Delivery of employment land will be kept under review to ensure that at least 80,000 sq. m. of B2/E(g) floorspace is delivered early in the Plan period.

4.13. Where proposals are part of wider mixed-use areas, such as Future Growth Areas, there should be a value-equalisation agreement over the site where practicable to assist with the delivery of employment areas. Development should be phased to ensure early delivery of employment areas.

4.14. Proposals for non-employment use of these allocations will be resisted, subject to the considerations in Policy E4 below. The council recognises that there is likely to be limited demand for new office space, and proposals should avoid this as an element of mixed-use developments, unless supported by clear evidence that it is deliverable.

4.15. Employment sites should be suitable for modern users and not unduly constrained by operational requirements. Care will need to be taken when locating employment next to residential development, and areas should be master planned to accommodate employment use. Advice on the needs for employment space, layout etc. is available from the Economy Team.

Policy E2: Employment area renewal and modernisation

The refurbishment and improvement of the existing employment estates will be supported subject to other policies in this Plan. Development should not result in a net loss of Class B2/E(g) floorspace, unless the quality of employment space is significantly improved. A proactive approach will be taken to bringing underutilised space into productive use.

Other uses, including residential development will be supported where it achieves an overall improvement in the provision of high quality employment space or substantial public benefits, and does not sterilise the area from employment or undermine existing industrial uses.

Table 11 Existing Employment Areas

Site	**Notes** – For information: will be included in a Topic Paper in the Submission Local Plan.
Torquay	
Edginswell Business Park (Torquay)	Partly built out
Woodlands Trading Estate (Torquay)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.
Lymington Road/Teignmouth Corridor	
Broomhill Way, Torquay	
Paignton	
Claylands Phase 1	
Yalberton Industrial Estate (Paignton)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.
Brixham	
New Road Trading Estate, Brixham	
Northfields Trading Estate (Brixham)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.

Community and Corporate Plan – Pride in Place

Explanation

4.16. Policy E2 proposes the refurbishment and improvement of existing employment areas. The Local Plan recognises that there is scope to make better use of land in some of these locations, including the introduction of some other employment or residential uses. However, the policy seeks to improve the quality of employment space and achieve no net

loss of Class E(g), B2 or B8 space, unless there is a clear improvement in the quality of space provided or other public benefit. Nor should new uses sterilise existing industrial uses.

4.17. Whilst the emphasis is on the retention of industrial and hi-tech uses, it is recognised that some uses such as “trade counters” and car showrooms already operate in these areas, and that other non-industrial (i.e. outside of Class B and E(g)) uses may be appropriate in these areas, subject to Policies TCS and TC5 dealing with the town-centre first approach for main town centre uses.

4.18. Further Masterplans will assist the regeneration of industrial land and identify opportunities for mixed use development. Where mixed use developments are approved, the delivery or enhancement of employment space will be required through phasing agreements and land equalisation measures.

Strategic Policy E3: Supporting a sustainable marine and coastal economy

The council will support investment in marine-related development where this produces economic, social or environmental benefits to the area. Proposals should be consistent with wider natural and historic environmental, including marine environment, and coastal defence objectives. Sites of importance to marine-based activities will be protected for such use, subject to the other policies in the Local Plan.

The following schemes are proposed:

- **An extension to Torquay Harbour**
- **Improvements to Paignton Harbour**
- **Construction of Brixham Northern Arm Breakwater**

Proposals must not adversely affect the integrity of the Lyme Bay and Torbay Marine SAC alone or in combination with other plans and projects, in accordance with Policies NCS2, NC1, ER1 to ER4 and W5.

Proposals should be consistent with South Marine Plan to ensure integrated marine and terrestrial planning is delivered for Torbay.

Explanation

4.19. The Local Plan places very great emphasis on achieving urban regeneration to support economic growth and provide housing opportunities. Policy E3 sets out a supportive framework for employment uses that require a maritime location, particularly those related to harbourside and waterfront improvements and the fishing, tourism, and related marine industries.

4.20. Tor Bay is a beautiful natural harbour which provides a protected area of water for leisure, recreational, tourism and commercial use. The coastline and the harbours are a vitally important resource for the community and economy. Torquay, Paignton and Brixham each have working harbours, with Brixham Harbour being the largest fishing port in England and Wales, in terms of the value of catch.

4.21. The Bay is part of the Lyme Bay and Tor Bay Special Area of Conservation (SAC). Tor Bay is also designated as a Marine Conservation Zone (MCZ) and contains several geological Sites of Special Scientific Interest (SSSIs). The coastline provides a flood defence for low lying coastal areas.

4.22. Torbay's unique coastal setting offers potential to support economic regeneration through investment in marine-related development. Several such projects are identified in the Tor Bay Harbour Authority Port Masterplan Addendum (2019). Accordingly, sites that are of importance to the marine economy will be safeguarded for such use.

4.23. All marine-related development must avoid harm to marine biodiversity, geodiversity, human health and the wider environment.

4.24. Proposals must demonstrate that air quality, noise, vibration and water quality impacts have been taken into account and that any such impacts are minimised and mitigated sufficiently. This includes physical impacts such as, contamination and non-toxic changes (for example to salinity, turbulence nutrients and organic matter), as well as minimising the impacts on wildlife through piling, noise or other disturbance. Many marine species are protected by wildlife legislation, and a licence may be required to carry out works affecting marine species or their habitats.

4.25. Marine related developments are likely to require an Environmental Impact Assessment (EIA) and Habitats Regulation Assessment (HRA) or screenings to be carried out at the application stage. Development that is likely to have a significant effect on the Lyme Bay and Torbay Marine SAC cannot be permitted unless an Appropriate Assessment has ascertained that following mitigation, there is no adverse effect on the integrity of the site, taking a precautionary approach (see also Policies NCS1 and NCS2). Only as a last resort, in highly exceptional cases where there are no less harmful solutions, and the development is required for Imperative Reasons of Overriding Public Interest, will

compensation for adverse impacts be permitted. Proposals likely to impact the protected features of the Torbay Marine Conservation Zone will require an MCZ assessment.

4.26. The council will work with the Marine Management Organisation when considering marine development, especially where developments may also require a Marine Licence. Torbay, sits within the jurisdiction of the South Marine Plan area.

4.27. Visual, cultural, historical and archaeological impacts should also be considered. Torbay has an important maritime history; all three harbours are recognised as designated heritage assets and form the focal point of their surrounding conservation areas. Policies HES and HE1 are relevant when considering historic assets.

4.28. Marine activities and development should not prejudice the interest of defence and national security, and the MoD will be consulted accordingly. Development will need to be safe over its planned lifetime and not cause or exacerbate flood and coastal erosion risk elsewhere.

Policy E4: Safeguarding strategic employment land (proposals involving the loss of employment land)

Proposals for the loss of existing or allocated employment space will be considered on the basis of the impact on the economic prosperity of Torbay, the appropriate mix of uses within a locality, and on the amenity of people in the area.

The loss of sites that provide employment of strategic importance to the Bay's key economic sectors will be resisted.

Within allocated sites in Policy E1, Proposals that result in the net loss of employment space will be refused unless it is demonstrated that the proposal results in a significant public benefit that cannot be achieved elsewhere in Torbay, and that there would be no adverse effect on the retention of existing employers in the Bay.

Where it is demonstrated that there is no reasonable prospect of a site being used for other (Class B2, B8 or E(g)) employment purposes, or such a use would conflict with the Local Plan, alternative uses that support wider sustainable local communities will be supported.

Where the proposed loss of employment space is agreed, the council will seek financial contributions to compensate for the loss of employment.

If planning permission is granted for E(g) space the council may restrict permitted development rights for change of use to residential, in order to protect key economic sectors.

Explanation

4.29. The Community and Corporate Plan and Economic Growth Strategy do not wish Torbay to become a commuting or retirement resort. It is therefore important that opportunities for employment are protected, and sufficient land retained to meet the demand of existing and new companies.

4.30. Whilst the number of people in Torbay with jobs has increased since 2001, the number of Torbay based workplace jobs has remained relatively static.

4.31. Torbay's high levels of deprivation stem primarily from low wages and poor employment prospects, rather than abnormally high property prices per se. The hi-tech elements of the local economy are identified by the Economic Growth Strategy as key to raising GVA. There is also a national dimension that such industries are important to the economic prosperity of the country especially in the face on uncertain global events.

4.32. Accordingly, Policy E4 seeks to retain employment space for employment purposes, subject to a "reasonable prospects" test. Applications for non-employment use must be supported by proportionate evidence that there is no reasonable prospect of employment use. This may include details of marketing including to the council, or seeking funding support for matters such servicing and infrastructure provision.

4.33. Where loss of employment is deemed acceptable in principle, a S106 obligation will be sought to compensate for the loss of employment and will be used to support the delivery of jobs, infrastructure or local training facilities elsewhere in Torbay.

4.34. Note that Policy E4 relates to a net loss of jobs. It will not be applied where proposals are likely to modernise or make better use of employment space, and are thereby likely to improve employment opportunities; although the council will still seek local skills and training agreements in line with Policy E5.

4.35. Policy E4 seeks to protect a stock of employment space broadly within the hi-tech and industrial uses. Proposals for the loss of employment within town centres, holiday accommodation or retail will be considered on the basis of policies in those sections of the Local Plan (see Policy TC7). However, where a non B2/B8/E(g) building located within an industrial area/trading estate becomes available, the council will seek to retain/revert its use for industrial on the basis of the above policy tests.

4.36. The council recognise that employment land enjoys a range of permitted development rights and that some changes of use fall outside of planning control.

Policy E5: Education and Local Employment Partnerships

The council will support initiatives and development that improve skills and links between work and education, with key employers and other local partners.

Applications for major development should be accompanied by an Employment and Skills Plan, proportionate to the scale of the development. The council will promote and encourage links to local education providers, apprenticeships and other measures to support people into work from the local area.

Community and Corporate Plan – Community and People

Explanation

4.37. Policy E5 promotes local training arrangements, placements and apprenticeships, to maximise the benefits of development to the local economy. It is important that measures are put in place to support people in Torbay to learn and retain the skills needed by growing and new businesses.

4.38. The council recognise the role of key worker and self-build housing to strengthening links between work and skills, and housing. Policy H7 seeks a proportion of affordable housing to be provided on larger development sites.

4.39. The council is unable to require the use of local labour. However, it will encourage developers to employ local people where it is practical to do so. This is particularly the case in schemes where an element of 'exception' to planning policies is made in order to permit development. For example, developers will be encouraged to use employment and skills plans to better establish links between education providers and employers. Advice on the content and scope of Employment and Skills Plans is available from the Economy Team.

Part 2 - Tourism



Figure 12 Tourism

Strategic Policy TOS: Sustainable tourism and cultural investment strategy

Torbay's tourism offer will be developed in a sustainable manner to enhance its role as a premier tourism destination. Tourist facilities and accommodation will be improved and modernised, and new tourism facilities provided. Sustainable tourism will be actively encouraged.

The quality of accommodation will be improved with a wider range of new and refurbished facilities and services. This will be achieved through the following measures:

1. Supporting the improvement of existing and provision of new tourist accommodation, attractions and facilities, subject to other policies in this Plan. In particular proposals that make positive use of Torbay's marine environment, culture, heritage, biodiversity and Geopark will be encouraged.

2. The retention, improvement and creation of new, high quality tourism and leisure attractions, facilities, and accommodation in waterfront Areas and Core Tourism Investment Areas (CTIAs), as key focal points for investment in tourism:

i) Babbacombe Downs

ii) Torquay Harbourside, waterfront and Belgrave Road, Torquay

iii) Seafront, harbourside and Green Coastal Park, Paignton

iv) Goodrington, Paignton

v) Harbourside and waterfront, Brixham

3. Allowing poorly located and outmoded accommodation located outside of CTIAs to revert to decent self-contained dwellings, subject to the holiday character of the area and range of facilities offered not being undermined; and there being tangible regeneration and improvement to the fabric of the built environment and character of the area.

4. Resisting the provision of small apartments, hostels, houses in multiple occupation (HMOs) or other incompatible uses in tourism areas.

Community and Corporate Plan – Pride in Place

Explanation

4.40. Torbay has a fantastic brand – the English Riviera – and is a world class tourism destination. In 2023, Tourism contributed over £431 million to Torbay's economy. Tourism accounts for about 15% of all employment in Torbay: about 6,520 full time equivalent jobs directly and a further 2100 FTE jobs indirectly. There are some very positive signs of a changing tide for tourism. The need to modernise the tourism sector and "Turn the Tide" on the decline that has beset may coastal resorts has been part of planning policy for several years. The tourism economy has been hit hard by the early 2020s and cost of living challenges. Despite this, there have been several hotels opened in Torbay over the last decade, which is likely to have led to a small increase serviced bedspaces (i.e. hotels and guesthouses) from around 13,300 in 2012 to 14,300 in 2023 (South West Research Company).

4.41. The Torbay Community and Corporate Plan notes that Tourism is a vital part of Torbay's identity and economy, and the Community and Corporate Plan recognises its role in creating inclusive opportunities. This section supports the Plan's ambition to make Torbay a premier destination while ensuring that all residents benefit from its success. By focusing on modernisation and investment in Core Tourism Investment Areas, the Local Plan aims

to deliver high-quality experiences and facilities. This approach also supports year-round economic activity and community wellbeing.

4.42. Tourist accommodation is key to the success of tourist resorts. The English Riviera Destination Management Plan updates this strategy for 2022-30 and is part of the wider Torbay Economic Growth strategy. The Management Plan recommended a bedspace reduction of about 2% between 2022-27. This is currently being refreshed. However, the general approach of encouraging modern accommodation including hotels in prime locations, whilst allowing change of use of less well located or outdated accommodation to residential use, is likely to continue.

4.43. All three towns contain important waterfront and harbourside areas. Brixham and Torquay also contain marinas. These are within the Core Tourism Investment Areas (CTIAs), and tourism, leisure maritime investment in these areas is supported. Brixham is a major fishing port and supporting the fishing industry is important to the Bay's economy, and relevant to its seafood specialism. Tor Bay is environmentally very important, being designated as a Marine Special Area of Conservation and National Nature Reserve. The Local Plan seeks to balance the internationally important environment with the area's economic needs.

4.44. The definition of "tourist" is not always straightforward. For the purpose of this chapter a tourist is defined as person or group visiting on a temporary basis and not staying in their sole place of abode. It can include domestic and international holiday makers, language students, business travellers and travelling workers (who have another home). It does not include people who have no other home. Accommodation for such people is likely to fall into Class C2 (if its purpose is to provide care), C3 dwelling house, C4 Small HMO, or Sui Generis (HMOs, hostels and other accommodation within its own class). Such uses are not tourist accommodation.

4.45. Policy TOS provides a spatial context for the tourist economy. The Policy seeks to maintain and enhance the most important tourism areas as Core Tourism Investment Areas (CTIAs),which are shown on the Policies Map.

4.46. Policy TOS provides a supportive framework to tourism in general, particular within the designated Core Tourism Investment Areas. Tourism and leisure investment will be given substantial weight in CTIAs. Torbay's marinas are also included within the CTIAs. The Policy also recognises the need to focus on modernising the key areas, and the role that more marginal areas can play in providing a source of brownfield housing. Although it goes further than land use planning, CTIAs should be protected for tourism use by council wide decisions, including interdepartmental enforcement action on problem uses.

4.47. Torbay's tourism strategy is closely aligned with the Community and Corporate Plan's vision for a vibrant, inclusive and sustainable economy. By focusing investment in key waterfront and cultural areas, the Plan aims to enhance the visitor experience and support

local businesses. It also recognises the importance of protecting the character of tourism areas while enabling regeneration. This balanced approach ensures long-term benefits for residents and visitors alike.

4.48. Not all areas within CTIAs are suitable or proposed for development. For example, they contain areas of significant natural or historic environment importance. This will need to be taken into account when considering proposals, particularly where they affect the Marine or South Hams Special Area of Conservation.

Policy TO1: Supporting tourism and leisure infrastructure (Proposals for new and safeguarding of existing tourism and leisure facilities).

Improvement of existing and the development of new tourist/leisure facilities and attractions, particularly all-weather facilities, will be supported subject to other local plan considerations.

Tourism and leisure facilities will be protected for tourism purposes, proportionate to their economic, social and cultural value to their tourism and leisure economy. Proposals for change of use or redevelopment of venues should demonstrate robust evidence of marketing. Where an element of non-tourism or leisure development is allowed, it should contribute significantly to the viability of the area or regeneration of the resort.

The tourism and leisure value of country parks should be conserved and enhanced

The provision of enhanced tourism and recreation facilities at Broadsands are proposed, respecting the important environmental assets of the area, to serve as an alternative natural greenspace to relieve recreational pressure on Berry Head.

Proposals that could increase access to sensitive coastal marine or habitat locations, including sea caves, reefs and Berry Head to Sharkham Point, must be supported by project level Habitats Regulations Assessment. They must secure appropriate mitigation and safeguards including, visitor information, activity controls, lighting controls, drainage safeguards and monitoring, in accordance with polices NCS2, NC1, NC4, ER1 to ER4 and W5.

Community and Corporate Plan – Community and Place

Explanation

4.49. Supporting existing facilities such as theatres, music venues, attractions etc, and promoting high quality all year round new facilities is vital to ensure a successful tourist economy. Policy TO1 provides an overarching policy to protect tourism and leisure facilities. Many tourism and leisure uses, including eating and drinking are “main town centre uses”. Policy TO1 encourages the improvement and provision of such facilities in CTIAs. When considering proposals for such facilities, their value for the tourist economy will be an important material consideration.

4.50. However, policy TO2 recognises that some important leisure facilities are located outside of CTIAs and town centres, and sets a framework to protect them proportionate to their economic, environmental and cultural value. Areas such as Cockington, Occombe and Berry Head Country Parks are not designated as CTIAs, but have significant value for tourism because of their focus for rural crafts and green infrastructure. Policy GIS deals with policy in Country Parks. Significant attractions such as Kents Cavern and Babbacombe Model Village fall outside the boundaries of CTIAs.

4.51. Whilst the list is not exhaustive, the following attractions are considered to be of significant importance to Torbay’s tourism offer:

- All of Torbay’s beaches and waterfronts
- Babbacombe Model Village
- Babbacombe Cliff Railway
- Bygones, Babbacombe
- Cockington Manor, Crafts Centre and Country Park
- Kents Cavern, Torquay
- Torre Abbey
- Torquay Museum
- Hollywood Bowl
- Music venues in the harbourside and waterfront area (including but not limited to The Arena and The Foundry)
- Beacon Cove (former Living Coasts)
- Paignton Zoo
- Occombe Farm and valley

- Splashdown, Quaywest.
- Theatres in Torbay including: Babbacombe Theatre, Princes Theatre, Royal Lyceum, Little Theatre, Palace Theatre and Brixham Theatre
- UNESCO Geopark
- Dartmouth Steam Railway
- Golden Hinde replica, Brixham
- Battery Gardens and WW2 coastal defences
- Berry Head

4.52. It is noted that many of these attractions are also covered by other designations, in particular Kents Cavern, Torre Abbey, Battery Gardens and Berry Head fortifications are Scheduled Monuments. Berry Head is also particularly environmentally important as a Special Area of Conservation designated for its Greater Horseshoe Bat colony and calcareous grassland. The Local Plan proposes several Alternative Natural Greenspaces to reduce recreational pressure on Berry Head. It is noted that Torbay's waters have important environmental constraints including the Marine SAC for reefs and sea caves, and Marine Conservation Zone for important seagrass beds and marine species. Proposal must enhance and improve protection and interpretation of these assets. Where development in Torbay is likely to generate recreation pressure on Berry Head, developer contributions will be sought to provide mitigation, including to help fund and enhance alternative natural greenspaces.

Strategic Policy TO2: Core Tourism Investment Areas (as shown on the Policies Map):

There is a presumption that the tourism role of Core Tourism Investment Areas (CTIAs) will be retained and enhanced. The development of tourism accommodation and facilities in CTIAs will be supported, subject to other local Plan considerations.

The change of use of accommodation or facilities to non-holiday uses within CTIAs will only be supported where:

i) The holiday character of the area and range of facilities and accommodation offered in the CTIA are not undermined; and

ii) **It lacks an appropriate range of facilities and scope for improvement to meet modern standards; and**

iii) **It is demonstrated that there is no reasonable prospect of the site being used or redeveloped for tourism or tourism related purposes, taking into account historic and built environment, amenity and other material considerations.**

Non-tourism development or uses will only be permitted in CTIAs where they are compatible with the tourism character of the area. They will not be supported where they would introduce incompatible uses or accommodation that would detract from the holiday character or place pressure on nearby holiday business to curtail their operation.

Where a change of use away from tourism is permitted, there will be a requirement to restore or enhance buildings or land by the removal of unsightly features, signage, clutter and extensions relating to the holiday accommodation use. Where appropriate there will be a requirement to reinstate amenity space, and permeable surfaces. A high priority will be given to restoring the character and appearance of buildings within conservation areas.

Development proposals must be planned and managed so that they do not increase recreational, water quality, or lighting pressures on European sites, in accordance with Policies NCS2, NC1, NC4, ER1 to ER4 and W5.

Community and Corporate Plan – Pride in Place

Explanation

4.53. Policy TO2 deals with proposals affecting Core Tourism Investment Areas. It reinforces the intention of Policy TO1 to retain CTIAs as the heart of Torbay's tourism offer. CTIAs were reviewed as part of the current Local Plan Update, but only small adjustments to the previous Local Plan 2012-30 were identified as being required at this time. A much more drastic reduction of CTIA boundaries took place as part of the preparation of the previous Torbay Local Plan 2012-30, (which also rebadged them from their former title of Principal Holiday Accommodation Areas). CTIAs account for less than 20% of Torbay's serviced accommodation, but do contain most of the key hotels.

4.54. It is noted that some parts of the CTIAs are in need of investment and regeneration. However, CTIAs are focussed upon Waterfront and key tourism locations whose success is critical to Torbay's tourism economy. Neglect or underinvestment will not be treated as a reason for granting permission for non-tourism uses. The prevailing use in these areas should be for tourism or leisure. Change of use or redevelopment for non-tourism purposes is likely to significantly and demonstrably conflict with the Local Plan unless it

achieves substantial regeneration or other benefits. The council will support regeneration and tourism promotion in CTIAs. It will also target enforcement at unauthorised uses and development which detract from the character of these areas.

Strategic Policy TO3: Redevelopment and reuse of holiday accommodation outside Core Tourism Investment Areas (as shown on the Policies Map)

The change of use or redevelopment of holiday accommodation or facilities outside Core Tourism Investment Areas will be supported where:

i) **The holiday character of the area and range of facilities and accommodation offered in Torbay are not significantly undermined, and**

ii) **The redevelopment or change of use achieves regeneration, improvement to the built environment, and the provision of self-contained housing that meets space standards set out in Policy DE3**

Proposals should avoid the loss of access to open areas previously accessible to the public.

Proposals for small apartments, hostels, and houses in multiple occupation (HMOs) or other incompatible uses will not be permitted where they would conflict with the tourism character and offer of the Bay or increase concentrations of deprivation, or introduce other incompatible uses (see also Policies H10 HMOs and SCS).

Where a change of use away from tourism is permitted, there will be a requirement to restore or enhance buildings or land by the removal of unsightly features, signage, clutter and poor quality extensions relating to the holiday accommodation use. Where appropriate there will be a requirement to reinstate amenity space and create sustainable drainage features. A high priority will be given to restoring the character and appearance of buildings within conservation areas.

Community and Corporate Plan – Community and Place

Explanation

4.55. The English Riviera Destination Management Plan recognises a continued need to reduce and modernise the stock of holiday accommodation, whilst retaining good quality accommodation and protecting the area's status as a premier resort. Whilst there remains a demand for a broad range of accommodation, evidence of occupancy suggests that

there is scope to reduce the number of traditional guest house and small hotel type accommodation.

4.56. Policy TO3 deals with proposals outside designated CTIAs. It sets a much more relaxed approach to allowing change of use or redevelopment of holiday accommodation outside of CTIAs. However, where holiday accommodation offers a range of facilities not available elsewhere in the area, or is within a key tourist setting, Policy TO3 seeks to retain the holiday use. Instances where this is the case are likely to be relatively rare, but are likely to include the Former Palace Hotel, Babbacombe, where redevelopment of the Victorian Bishop's Palace and enabling residential development has been approved specifically to support retained tourism use on the footprint of the former hotel. PolicyT03 also seeks to retain open areas previously accessible to the public available for public enjoyment.

4.57. Policy TO3 does not require proposals to show that they are unviable for tourism use (unlike in CTIAs, where a "reasonable prospects test remains in place). However, neglect or underinvestment will not on their own be sufficient reasons to grant planning permission away from tourism use. Conversely, outside of CTIAs, the council will consider the intrinsic merits of the property and location and will not penalise past investment in otherwise unexceptional accommodation.

4.58. Residential use of holiday apartments must provide an acceptable standard of accommodation, having regard to Policy SCS and DE3, and not introduce discordant uses into areas that retain a holiday function. The council's starting assumption is that residential uses and holiday uses can coexist, but Torbay's key industry is tourism and the introduction of residential uses into tourism areas should not place undue pressure on remaining tourism or leisure facing businesses to curtail their use.

4.59. Where a change of use results in the loss of employment, the council will seek s106 Planning Contributions to mitigate this impact, as set out in Policy TO7. This will be focussed on improving the tourism economy, and the character and appearance of the area.

4.60. Some hotels and guesthouses have accrued unsightly clutter, signage or extensions that would not be currently permitted. The removal of such features will be sought as a condition of granting planning permission for a change of use. This will be particularly relevant for proposals affecting conservation areas and listed buildings. Proposals for redevelopment should also take into account the historic environment policies in Chapter 10 of this Plan.

4.61. As a minimum, in all areas, cosmetic features such as signage and awnings should be removed when conversion to residential use takes place. Many hotels/holiday flats comprise Victorian buildings with large C20th extensions which were permitted because of their contribution to tourism rather than their design. Where feasible the council will seek to remove unsightly features such as flat roof extensions, box dormers etc, particularly in

conservation areas. In many cases their replacement by more in-keeping buildings will be appropriate. However, it cannot be assumed that like-for-like replacement will be acceptable if the site has been over-developed when judged against modern standards. If the removal of unsightly features is considered to undermine the viability of development, an independent assessment of viability may be sought. The council will seek to negotiate an acceptable design solution that improves the visual appearance of the building, and may agree to relax other s106 Planning Obligations to assist viability to achieve this.

Policy TO4: Flexible use of holiday apartments and accommodation (excluding holiday parks)

Within Core Tourism Investment Areas, self-contained holiday accommodation will be restricted to tourism use. Change to non-tourism occupancy will not be supported unless such a change achieves significant regeneration, built environment or tourism improvements.

Outside Core Tourism Investment Areas, the council will not seek to restrict the use of self-contained holiday apartments to tourism use, unless there are strong tourism related reasons for doing so, and where accommodation meets a reasonable standard in relation to size, light, amenity, privacy, thermal efficiency and flood risk. Where holiday occupancy conditions are removed, the council will seek development contributions to address the net additional impact arising from residential use.

Community and Corporate Plan – Pride in Place

Explanation

4.62. Some of Torbay's holiday accommodation is self-contained holiday apartments. South West Research Company figures suggest that there are around 1,130 units of self-catering accommodation, although this does not include Airbnb, second homes and other temporary use of residential accommodation for holiday use. The main approach of Policy TO4 is to allow greater flexibility of use outside CTIAs to use holiday apartments and accommodation either for residential or holiday use. Within CTIAs their holiday use will be regulated more closely.

4.63. Planning law on the status of holiday apartments is not entirely clear, and depends on a range of factors such as the range of facilities offered, degree of holiday use etc. Suites of rooms and even self-contained flatlets within hotels – often called "Apart hotels"- will fall within Class C1. However, holiday flats and dwellings used for holiday purposes typically

fall within Use Class C3 “Dwellinghouses” in England. The government has proposed to introduce a new use class C5 for short term lets that are not used as a sole or main home, with likely permitted development rights for use of a dwelling (class C3) for limited short-term occupation. However, these changes have not (at July 2026) come into force.

4.64. Policy TO4 sets out criteria relating to proposals for holiday apartments, or for the removal of occupancy conditions/ change of use to allow holiday apartments to be used for full time occupancy.

4.65. Within Core Tourism Investment Areas, the starting point is that holiday accommodation should be conditioned for holiday occupancy (tourism) usually through planning condition or by making it clear that accommodation falls within Use Class C1 (and not C3 or sui generis). Unfettered occupancy within CTIAs will only be allowed where the relaxation would facilitate significant regeneration or other public benefits and unlock investment into the area. In such instances, regard will be had to possible “agent of change” issues and full residential use will not be approved where there this is likely to sterilise tourism use e.g. through noise complaints or objections to the operation of nearby tourism attractions, music or facilities. The council will need reasonable reassurance that it will not be called upon to pursue action that would undermine the reasonable tourism operations of tourism within CTIAs when considering proposals for residential use in CTIAs.

4.66. Outside of CTIAs, the council will not usually impose holiday occupancy restrictions on holiday apartments, other than in special circumstances: for example, where residential accommodation would not be otherwise approved. Such accommodation is likely to be liable for affordable housing and other residential S106 requirements and these will only be relaxed where a S106 is entered into undertaking to provide them in the event that holiday use ceases.

4.67. Where occupancy is restricted to tourism use, the council will require a monitoring contribution to ensure its occupation for tourism purposes.

Holiday Centres and Parks

Policy TO5: Refurbishment or Upgrading of Existing Holiday Parks and Proposals for extensions or new Holiday Parks

Refurbishment or Upgrading of Existing Holiday Parks

Proposals for the refurbishment or upgrading of existing holiday parks, including chalets, caravans and camping sites will be supported where:

1. **It contributes to the modernisation and improvement to the tourist economy; and**
2. **The development does not have an adverse impact on the landscape, conservation, nature conservation, water management and agricultural characteristics of the area or involve the loss of best and most versatile agricultural land; and**
3. **The requirements of Policy NCS2 are met and there is no likely significant effect on a European Site, in particular the South Hams SAC.**
4. **The proposal is acceptable in terms of flood risk and does not lead to risk of down-stream flooding.**
5. **The development is acceptable in terms of transport, access and safety considerations; and**
6. **The proposal does not adversely affect the amenities of any adjoining residential areas.**
7. **The use will be restricted to holiday use and a monitoring contribution sought to monitor the ongoing tourism operation, to prevent residential occupancy.**
8. **Where other uses would not be appropriate, a site restoration condition or obligation will be applied requiring the site to be restored to its original condition and use should tourism use cease.**

Proposals for New, or extensions to existing Holiday Parks

Proposals for new holiday parks, including chalet, caravan and camping sites, will only be approved where all of following criteria are met:

i) **The proposal is not in a sustainable location for residential development.**

ii) **The proposal meets the requirements of Policy NCS2 and there is no likely significant effect on a European Site, in particular the South Hams SAC.**

iii) **The development does not have an adverse impact on the landscape, conservation, nature conservation and agricultural characteristics of the area or involve the loss of best and most versatile agricultural land; and**

iv) **The proposal does not adversely affect the amenities of any adjoining residential areas.**

v) **The use will be restricted to holiday use and a monitoring contribution sought to monitor the ongoing tourism operation, to prevent residential occupancy.**

Proposals for new holiday parks or extensions to existing holiday parks must provide sufficient on-site recreation provision, visitor information, access management, monitoring and where necessary, financial contributions towards

strategic mitigation and monitoring. Where proposals fall within Greater Horseshoe Bat consultation zones, they must protect foraging habitat, commuting routes and dark corridors in accordance with Policies NCS2, NC1,NC4, TH1, L1, L2 and L4. Particular attention must be paid to proposals within the GHB Core Sustenance Zone.

A site restoration condition or obligation will be applied requiring the site to be restored to its original condition and use should tourism use cease.

Community and Corporate Plan – Community and Place

Explanation

4.68. South West Tourism Company data indicates that in 2023 there were about 1,740 static caravans or chalets in holiday parks, and 1290 touring pitches in Torbay. The facilities provided by holiday centres and parks offer an important source of holiday accommodation, particularly in Paignton and Brixham. As with serviced accommodation, there has been a general move to provide more modern facilities and accommodation in holiday parks. Holiday Parks fall outside of CTIA designations but are still important to the tourism industry. Policies TO5 and TO6 set out considerations for proposals affecting holiday parks. They seek to support investment in existing parks, subject to landscape, ecological and other considerations.

4.69. Holiday parks tend to be located in countryside areas and other environmentally sensitive locations. The Local Plan recognises the need to modernise and upgrade facilities so that holiday parks continue to meet modern requirements. Accordingly, it seeks to support the investment in holiday parks subject to other environmental considerations. Brixham remains a popular destination for holiday parks. However, development in this area is already close to the boundary of the South Hams Special Area of Conservation and within the South Devon National Landscape. Accordingly, new uses or buildings will only be permitted where proposals have demonstrated that they would have no likely significant impact, alone or in combination on the South Hams SAC. This will also require mitigations of additional recreational pressure on Berry Head or the marine environment.

Policy TO6: Change of use or redevelopment of existing holiday parks to non-tourism uses

Unless proposed for alternative development in the Local Plan or other development plan document, the change of use or redevelopment of existing holiday centres, chalets, caravans and camping sites to non-tourism uses only be supported where;

i) **the site is not in a prime location for holiday use (i.e. coastal, rural or close to major tourist attractions);**

ii) **the proposals would not result in the loss of a site which offers a good range of facilities or makes a significant contribution to the stock of holiday accommodation;**

iii) **the proposal does not conflict with countryside, landscape, coastal management, or ecology policies set out in the Local Plan.**

iv) **The new use, including residential accommodation, would be accessible by active travel and public transport.**

Where holiday parks and chalets are located within the South Devon National Landscape or its setting, or within the South Hams SAC Greater Horseshoe Bat Core Sustenance Zone (CSZ), there is a requirement that they will revert to nature if tourism use ceases.

Community and Corporate Plan – Pride in Place

Explanation

4.70. It is noted that there has already been a significant fall in holiday park bedspaces over the last two decades, particularly in Brixham. It is anticipated that improvements in the quality and modernisation of chalets will constitute the bulk of any further reduction in bedspaces, whilst improving the range of facilities offered. Policy TO6 deals with proposals to change the use, or redevelop, holiday parks to non-tourism uses.

4.71. Holiday parks have often been allowed in coastal and National Landscape (formerly AONB) locations particularly because they cater to the tourism economy. They have also evolved over many years, and their original planning status may be unclear. Accordingly, where development away from tourism is considered, the starting point should be that all, or the major part of such sites, should revert back to open countryside or provide other landscape or ecological benefits.

4.72. The Local Plan also seeks to retain holiday parks in prime tourism locations or where the loss of facilities or tourism location would be harmful to Torbay's tourism offer.

4.73. This policy does not seek to resist the redevelopment of holiday parks that are allocated for residential use in the development plan (i.e. Kingskerswell Road, Torquay, Policy H1cT3).

Policy TO7: Tourism investment and monitoring contributions

Where change of use or redevelopment of tourism and leisure facilities or accommodation is approved, the council will seek contributions to mitigate the impact of loss of tourism facilities and employment, proportionate to the scale and nature of the proposal and its net impact.

Where development generates a monitoring cost to ensure compliance with tourism occupancy or other requirements, the council will seek a contribution towards monitoring.

Community and Corporate Plan – Economic Growth

Explanation

4.74. Policy TO7 recognises that tourism development can impact upon the need for infrastructure or create a monitoring need. Policy TO7 identified that S106 contributions will be sought to address this, where necessary to make development acceptable in planning terms. Particular regard needs to be given to mitigating the recreational impact on the South Hams Special Area of Conservation and the effect of marine tourist development on the Marine SA (see Policies NCS1 and NCS2).

4.75. Proposals involving the loss of tourism may result in a negative economic impact. In such instances a contribution may be sought to mitigate the loss of employment. This will be based on the net impact of proposals, and other public benefits such as improvements to the built or natural environment, or the creation of affordable housing will be taken into account in calculating the net impact of a proposal.

Part 3 - Economy, Tourism and Retail

Safe and Welcoming Town Centres for All (Town Centres and Retail Policies)



Figure 13 The Changing Role of Town Centres

Strategic Policy TCS: Town centre renewal and retail strategy

The primary locations for retail and other main town centre uses in Torbay will be the town centres of Torquay, Paignton and Brixham, as defined in the Policies Map. The vitality and viability of these town centres will be enhanced through the regeneration of key sites.

Future growth of main town centre uses should follow a town centre first approach, which prioritises the three defined main Town Centres as a location for retail, leisure and other "main town centre" uses.

The Local Plan supports the following:

i) **Working with the private sector to draw in investment in town centres and support the delivery of major projects**

ii) **The delivery of regeneration visions for Torquay, Paignton and Brixham town centres;**

iii) **Mixed use regeneration of key sites in town centres as identified in the Strategic Development policies and Policy H1, and regeneration visions. These will include the provision of major residential, retail, leisure, cultural, healthcare, worship, community well-being, recreational and event space, and the comprehensive redevelopment of parts of the town centres;**

iv) **Significant increase in the number of dwellings in the three town centres, particularly within peripheral parts of the designated town centre and on upper floors.**

v) **Maintaining and enhancing a reduced and more focussed Primary Shopping Area, shown on the Policies Map, where active ground floor retail, leisure or commercial frontages will be maintained.**

vi) **Allocating a medium sized food store (1500sq m-2000 sq m) within a town centre or edge of town centre site in Torquay and Paignton town Centres.**

vii) **In all three towns, shifting the retail, leisure and commercial core towards the Harbourside and Waterfront areas.**

viii) **Greater flexibility for a range of commercial, and particularly residential schemes outside the primary shopping area, to achieve more balanced communities by delivering a mix of housing, employment, tourism, leisure, retail, family, healthcare, education and other commercial facilities.**

ix) **The use of heritage assets, public art and public space, events, exhibitions and festivals to provide a more enjoyable, creative environment in town centres;**

x) **Maintaining a network of district and local centres to provide a range of goods and services that meet the day to day needs of local communities, including the provision of healthcare facilities, skills training, employment and local food outlets.**

xi) **The retention of neighbourhood centres and small "corner shops" which serve a more localised function that support local enterprise and thriving, healthy communities.**

xii) **Investment in CCTV and, policing and other measures to reduce crime and anti-social behaviour to ensure that town centres are safe and welcoming for all.**

Community and Corporate Plan – Community and Place

Explanation

4.76. The role of retailing and the town centres is rapidly changing, although the changes hitting town centres have been clear for some time. The rise of the internet has profoundly affected every aspect of town centres. Linked to this the rise in home working and parcel collection has increased the demand for neighbourhood centres. There is a need for town centres to adapt and diversity towards providing a range of commercial services and good quality accommodation.

4.77. In the context of the Local Plan and the Town Centre Regeneration Visions, there is a policy shift of moving the Primary Shopping Areas closer to the Harbourside and Waterfront areas. There is a need to make town centres places where people want to live, and providing a high-quality built environment, realising the potential of heritage assets, and reducing crime, anti-social behaviour and the fear of crime are a key part of this strategy.

4.78. Many of these trends were apparent when the former Torbay Local Plan 2012-30 was being prepared, and therefore the Policies set out in this chapter represent an evolution in the previous plan's approach. A significant change is the council's transformational regeneration vision and programme, as well as the ambitious accommodation repurposing proposals. These provide a better chance of significant changes in the town centres being achieved in the Plan period.

The NPPF, Class E and Permitted Development Rights

4.79. Chapter 7 (paragraphs 90-95) of the NPPF (2024) reflects the changing role of town centres and promotes a much more flexible approach overall. Planning policies should continue to support the role of town centres and take a positive approach to their growth, management and adaptation. Plans should identify a hierarchy of town centres and promote their long-term viability, including allowing them to grow and diversity.

4.80. The NPPF defines town centres to mean city and town centres, district and local centres but excludes small parades of shops of purely neighbourhood significance. The NPPF defines Main Town Centre Uses as: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). Some, but not all, of these are in the wide-ranging commercial Use Class E. Some other main town centre uses may be in Class F1 Learning and non-residential institutions, F2 "Local Community Uses or Sui generis (within a class of their own).

4.81. Planning for town centres (and employment land) has undergone a major change through the introduction of a wide-ranging commercial Use Class E in August 2021. Class E covers a range of former “Class A” retail uses, as well as other leisure and entertainment uses. The government has also extended permitted development rights to convert commercial property into residential use, subject to a slimmed down “prior approval” mechanism. These changes reflect the changing nature of town centres away from being limited to retail shops, towards needing to embrace a much wider range of uses and housing. It heralds a less restrictive approach to town centre planning through the removal of many former traditional planning controls.

4.82. The NPPF requires Local Plans to designate “primary shopping areas” where a range of main town centre uses are supported. However, the concept of “primary shopping frontages” which should be reserved for retail shops along is no longer required by the NPPF.

The Community and Corporate Plan and Town Centre Regeneration Visions

4.83. The Torbay Community and Corporate Plan recognises that town centres are at the heart of Torbay’s communities, and their regeneration is a key priority in the Community and Corporate Plan. This section outlines how the Local Plan supports safe, welcoming and economically vibrant centres through investment, diversification and improved public spaces. It reflects a shift towards mixed-use neighbourhoods and a more compact retail core. These changes aim to make town centres places where people want to live, work and visit.

4.84. The Community and Corporate Plan 2023-43 contains several priorities relevant to town centre regeneration and relevant to retail policy, including drawing investment into our town centres, partnering with the private sector to deliver major projects. These are set out in more detail in Chapter 1 of the Local Plan.

4.85. The regeneration visions for Torquay, Paignton and Brixham are central to delivering the Community and Corporate Plan’s goals for inclusive growth and community wellbeing. These visions focus on improving housing, reducing deprivation, and enhancing the built environment. By drawing investment and creating safer, more attractive spaces, the Local Plan supports long-term transformation. It also promotes heritage, culture and public realm improvements as drivers of economic and social renewal.

4.86. The regeneration and improvement of town centres is central to the Local Plan. More details are available at: Growth and Regeneration - Torbay Council . Town Centre Place Visions. This is part of an evolving vision of regeneration sites around Torbay to ensure that the area stays relevant, resilieint and attractive to future generations.

4.87. Key to the current Town Centres Chapter of the Local Plan is the consolidation to the retail core of the town towards the harbour area, and introducing more mixed-use neighbourhoods elsewhere in the town centre, with a substantial uptick in good quality

housing. The need to reduce crime, anti-social behaviour and the fear of crime in this town centre will be an important element of making the town centres safe and welcoming for all.

4.88. The Local Plan is supported by a detailed Retail Study carried out by Avison Young (2022). This replaces the former Study carried out in 2013. This contains a detailed assessment of Torbay's town centres, retail trends and policy implications. It makes detailed recommendations for each of the three town centres, and the district and Local Centres, which are reflected in the Plan.

Structure of this Chapter

4.89. Policy TCS sets out a town centres and regeneration strategy, which seeks to support the regeneration and renewal of town centres and to focus retail and commercial activity closer to harbourside and waterfront areas.

4.90. Policy TC1 sets a retail hierarchy. Torquay is proposed to remain the principal town centre and largest retail, and leisure centre in the Bay, as well as being a sub-regional retail and leisure destination. Paignton's role will support its key tourism role, Brixham will primarily support local needs as well as the town's food and leisure specialisms. The Plan also identifies District Centres at Preston, St Marychurch, The Willows and a new District Centre at Devonshire Park. It is recognised that The Willows and Devonshire Park have characteristics of an out of town retail parks and should accordingly be regulated. Nevertheless, they serve a retail role for nearby housing. Policy TC1 also sets out a network of local centres with more limited range of facilities than town and district centres. Some of Torbay's former Local Centres are of only neighbourhood significance and have therefore been reclassified as Neighbourhood Centres. Policies TC2-TC7 deal with proposals for main town centre uses.

4.91. Policy TC8 deals with S106 contributions to support town centre regeneration. These will be sought to mitigate the impacts of development that have an impact upon the three main town centres and are similar to loss of employment contributions.

4.92. Policy TC9 deals with crime and anti-social behaviour issues, especially relating to the evening and night-time economy.

4.93. This Plan promotes a range of town centre redevelopments to provide new retail, leisure, residential and cultural facilities as part of mixed-use developments. There is an urgent need to regenerate the town centre and make them attractive living and commercial environments. Masterplans and Regeneration Visions commissioned by the council will have a key role in 'place shaping' within each of the three town centres.

4.94. The town centres, harbourside and waterfront areas are likely to be suitable for a range of commercial and residential uses to support a prosperous Torbay. Regard will had to

"agent of change issues" and the avoidance of incompatible developments that could undermine existing uses.

4.95. The Local Plan proposes a significant uptick in town centre housing, and the Retail Study indicates a shortfall in large town centre foodstores. There is a need to improve convenience provision, especially fresh food, in all three town centres, particularly Torquay and Paignton. In Brixham, the need is more "qualitative" in terms of reducing the need to travel though Windy Corner.

4.96. Accordingly, the Local Plan allocates sites for in-town convenience stores in the three towns. The need, size and location of these will be kept under review as part of the town centre regeneration visions. A medium size supermarket is generally between about 1500-2000 sq. m trading floorspace.

4.97. The three town centres are geographically spread out and there are opportunities to focus key town centre activities into a more compact and vibrant heart. In light of the need for town centres to take on a wider role, the "primary retail areas" have been reduced in size and shifted closer to the Waterfront and Harbourside areas. A partial exception to this is the lower part of Union Street Torquay (up to Market Street) where there is a concentration of larger retail units.

4.98. The NPPF simplifies the number of town centre designations by removing the requirement to designate primary and secondary frontages. Based on the Retail Study, the Local Plan has retained the previous town centre boundaries but amended "primary shopping areas" to reflect the areas of town centres that should be the focus of retail and commercial activity at ground floor.

4.99. All town centres contain historic elements, and regard needs to be had to conservation or enhancement of heritage assets and achieving a high-quality living environment.

Strategic Policy TC1: Town centre hierarchy

Retail, leisure and other main town centre use development will be supported within the following centres, where it is appropriate to the role, function and scale of those centres. This will have regard to the shopping hierarchy below. The first choice for retail and related development will be town centres, followed by district centres, then local centres in sequential order and in relation to local needs and function.

The following Centres (and associated primary shopping areas for the three main Town Centres) are defined in accordance with the town centre hierarchy below and are shown on the Policies Map:

Table 12 Town Centre Hierarchy

Shopping centre hierarchy	Torquay area	Paignton area	Brixham area
1. Town Centres	1. Torquay	2. Paignton	3. Brixham
2. District Centres	1. The Willows; 2. St Marychurch	3. Preston 4. Devonshire Park & White Rock	
3. Local Centres	1. Hele Road, Hele; 2. Kerswell Gardens 3. Plainmoor; 4.Babbacombe 5.Barton Hill Road 6.Walnut Road, Churston	4. Winner Street (removed from Town Centre) 5. Great Parks 6. Yannons & Yalberton (Sainsburys and Aldi (subject to improved walking, wheeling and cycling links) 7 Foxhole	

Community and Corporate Plan – Pride in Place

Explanation

4.100. The Torbay Retail Study (2022) contains a detailed heath assessment of Torbay's town centres. Uses within all Torbay's centres are monitored annually.

4.101. Town centres are the most significant centres within the retail hierarchy in Torbay with large trade catchment areas. They will remain the focus for retail, commercial and other typical town centre-related activities. Torquay is the key town centre in terms of size and range of facilities, levels of investment etc. Paignton and Brixham are of a smaller scale and trading influence. A significant focus of the plan is to regenerate the town centres and increase the amount of high quality residential accommodation within them. The Local Plan seeks to locate major proposals for main town centre uses in the Town Centres where possible.

4.102. District centres offer a good range of retail facilities and related services but to a more localised catchment area. Whilst Preston and St Marychurch are traditional district

centres, with significant numbers of local traders; the Willows and Devonshire Park have characteristics of out-of- centre retail locations.

4.103. A fresh review of Torbay's existing local centres has been undertaken in the light of advice in the NPPF that "small parades of shops of purely neighbourhood significance" are unlikely to constitute "town centres". Accordingly, the smallest local centres have been redesignated as neighbourhood centres. Local Centres are the smallest designated centre (referred to as a "town centre" in the NPPF) with a position in the retail hierarchy. As a general rule, stores of no more than about 1,600 sq m (net) floor area are likely to be the maximum that is appropriate to a local centre.

4.104. A fresh review of Torbay's existing local centres has been undertaken in the light of advice in the NPPF that "small parades of shops of purely neighbourhood significance" are unlikely to constitute "town centres". Accordingly, the smallest local centres have been redesignated as neighbourhood centres. Neighbourhood Centres are the most localised designation, and contain shops and other facilities of purely neighbourhood significance. They serve an important role in providing access to neighbourhood services and top-up items. They are outside of the retail hierarchy for major retail or other main town centre uses. As a general rule, proposals of more than 280 sq m (net) will be treated as being of more than local significance.

Development of New Retail and other Main Town Centre Uses

Policy TC2: Development in Town Centres

A new food store (convenience retail) should be provided in Torquay and Paignton Town Centres as an element of regeneration proposals.

New retail and other main town centre use development within Torquay, Paignton and Brixham Town Centres will be supported where they:

i) Are of a scale appropriate to the nature and size of the Centre and complement its role and character; and

ii) Sustain the shopping, leisure, tourism and commercial role of the Centre and contributes to improving its vitality and viability;

iii) Protect or enhance cultural or tourism appeal;

iv) Enhance the overall attractiveness of the Centre for its users through environmental improvements, better pedestrian permeability, improvements to

vehicular access and parking arrangements, and other town centre management measures;

v) **Retain active ground floor frontages such as shopfronts within Primary Shopping Areas.**

vi) **Contribute to reducing crime, anti-social behaviour and the fear of crime.**

Community and Corporate Plan – Community and Place

Explanation

4.105. Policy TC2 supports the roles of the three town centres as key parts of Torbay's town centre hierarchy. Torquay will remain the main town centre and heart of the English Riviera. Paignton's role as the leading family tourism destination, and Brixham's specialist role as food and maritime port will be supported and enhanced. Town Centre Regeneration Visions will be key to bringing forward proposals in these areas.

4.106. The Local Plan identifies a need to improve foodstore provision in town centres. They should be brought forward in conjunction with the Town Centre Regeneration Visions and have regard for the complex infrastructure, viability and competing uses within these areas. The following guidelines will apply to the location of convenience stores:

- Torquay: 1500-2,000 sq. m (Lymington Road, former New Look or Fleet Walk).
- Paignton: 1200-1,600sq. m (Victoria Centre)
- Brixham: There is a qualitative need to reduce the need to travel out of Brixham. (Ideally in the town centre, although any alternative location would require mitigation of town centre impacts).

Policy TC3: District Centres

The following District Centres are shown on the Policies Map:

- **St Marychurch, Torquay (existing)**
- **Preston, Paignton (existing)**
- **The Willows, Torquay (existing)**

- **Devonshire Park and White Rock, Paignton (Proposed new designation and redesignation of existing local centre)**

1. St Marychurch and Preston District Centres:

New retail and other main town centre uses within St Marychurch and Preston District Centres will be supported where:

a. **It is of a scale appropriate to the nature and size of the Centre and complements its role and character; and**

b. **It provides for and sustains a range of services and facilities which contribute to the long-term vitality and viability of the Centre and the ability of people to meet their needs locally.**

2. The Willows and Long Road/Devonshire Park:

Proposals for new retail and other main town centre uses within the Willows District Centre or Devonshire Park will be supported where all of the following criteria are met:

a. **Major development will only be permitted where it cannot reasonably be located within the three main Town Centres; and**

b. **Proposal over 500 sq m should demonstrate that there is no significantly adverse impact on town centre investment or vitality and viability**

c. **Development is of a scale appropriate to the nature and size of the Centre and complement its role and character; and**

d. **It provides for and sustains a range of services and facilities which contribute to the long term vitality and viability of the District Centre and the ability of people to meet their needs.**

e. **Development supports measures to improve accessibility by walking, wheeling, cycling and public transport, and permeability between the Centre and adjoining residential and commercial areas.**

f. **Where adverse impact on the Town Centres are identified but assessed to be less than significantly adverse, these should be mitigated or compensated in accordance with Policy TC9**

Community and Corporate Plan – Community and Place

Explanation

4.107. District Centres are of town significance and intended to provide a range of retail and service facilities able to meet most needs. St Marychurch District Centre has a strong tourism and heritage role, being located close to several tourist facilities. Preston District Centre is located in an area where there is scope to densify the built-up area and contains several brownfield regeneration sites (See Policy SDP3). It will be important to maintain retail and other facilities serving those communities.

4.108. Both the Willows and the proposed new District Centre at Devonshire Park have characteristics of out-of-town retail parks. The Willows at Scotts Bridge Barton (and nearby out of centre retail stores) was developed in the early 1990s as part of the urban extension which is now Scotts Bridge/Barton. The centre (and nearby out of centre stores) serves a sub-regional role and has a significant trade draw from the town centre. It is proposed to make the recently developed Devonshire Park a District Centre. Although there is an element of reactive planning, the location serves an area of significant recent residential expansion and planned future growth. It has good links with South Devon College and other employment. However, traffic calming measures and will be put in place to prevent increased traffic pressure on Yalberton Valley and hamlets.

4.109. Accordingly, Policy TC3 recognises the potential impact that major development in these centres could have on the town centres and other District Centres, and therefore seeks to regulate growth in these areas to minimise adverse impacts. The threshold for determining a “significantly adverse “impact on town centres requires a planning judgement. In assessing this, the identified retail capacity, trade draw from the town centre, and qualitative factors such as the range of facilities available in the town centres will be considered.

4.110. It is recognised that the Internet is now also affecting out of town centre retail. Class E uses the stores could become a range of other class E uses, without this constituting development unless restricted by planning condition or Article 4 Direction. However, conditions imposed on permitted use and nature of goods sold at The Willows and Devonshire Park are likely to mean that planning permission is required for retail and related proposals in these areas.

Policy TC4: Supporting Local Centres

Development of new retail and other main Town Centre uses within Local Centres will be supported where:

i) It is of a scale appropriate to the nature and size of the Centre and complement its local role and character. There is a general expectation that major development should be located in the Town or District Centres in preference to local centres; and

ii) **It provides for and sustains a range of services and facilities which contribute to the long-term role of the centre in assisting people to meet their needs locally.**

iii) **Unless allocated in a development plan, proposals for more than 500sq m of Main Town Centre use floorspace should be supported by a sequential and impact assessment to demonstrate their impact on Town and District Centres.**

iv) **Development should be designed to be easily accessible by active travel or public transport.**

Community and Corporate Plan – Community and Place

Explanation

4.111. Local centres are the lowest tier of the retail hierarchy and the smallest centres that the NPPF refers to as “Town Centres”. They are primarily intended to help serve day-to-day needs. As such the size of stores appropriate to these centres is likely to be limited. New major development (i.e. with a floorspace of 1,000 sq m or more) is likely to be more appropriately located in Town or District Centres.

4.112. Nationally the increase in home-working and “click and collect” locations has helped maintain the purpose of smaller centres and it is proposed to maintain Local Centres. However, more substantial growth should be directed to higher order centres where possible.

4.113. On that basis, and as advised by the Torbay retail study, proposals of more than 500 sq m of new Main Town Centre use floorspace should be supported by a sequential and impact test, to demonstrate that they would not have a significant adverse effect on town centre investment or vitality and viability.

Policy TC5: Managing retail outside designated centres

Proposals for retail and main town centre uses of more than 280 sq m outside of town, district or local centres must meet the following criteria:

i) **No other town centre site, edge-of- town centre, district or local centre site is suitable or available (or expected to be available within a reasonable period)**

ii) **Proposals should not cause significant adverse impacts either individually or cumulatively on the vitality and viability of existing and planned town, district, local or neighbourhood centres in the catchment area of the proposal.**

Proposals for main town centre uses over 500 sq m gross must provide a retail impact assessment; and

iii) **Should not adversely impact on proposed regeneration schemes in the three Town Centres. Where an impact on town centres is identified which can be satisfactorily mitigated, proposals should provide financial or other contributions to offset harmful impacts on designated Centres.**

iv) **Development would improve the spatial distribution of accessible facilities throughout the Bay, help to achieve greater social inclusion and support healthy communities.**

v) **Be easily accessible to active travel and public transport.**

Proposals for tourism and leisure developments within Core Tourism Investment Areas will be supported subject to other policies in this Plan and will not be required to demonstrate a sequential or impacts test. In such cases it may be necessary to restrict uses to those appropriate to the tourism setting of the area.

Neighbourhood Centres are designated below;

Table 13 Neighbourhood Centres

5. Neighbourhood Centres (not part of the retail hierarchy)	1.Moor Lane, Watcombe; 2. Fore Street, Barton; 3. Upton Road, Upton; 4. Sherwell Valley Road, Chelston; 5. Ellacombe; 6. Roundhill Road, Livermead; Former Local Centres redesignated as neighbourhood centres 7. Cadewell Lane, Shiphay; 8. Old Mill Road, Chelston; ~~;~~ 9. Lucius Street; 10. Belgrave Road;	14. Preston Down Road; 15. Collaton St Mary (proposed) Former Local Centres redesignated as neighbourhood centres 16. Marldon Road; 17. Cherrybrook Square; 18. Churston Broadway; 19. Three Beaches, Goodrington;	20. Pillar Avenue; 21. Summercourt Way

	11. Higher Union Street, Torre 12. Wellswood 13. Lisburne Square, Torwood; -		

Community and Corporate Plan – Community and Place

Explanation

4.114. Policy TC5 deals with proposals for retail and other main town centre uses outside of designated Town Centre, District Centre or Local Centres. (Collectively called town centres by the NPPF). Policy TC5 applies a sequential and impacts test for considering out of centre (and neighbourhood centre) proposals.

4.115. There are some local specific circumstances that justify a local bespoke policy beyond the NPPF. Firstly, the Retail Study identifies the town centres as being vulnerable to relatively modest out of town centre proposals, and therefore recommends a threshold of 500 sq. m. (rather than the NPPF default figure of 2,500 sq. m).

4.116. The NPPF indicated that “references to town centres or centres apply to city, town , district and local centres but excludes small parades of shops or purely neighbourhood significance. Torbay’s centres have been reviewed, and those of “purely neighbourhood significance” have been redesignated as Neighbourhood Centres. These do not have a role in the retail hierarchy in relation to the sequential preference for main town centre uses. However, they still serve a localised role in meeting day to day needs, and policy TC5 seeks to support development that will help them meet that need (insofar as the matter falls within planning control).

4.117. As a major tourism resort some “Main Town Centre Uses” such as food and drink, hotels, cultural facilities etc.) will often be appropriate within Core Tourism Investment Areas even though these (partly) fall outside main town centres. In such instances proposals will not be required to demonstrate a sequential or impact test. However, it may be necessary to restrict use to a range of uses appropriate to CTIA locations rather than the full gamut of Class E uses.

Policy TC6: Supporting access to local retail and services

The introduction of new corner shops, village shops or shops and facilities serving isolated communities will be supported in principle, where such provision enhances the sustainability of new or existing communities, and are of an appropriate scale to cater for local needs. Out of centre retail shop premises should be no more than 280 sq m.

Community and Corporate Plan – Community and People

Explanation

4.118. Policy TC6 provides support for small out of centre shops. Where more than 1km from other shops these fall within Use Class F2 where their premises is less than 280 sq. m. The Town and Country Planning Use Classes Order (1987) as amended in 2020 and 2021 limit the size of store by "premises" and not trading floor area. The council will take this to mean the gross internal area (also called "gross retail floorspace) which is the total built floor area occupied by a retailer or retailers, and excludes out door display, storage or sales areas).

Proposals involving the loss of retail or main town centre uses.

Policy TC7: Change of use away from main town centre uses in Town, District or Local Centres

Proposals for changes of use or redevelopment from retail or other main town centre use in Town, District, Local Centres will be supported where all of the following apply:

i) **The vitality, viability or character of the Centre as a whole is not undermined, and the Centre retains sufficient main town centre uses to maintain its role and function;**

ii) **A viable concentration of commercial uses and frontages is retained.**

iii) **Proposals are appropriate to the scale and nature of the Centre and will not introduce conflicts that will undermine the continued operation of other businesses in the centre.**

Within Town Centre primary shopping areas, as defined in the Policies Map, proposals should retain active shop frontages and main town centre uses at ground floor level.

Outside of the primary shopping area, the council will seek to maintain active frontages where their loss would lead to a fragmentation of the overall commercial character or coherence of the centre.

Residential use will be supported in principle on upper floors of the primary shopping area. Residential use will only be supported on ground floors outside of primary shopping areas, where this does not lead to fragmentation of the centre, for example by creating inactive frontages.

Proposals for residential use in the town centres should have regard to existing and proposed nearby commercial uses and the likely impact of them on the amenity of residents.

Where commercial buildings are converted to residential use, there will be a requirement to restore building to their original historic form by the removal of unsightly features such as build-outs and signage. Where historic shopfronts need to be retained, they should be incorporated into the design of dwellings.

Community and Corporate Plan – Community and Place

Explanation

4.119. Policy TC7 seeks to retain ground floor commercial uses in town district and local centres. The policy does not restrict residential or other uses on upper floors, subject to amenity considerations. The policy must operate within the scope of permitted development rights, but as a general rule, active commercial frontages should be maintained in town centre areas.

4.120. As noted, the introduction of Use Class E, changed to permitted development rights, amendments to national planning policy, and changing shopping patterns remove the traditional role of retail policies to keep town centre as the preserve of Class A1 shops. Nevertheless, town centres and particularly the primary shopping areas should remain and be enhanced as the focus of retail, leisure, commercial and cultural activity. This will also assist in their regeneration as vibrant places where people want to live. Policy TC7 seeks to provide a flexible framework that supports the retention of a range of retail and main town centre uses in the town centres, whilst also encouraging increased residential use.

4.121. Policy TC7 incorporates an “agent of change” principle that new development should not lead to a sterilisation of longstanding existing uses. This is particularly important in Waterfront and other areas where the night-time economy operates (see also paragraph 200 of the (2024) NPPF). Residential development should comply with other Policies in the Plan, particularly design and flooding policies. Ground floor residential uses should not

create 'dead frontages' in the street scene and are therefore more likely to be appropriate in the peripheral areas of town centres.

4.122. It is important that district, local centres retain a mix of uses that provide a useful service to local communities.

Policy TC8: Change of use away from main town centre uses outside Town, District or Local Centres

Outside the designated Town, District or Local Centres, proposals for change of use of shops and other main Town Centre uses will be supported where this would not result in the significant loss of facilities serving the day-to-day needs of local communities.

The council will seek to retain a small convenience store and other facilities serving a local area in neighbourhood centres or isolated shops unless one of the following applies:

- **i) There is an alternative shop or comparable facility within 400m of the shop; or**
- **ii) It can be demonstrated that there is no realistic prospect of the building operating for retail or main town centre use**

Where commercial buildings are converted to residential use, there will be a requirement to restore building to their original historic form by the removal of unsightly features such as build outs and signage. Where historic shopfronts need to be retained, they should be incorporated into the design of dwellings.

Community and Corporate Plan – Community and Place

Explanation

4.123. Policy TC8 seeks to retain local-food stores and other small scale facilities such as hair salons, pubs and cafes in neighbourhood centres and out of centre locations. However, it is recognised that these can also provide new homes. The Local Plan seeks to allow change of use or redevelopment of such areas, so long as alternative provision is available within moderate walking and wheeling distance (400 m) in the case of shops meeting local needs. It seeks to resist changes of use that would leave neighbourhood isolated or dependent upon car travel to meet “top up” needs. Policy TC8 does not refer to the Use Classes Order, but greatest attention will be given to protecting small shops selling essential items, particularly food (whether within Class E or Class F(2).

Policy TC9: Town Centre Regeneration Contributions

Where proposals have an adverse impact on the vitality or viability of town centres which is assessed to be less than significantly adverse, or where other material considerations indicate that permission should be granted, a contribution will be sought to mitigate that impact by supporting town centre regeneration projects.

Community and Corporate Plan – Economic Growth

Explanation

4.124. The NPPF indicates that proposals that have a "significant adverse" impact on town centre investment, vitality and viability, choice and trade, should be refused. There is no hard and fast rule about the scale of trade-draw (i.e. the amount of retail spend diverted away from a centre by a new proposal) should be considered as "significant adverse" but the council considers that impacts of more than around 4% are likely to be "significant".

4.125. However, there will be instances where the Local Planning Authority is minded to approved proposals that have an impact on town centres: either because they consider the scale or nature of impact to be less than significantly adverse, or because of other material considerations. This could include matters such the improvement of residential amenity, reduction on deprivation or the provision of affordable housing.

4.126. In such instances, the council will seek planning contributions to mitigate the impact. The starting point for assessing these will be the scale of impact measured over five years. This will be used to support the Town Centre Vision or other regeneration proposals.

Policy TC10: Safe and welcoming town centres for all

The Local Plan will support measures to make town centres, harbourside and waterfront safe and welcoming for all. In principle, development that helps create a vibrant, diverse daytime, evening and nighttime economy or would contribute positively to environmental improvements, lighting and safety measures within the town centres, seafront and harbour areas of the Bay will be supported.

Development proposals will be resisted where:

i) **Proposals likely to attract crime and anti-social behaviour unless it is demonstrated that they can be sufficiently controlled and a mechanism provided for so doing.**

ii) **Whilst there is an expectation that food and drink uses are a suitable use in Harbourside and waterfront Areas, the cumulative impact of licensed premises, and those providing late night entertainment and services will be resisted where this would create serious amenity, or crime or fear of crime issues.**

iii) **It would adversely impact on amenity or cause disturbance to nearby uses (including residential properties).**

Uses or developments that have an impact upon town centre monitoring, maintenance or policing will be required to make appropriate contributions towards the costs of monitoring, maintenance or policing arising from the development.

Community and Corporate Plan – Community and People

Explanation

4.127. The evening and nighttime offer in Torbay is currently focused on the harbourside and waterfront areas of the three towns. There is a need to diversify the offer in these areas to create a more balanced range of facilities with a more family friendly appeal. There is also a need for the town centres to diversify their current day time offer, and to extend their times of patronage, creating a more vibrant environment, with a wider range of uses, including cultural and family-based activities.

4.128. It is intended that future developments will create town centre, waterfront and harbour areas that can be accessed by all groups in the day and night without fear of intimidation or conflict.

4.129. While there are opportunities and benefits to expand the evening and nighttime economies, there are also associated potential problems including alcohol-related crime and disorder, and noise nuisance. Perceived risks may discourage other groups such as older people and families from entering these areas at night.

4.130. The Local Plan seeks to expand the number of homes in town centres, particularly in mixed use residential neighbourhoods. While town centre residents must accept, and may well welcome, the noise and bustle of town centre living, their residential amenity must be respected, particularly very late at night. This sector needs careful management. The award of the “Purple Flag” for the effective management of the nighttime economy is a significant accolade. This requires ongoing management to ensure it is retained, for example to keep public toilets open and clean, clear up litter, provide policing and pastoral support. Where planning applications come forward which could put demands on these

matters they will be required to make appropriate contributions towards CCTV, town centre monitoring and policing, and engage with strategies and initiatives to mitigate the cumulative impact of venues.

4.131. Torquay and Paigton Town Centres in particular contain concentrations of deprivation, which is in part driven by a poor-quality accommodation. Improved safe and regulated accommodation is needed for homeless people on Factory Row, and some of the accommodation close to the town centre. The renovation of buildings, improved streetscape and community capacity building will be supported where this would help regenerate areas of deprivation.

Policy TC11: Managing the cumulative health impacts of 'health reducing' uses in centres

1. Within town, district, local and neighbourhood centres, development proposals for the following uses will be permitted where consistent with the National Planning Policy Framework and would not, individually or cumulatively in combination with other uses, give rise to unacceptable impacts:

i. Hot food takeaways
ii. Betting shops, adult gaming centres and similar uses
iii. Vape shops and specialist nicotine or tobacco retailers
iv. Convenience retail uses where the primary offer is the sale of alcohol, tobacco or similar products

2. For the purposes of this policy, impacts will be considered unacceptable where they would result in a material harm, either individually or cumulatively, to:

i. The health and wellbeing of the community, including through increased exposure to uses associated with poor health outcomes;
ii. The vitality and viability of centres, including through a loss of diversity of uses or over-dominance of a narrow range of activities;
iii. The character, function or environmental quality of a frontage or area;
iv. The amenity or safety of users and nearby residents, including through noise, anti-social behaviour or perceptions of harm.

3. Within reasonable walking distance of schools and other places where children and young people congregate, these uses will be resisted (unless within a designated town, district or local centre) where they would increase exposure of children and young people to uses associated with poor health outcomes.

4.132. Town, District and Local Centres are defined, respectively, within Policy TC1. Neighbourhood Centres are defined in Policy TC5.

4.133. Excessive consumption of fast food has been shown to affect people's health negatively. Obesity has been associated with high fast food outlet availability for both adults and children. Coupled with a lack of physical exercise opportunities, a high density of fast-food outlets contribute to an 'obesogenic environment' which increases the risk of diabetes, cardiovascular issues, and other poor health outcomes.

4.134. Alcohol consumption has been associated as a risk factor for a wide variety of physical and mental health outcomes, including excess deaths. Alcohol can be purchased in supermarkets and convenience stores, it has been found that living near alcohol only outlets could be a determinant of harmful alcohol consumption.

4.135. Gambling harms have significant impacts on physical and mental health. Gambling disorders are associated with increased all-cause mortality and increased mental health issues such as anxiety and depression

4.136. Smoking and vaping both pose health risks, with smoking being considered more harmful. The risks of vaping include cardiovascular dysfunction, periodontal and oral illnesses, and lung inflammation. Adolescent nicotine use, whether from vaping or smoking, can affect cognitive development, interfering with attention span, emotional regulation, and mental illnesses.

4.137. The availability of amenities becomes an important contextual factor for people's health. A lack of health promoting amenities makes it harder for people to undertake healthy behaviours such as buying healthier foods. An overconcentration of health reducing amenities is likely to negatively impact local population health.

4.138. Overconcentration will be determined having regard to the number, proportion and distribution of similar uses within a frontage, centre or locality, including clustering of units or where such uses form a notable proportion of units. Particular weight will be given to impacts on centres serving more deprived communities or sensitive uses, where health harms may be exacerbated.

4.139. The Council recognises that some uses listed may fall within Use Class E and may not require planning permission. This policy will therefore apply where planning permission is required.

Chapter 5. Thriving communities - Wellbeing, safety and belonging



Figure 14 Thriving Communities

Strategic Policy SCS: Sustainable and inclusive communities strategy

Development will be assessed against its contribution to improving the sustainability of existing and new communities within the Bay, and especially the way in which it closes the gap between the most and least disadvantaged neighbourhoods in Torbay.

Development must help to create cohesive communities within a high quality built and natural environment where people want to live and work.

Proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay, and particularly within deprived areas, will be supported in principle.

Development proposals will be assessed according to whether they achieve the following criteria, insofar as they are relevant and proportionate to the development:

i) **Meet the needs of and enhance the quality of life of residents;**

ii) **Help to close the gap between the most and least disadvantaged people and neighbourhoods in Torbay;**

iii) **Help to develop a sense of place and local identity;**

iv) **Promote social inclusion, and seek to eliminate exclusion based on access to housing, health, education, recreation, spiritual or other facilities;**

v) **Help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict;**

vi) **Helps to reduce social isolation by providing new and supporting existing communal facilities and opportunities for people to interact.**

vii) **Support healthy, local food production and consumption;**

viii) **Create a well-connected, accessible and safe community;**

ix) **Contribute to the success of the local labour market by improving provision of and/or access to jobs and widening the pool of available labour.**

x) **Protect and enhance the local natural and built environment, including where appropriate through planning contributions;**

xi) **Deliver development of an improved type, scale, quality, mix and density in relation to its location;**

xii) **Contribute towards any additional educational or training needs including the promotion and negotiation of local labour training arrangements, placements and apprenticeship schemes, and by supporting the provision of local employment space, in order to tackle worklessness;**

xiii) **Enable people to have access to local services to meet their day-to-day needs including open spaces, places of worship, community halls (or rooms), play areas, leisure and recreation facilities and allotments;**

xiv) **The maintenance and improvement of strategic health services in Torbay commensurate with the population size and age structure, with a key focus on Torbay Hospital.**

xv) **Contribute to health services, policing and other social infrastructure where development would exacerbate shortfalls in provision; and**

xvi) **Provide a good standard of residential accommodation, by seeking to retain small to medium sized homes (2–4 bedrooms) and resisting change of use of**

buildings to HMOs and small self-contained dwellings. This applies especially in areas with significant deprivation.

Community and Corporate Plan – Community and Place

Explanation

5.1. The Local Plan focusses development into existing urban areas. It is important that the opportunity that development provides to help shape our urban areas in sustainable and healthy ways which benefits local communities, is achieved. We want our existing urban areas, particularly our town centres, to be places people increasingly aspire to live in.

5.2. Conversely, new out-of-town centre housing should not be car dependent and bereft of local amenities and services.

5.3. Good quality sustainable communities and neighbourhoods should have good access to employment, housing and essential infrastructure such as health and policing. Measures will be supported to safeguard and improve the provision of facilities, such as those for health, education, social interaction, worship, sport, recreation, and transport, as well as services such as crematoria and cemeteries. Contributions will be sought towards the provision by the development of new facilities where levels of demand show this to be necessary (see also Policy IN1).

5.4. Health, well-being and the built environment are inextricably linked. The implications of the proposals upon the health and the well-being of the affected communities must be considered at plan making and planning application stages. Health and well-being is enhanced by attractive, inspiring environments and contact with nature. Population Projections indicate that there will be an increase in single-person households over the Plan period, particularly of older people, and it will be important to provide new and support facilities to promote social connectedness. This will often involve supporting existing community, faith and other social action groups as well as the provision of buildings.

5.5. The NHS has identified severe shortfalls in primary and secondary health across Torbay. Accordingly, contributions will be sought towards healthcare provision from developments that are likely to increase pressure on health services.

5.6. Planning should create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community cohesion (NPPF paragraph 58 refers). The Police Architectural Liaison Officer (ALO) will provide advice and recommendations on designing out opportunities for crime, disorder, antisocial behaviour and community conflict in the built environment. (See also Policy TC10 Safe and welcoming town centres for all and DE1 Design.) Where the Police identify that development would create

additional pressure on services a contribution will be sought towards additional infrastructure.

5.7. Torbay, like many seaside resorts, is characterised by pockets of severe deprivation, which often exist close to more affluent areas. Overall, the 2025 Indices of Multiple Deprivation show that Torbay remains the most deprived local authority area in the South West, with particular concentrations in “inner urban” neighbourhoods in Torquay and Paignton town centres, and some residential estates. Eleven neighbourhoods (lower super output areas comprising about 1500 people) were in the 10% most deprived neighbourhoods in England, which is one more than in the 2019 Indices of Multiple Deprivation. The clearest factors were poor employment and low income. Poor-quality housing much of which is sub-divided apartments in the private rented sector also contributes to the high levels of deprivation.

5.8. The Local Plan identifies “deprived areas” as those within the 20% most deprived Lower Super Output Areas LSOAs in England in the most recent Indices of Deprivation. Please note that the IMD 2025 will be used for the Plan; but this was only published in late October 2025, and the Policies map currently uses the IMD 2019 boundaries.

5.9. The Local Plan will support schemes that deliver a mix of employment, family housing, healthcare, childcare, education and local centre facilities,

5.10. The Local Plan is realistic that such areas are likely to include “lower quartile” housing and are often sustainably located close to shops and other facilities; and can therefore be good locations for affordable housing. However, the council will resist the creation of very small apartments and HMOs where this would make deprivation and associated issues more severe. Conversion of existing buildings should be carried out to a good standard that creates a decent home, rather than simply repurposing commercial accommodation for residential use at minimum cost. This would include, for example, the creation of proper house frontages rather than curtaining over shop front windows (subject to other design and historic environment considerations). The refurbishment and retrofitting of existing properties to secure a better standard of accommodation, improved energy efficiency, renewable energy provision and improved public space will be supported (see also Policies in Chapter 8 of the Plan).

5.11. Because Community Investment Areas are usually within established built up areas, the scope for new greenfield development within them is likely to be relatively limited. In appropriate circumstances developer contributions from other areas may be pooled to support refurbishment, bringing vacant property into use or other environmental improvements in Community Investment Areas. The council is seeking to bring vacant dwellings back into use though its Accommodation Repurposing Programme. This has multiple benefits of regenerating areas, providing affordable housing and building local skills.

5.12. The council will use Local Development Orders, Article 4 Directions and Compulsory Purchase powers to help deliver comprehensive urban renewal schemes and the ambitions of this policy.

Strategic Policy SC1: Public health and wellbeing

Development must contribute to improving the health and wellbeing of the community by reducing health inequalities and helping to deliver the conditions to enable healthy lifestyles and sustainable neighbourhoods. Development which exacerbates factors which worsen living conditions, and therefore harm public health objectives, will not be supported.

Development must have regard to the health needs of the population and have special consideration towards measures which will address reducing health inequalities, including those geographically across the Torbay area and those which are experienced between different population groups.

To achieve these requirements, development must, through its location, design and suitability to local context, maximise its potential to address the place-based determinants of ill-health in the local area, including with strong reference where relevant to:

- **Active travel - enabling active mobility through walking, wheeling and cycling**
- **Housing – delivering diverse house types; affordable housing and accommodation to address local needs; energy efficient homes with good daylight, ventilation and thermal comfort; and comfortable living environments**
- **Communal, spiritual, cultural and community facilities - to promote social connectedness and interaction**
- **Employment – taking opportunity to provide local employment through construction and operation**
- **Natural environment – reducing exposure to environmental hazards, facilitating access to nature, and participation in physical activity in outdoor settings**
- **Transport – enabling 'access for all' and the use of public transport**
- **Healthier food – providing opportunities to produce and increase access to healthier food and decrease exposure to unhealthy food environments.**

Development proposals should be prepared with special consideration for the identified needs and issues of the local community and neighbourhood where it is located. This means early engagement with the public and local stakeholders, as well as referring to available local evidence which can augment this understanding.

Development which creates an improvement of access and provision to health and care services will be supported.

Development proposals identified through screening as having the potential to give rise to material, complex or cumulative impacts on health and wellbeing, including effects on its determinants, health inequalities and/or different populations groups (including those with protected characteristics) will be required to undertake a systematic assessment of those impacts, such as a Health Impact Assessment, proportionate to the scale and nature of the proposal

Community and Corporate Plan – Community and Place

Explanation

5.13. A 'healthy place' is a good place to grow up, live, work and grow old in. It is a living environment which supports people to live their lives in a state of good physical, mental and social well-being. Healthy places contribute to the prevention of ill health and provide the environmental conditions to support good health.

5.14. Health, well-being and the built environment are inextricably linked. New development has the potential to positively or negatively affect the wider determinants ('the causes of the causes') of health in our neighbourhoods. It is therefore important that the implications of proposed development upon the health and well-being of communities are considered.

5.15. Health indicators for Torbay relating to poor health and premature mortality show a relationship strongly related to demographics and levels of deprivation, including significant levels of health inequality (variation in health and wellbeing across different population groups). In our most affluent areas residents can expect to live almost eight years longer than those in our most deprived communities. There are significant gaps in healthy life expectancy (years in good health) between the most affluent and deprived areas. Torbay's annual Joint Strategic Needs Assessment provides further detail about the specific health needs of the population across Torbay and should be referred to as part of the development of planning applications, particularly when considering Health Impact Assessment.

5.16. Development can contribute to creating healthier communities in a number of ways. For example, by providing decent living environments, reducing the effect of fuel poverty, providing open space and recreation areas, promoting social connectedness, access to

healthy food and supporting active travel. Torbay has a significant ageing population, many of whom live alone, and the implementation of Age-Friendly initiatives to promote inclusive, healthy environments and reduce isolation is important. Also, child-friendly design is crucial in helping to enable good health across the life-course.

5.17. All developments should consider how they can promote healthier outcomes. Proposals will be expected to assess their impact on health, proportionate to the scale of development. Health Impact Assessment is a mechanism that can be useful to consider and integrate health within the design of new development. It can be implemented at various scales (for instance comprehensive, rapid or desktop) tailored to the complexity and scale of proposals. Torbay Council provides local planning guidance on methods to help developers assess and evidence how health and wellbeing has been considered and integrated into proposals and will use this information to aid decision making. The use of design guidance such as Building for a Healthy Life and the principles of Active Design (Sport England) will be used to support the development of site proposals and masterplans.

5.18. Approaches to delivering healthy places across Torbay need to take account of their context and the community within which it is placed. Our communities are different. There are 16 Community Partnership areas across Torbay, with their own specific needs. Engagement with communities and local stakeholders is essential when considering how new development can contribute to creating healthier places. The local needs of different population groups within local areas must be considered and referred to as part of the evolution of proposals. Development proposals which make genuine efforts to support these needs will be looked upon more favourably.

Strategic Policy SC2: Sport, leisure and recreation for healthy living

Physical activity and access to open spaces is important for health and ell-being. Development should provide access to sport, leisure and recreation facilities according to the additional demand it generates and the capacity, condition and location of existing facilities. Where a need is identified for new facilities, they should be appropriately inclusive and provided in appropriate locations, preferably co-located with existing and other planned sports facilities, where they are accessible for all users (i.e. following the transport hierarchy) including a range and choice of transport and comply with other policies in this Plan, particularly in relation to residential amenity.

An assessment of existing provision of such facilities will be required with development proposals proportionate to their scale, allowing the council to

determine whether a contribution is needed towards new facilities or the enhancement of existing provision at least in line with the Fields In Trust open spaces standards.

Major new leisure facilities should be developed on accessible and well-located sites, wherever possible, using available town centre sites as first preference, then edge of town centre sites, district centre locations and existing concentrations of facilities. Any proposal that may lead to likely significant effects on sites protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown.

1. The key sports and recreation facilities and improvements to these facilities will be supported:

- **i) Torquay United Football Grounds and environs.**
- **ii) Riviera International Conference Centre and environs.**
- **iii) Sports facilities at Torbay Leisure Centre and associated VeloPark and pitches at Clennon Valley, Paignton;**
- **iv) Water sports facilities at Torquay, Paignton and Brixham ***
- **v) Sports facilities at Churston, Brixham (area of search).***
- **vi) Other Sports pitches identified in the Torbay Playing Pitch Strategy (2024), Local Football Facilities Plan (2024) and other evidence base that emerges.***

2. There will be a presumption against loss of existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, that should not be built on unless:

- **i) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**
- **ii) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- **iii) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.**

3. Planning Contributions will be sought for the long-term maintenance and management of new recreation provision and mitigation where appropriate.

***Sites not shown on the Policies Map**

Community and Corporate Plan – Community and People

Explanation

5.19. Torbay has a fantastic environment for sport and recreation, and there are clear links to health, well-being and productivity. Assessments of existing and future sports and recreational need have been undertaken by the council. This evidence base will be updated periodically as required and this Policy should be applied to development.

5.20. The Local Plan has an important role in protecting and enhancing existing provision, supporting the development of new facilities and helping to bring forward the ambitions of people, clubs and representative organisations. Policy SC2 requires provision to be made at least to the Fields In Trust open spaces standards: Fields in Trust Standards: Creating great spaces for all.

5.21. The provision of sports facilities often involves significant investment, and proposed new sites must be capable of sustaining and servicing any development through, for example, adequate car parking, and accommodating appropriate intensification of use, such as floodlighting. Proposals should be in accordance with other Policies in this Plan, for example those relating to countryside and design. Provision of sports, recreation and leisure facilities in more rural areas will need to be sensitively and carefully designed to ensure the facility, and its use, complements and does not unduly harm the character and appearance of the area.

5.22. The availability, within an acceptable safe walking and wheeling distance, of sport, leisure and recreation facilities is an essential ingredient of a sustainable, healthy community.

5.23. Where proposals result in the loss of open space or recreation facilities, the above Policy and the NPPF require an assessment of their value to be carried out and replacement facilities of equivalent or better quality, quantity or location, to be provided.

5.24. In reference to impacts on sites protected under European legislation it should be noted that in Torbay this may be particularly relevant to the impact of floodlighting, including in relation to bat pathways through and near to sports facilities.

Strategic Policy SC3: Education infrastructure and inclusive learning strategy

The Local Plan will support the improvement of existing and provision of new educational facilities to meet identified needs in Torbay. This includes both the expansion of schools to meet identified needs in terms of providing sufficient places and improving the quality of provision; and the construction of new schools to address longer term requirements associated with the delivery of new homes. The ongoing needs of South Devon College will be supported.

Planning Contributions will be sought from development that generates a need for school places or facilities.

The following education facilities are proposed in the Local Plan, subject to master planning and confirmation of need from Children's Services:

i) **Improved provision of early years facilities within existing schools**

ii) **Improved primary school facilities serving the north and west of Torquay including facilities serving Torquay Gateway.**

i) **The provision of an improved Special Education Needs and Disability (SEND) school to consolidate and expand existing provision.**

ii) **A new school at Inglewood, Paignton.**

iii) **Identification of a site for a ninth secondary school in the Bay, or expansion of existing schools to meet demand for secondary places.**

Community and Corporate Plan – Community and People

Explanation

5.25. The NPPF requires local planning authorities to give great weight to the need to create, expand or alter schools, and to work to resolve key planning issues. The Local Plan supports the delivery of the council's capital programme to address current pupil number increases across Torbay. Policy IN1 seeks developer contributions towards infrastructure, including education facilities, where this is needed for development to proceed. Policy E6 deals with Local Training Agreements.

5.26. The Community and Corporate Plan prioritises the provision of safe environments for young people to thrive in and providing opportunities for everyone to raise their skill level. The Plan seeks to establish pathways for all young people, including those with special educational needs and/or disabilities (SEND) and care experienced young people.

5.27. The need for school places will be kept under review by the council's Education Team. The council's 2025 School Place Planning Statement indicates the impact of low birth rates in Torbay (mirroring the national trend) leading to spare capacity of primary places: 28.3% in Torquay, 25.5% in Paignton and 37.7% in Brixham. Closing schools is always a difficult decision and results in the loss of a wider community facility and a local source of good quality employment. It is not currently proposed to close any schools unless better alternative provision is made. This will need to be kept under review. However, there is likely to be a need for school improvements and potentially relocation where existing premises lack modern facilities.

5.28. In terms of secondary schools, there is a high inwards migration at secondary school level (Year 7) due to the pull of Torbay's three selective schools. This creates a capacity

pressure on the secondary sector, although it is currently intended to meet this capacity within existing school campuses.

5.29. There is a significant, and growing, demand for Special Educational Needs (SEND) provision and provision is split across several sites. In the short term it is proposed to expand and utilise existing buildings. However, the Local Planning Authority, in partnership with Children's Services and the School Place Planning Team will consider allocating a single site to consolidate and expand SEND provision.

5.30. The Plan is committed to provision of full coverage of education facilities located close to local communities. Where the expansion of a school results in the loss of public open space, Department for Education funding will be sought to identify and improve alternative open space and facilities in line with Policies SC1 and SC2.

Policy SC4: Sustainable food production and land protection

The protection of existing and provision of new local food growing spaces, at a variety of scales, will be supported and expected from new development wherever practicable.

The change of use or redevelopment of allotment sites will not be permitted unless appropriate improved or equivalent alternative publicly available provision is made, or it can be clearly evidenced that there is no demand for the facility.

Development which would result in the detriment to or loss of the best and most versatile agricultural land (Grades 1, 2, or 3a) will only be permitted where there is an overriding need for the development and it is demonstrated by the applicant that it cannot be accommodated on lower grade land. Where development is proposed and there is a choice between sites of different grades, development should take place on land of the lowest grade feasible, subject to other Policies in the Plan. Where development is approved on the best and most versatile agricultural land, the local authority will require a schedule for the reuse of soils to be provided in accordance with an agreed agricultural land assessment.

Residential schemes at all scales should include provision for sustainable food production, proportionate to the scale of development. This should be guided by the provision indicated in Table 6 below. Food growing opportunities will also be sought from non-residential development on a case-by-case basis.

Food production features may include edible landscaping (hedgerows, trees, vertical growing), public amenity space (communal gardens, orchards, allotments, roof gardens, atriums/courtyards) and/or private amenity space (balconies, gardens). On

larger development sites the specific provision of allotments or neighbourhood growing spaces will be sought. Where provision cannot be achieved on-site, off-site contributions to schemes within the nearby area will be sought.

Community and Corporate Plan – Community and Place

Explanation

5.31. Growing local food encourages people to lead more active, healthy lifestyles and generates community cohesion. Sustainable food production is a component in creating a low-carbon society and it helps the Bay become more resilient to future food insecurity. Local food has fewer food miles, and therefore less associated carbon emissions, and also helps support the local economy. Torbay stakeholders have identified allotment shortages, lack of community growing areas and a lack of producer outlets in towns as key issues to be resolved.

5.32. New greenfield development will inevitably put pressure on productive agricultural land, especially in an area as constrained (in terms of land area) as Torbay. The location of proposed development sites in this Plan has been informed by Sustainability Appraisal and Habitats Regulations Assessment. Consequently, the loss of best and most versatile agricultural land has been minimised. However, there are also many opportunities for development to help contribute at smaller and larger scales towards providing important local food growing and foraging opportunities.

5.33. Development and changes of use which result in the loss of high-grade agricultural land will need to establish that alternative, previously developed sites within existing developed areas have been investigated. Where there is an overriding need to develop on agricultural land of Grades 1, 2 or 3a and there is a choice between sites of different grades, land of the lowest grade should be developed, unless the lower grade land has an environmental value in terms of its landscape, nature conservation and historic or archaeological status which outweighs its agricultural significance.

5.34. The on-site provision of new allotments will be sought from major residential (30+ dwellings) and mixed-use schemes. However, it is recognised that the opportunity for some schemes to realistically deliver formal allotments may be limited. For instance, site-specific constraints and circumstances will have an impact. Opportunities to deliver allotments may be better realised through larger, strategic sites which offer a scale of development with greater prospects to secure their delivery. The enhancement of orchards will be supported, particularly where this would strengthen the growing of local varieties of fruits. Off-site contributions to support schemes, particularly the provision of neighbourhood growing, in the local area will be considered where sufficient on-site provision is not achievable.

Table 14 Sustainable Food Production Provision in Housing Developments.

Development scale	Edible Landscaping e.g. hedgerows, trees, vertical growing (provided in public and private spaces) provided specifically or integrated with ornamental planting	Private gardens and/or balconies e.g. ground/roof gardens with appropriate soil conditions, balcony provision of growing space	Outdoor public amenity growing space e.g. communal and community gardens, atriums/courtyards, orchards, neighbourhood growing schemes (at a variety of scales)	Allotments e.g. public provision of dedicated allotment spaces for the managed use by individuals and groups
1-9 dwellings	✓	✓		
10-29 dwellings	✓	✓	✓	
30+ dwellings	✓	✓	✓	✓

Policy SC5: Community facilities, infrastructure provision and developer contributions.

All development should contribute positively to the provision of the necessary community facility demand that will arise. Major proposals should provide the necessary supporting infrastructure and community facilities proportionate and appropriate to the scale of the development. These will include health, leisure, sport, education, meeting spaces, and cultural infrastructure, cemetery provision and other facilities such as allotments or community food growing.

Local services and facilities should be accessible via their location and have good transport connectivity. The loss of existing community facilities and buildings will

only be supported where it is demonstrated that they are not needed, or improved alternative provision is made.

Community and Corporate Plan – Community and People

Explanation

5.35. The NPPF requires local plans to plan positively for the provision of community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) to enhance the sustainability of communities and residential environments. Plans should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

5.36. This policy seeks to support sustainable communities where residents enjoy a high quality of life by protecting, retaining and enhancing existing community facilities, including resisting the loss of needed community facilities, and ensuring that new community facilities are located in accessible locations within existing settlements. Development should only be approved where there is sufficient capacity within existing infrastructure, or where there is a programme for improvements and planning contributions can mitigate the impact of development.

Policy SC6: Cemetery and memorial provision strategy

A new cemetery is proposed for Green Burial in the Broadsands, Churston, Galmpton Neighbourhood Plan Area. The specific site will be determined on the basis of the following criteria. Proposals for other cemetery provision, crematoria or gardens of memorial will also be supported where they meet the following criteria:

i) Do not have an unacceptable impact on landscape sensitivity, biodiversity, heritage, archaeology or residential amenity.

ii) Provide a level of tranquillity and dignity. Where proposals include crematoria or the scattering of ashes, they should be located away from residential properties and safeguard residential amenity.

iii) Proposals should make reasonable provision for people's spiritual and mourning needs. Where proposals include chapels, or other ceremonial facilities, they should not cause severe harm to the road network and should be reasonably accessible to active travel and public transport. They should be sited to minimise their landscape and ecological impact.

iv) **Are located outside Groundwater Protection Zones or areas at risk of flooding.**

v) **Are outside areas of contaminated land or former landfill areas.**

vi) **Proposals should not result in the loss of public access, open space or areas of recreation. Proposals that provide or improve public access open space or recreation will be supported. Support will be given to proposals that enhance and improve public access, and management to maximise their wildlife and biodiversity value.**

Community and Corporate Plan – Community and People

Explanation

5.37. Torbay's cemeteries are nearing capacity for burials, although sufficient crematorium capacity exists. Current projections indicate a need to identify about a hectare of new land for burials. To avoid a disruption in burial services, new provision or a new cemetery site will be required during the Plan period. The Local Plan proposes additional burial facilities in the south of Torbay and provides an area of search in the SDBCG area. This could be in association with improved green infrastructure/ recreation facilities needed to reduce pressure on the South Hams SAC. Provision could also be made as part of Torquay Gateway proposals in conjunction with the existing site at Conqueror Wood (See Policy SDT3).

5.38. The location of cemeteries is subject to detailed Environment Agency Regulations (the Environmental Permitting Regulations, particularly in relation to watercourses and avoiding contamination), and therefore an "are of search" is included at this stage of the Plan.

5.39. Appropriate locations for new cemeteries will need to consider potential impacts on waterbodies. Cemeteries must not pollute groundwater or surface water and the Environment Agency will normally object to the locating of any new cemetery or the extension of any existing cemetery which could have a detrimental effect on groundwater, well, borehole or spring used to supply water that is for human consumption.

Chapter 6. Moving Torbay - Sustainable travel and inclusive access



Figure 15 – Moving Torbay

Strategic Policy TAS: Transport Vision and Hierarchy

Transport Vision and Hierarchy

To deliver Torbay's vision-led approach to transport and place-making, all new development shall contribute to the achievement of the Transport Vision:

To provide integrated, accessible, and inclusive transport for everyone, in line with the transport hierarchy, that facilitates growth and supports reaching net zero carbon.

Development proposals will be supported where they apply a vision-led approach to transport and place-making, contributing to the achievement of the Transport Vision, providing high quality, safe, healthy and accessible places.

All development will have regard to the transport hierarchy, demonstrate that patterns of movement, streets, parking, servicing and public realm are integral to

the design of well-connected, attractive and sustainable places. Development must prioritise safe, direct and attractive access by walking, wheeling, cycling and public transport to homes, jobs, education, healthcare, town centres and other everyday services, while also supporting opportunities for digital connectivity and reduced need to travel where appropriate.

Community and Corporate Plan – Community and Place

Explanation

6.1. Transport has a significant impact on our local environment, and it is therefore important to keep people and businesses connected whilst also improving air quality, enhancing our natural environment and reducing emissions. By improving transport connectivity and sustainability it will help deliver the transport infrastructure that is needed for our people and our place, underpinned by the need for resilience and safety on the network.

6.2. The transport hierarchy ensures that as much emphasis as possible is given to the most sustainable modes of transport and that there is a choice of transport options for all.

Policy TA1: Assessing and mitigating the impact on the transport network

To assess and mitigate the impact of development and to promote sustainable travel choices, the following information will be required:

- ***A Transport Assessment and Travel Plan: where the proposed development is likely to have significant transport and related environmental impact (in accordance with Department for Transport guidance); or***
- ***A Transport Statement: where the development has relatively minor transport implications (in accordance with Department for Transport guidance).***

A walking and cycling route audit shall be included within the Transport Assessment or Statement. This should relate to immediate site and surrounding areas, including travel origins and destinations for all users and desire lines.

All new development that affects transport, especially if it leads to more journeys and/or increases demand for sustainable travel, will be expected to contribute towards mitigating its impact and delivering a safe, effective and inclusive transport system. This could include direct improvements and/or financial contributions towards enhanced transport infrastructure or service provision.

In some cases, the parking requirements defined through policy TA4 account for an expectation of increased demand for sustainable travel and improvements and/or contributions will be necessary.

Essential infrastructure to support delivery outcomes set out in a Transport Assessment, Statement and/or Travel Plan must be provided as part of the development as an additionality to the wider sustainable travel contributions expected of all development.

Community and Corporate Plan – Community and People

Explanation

6.3. Appropriate and proportion assessment of the impact of development on the transport network is necessary to ensure it is not adversely impacting or stifling economic growth.

6.4. Travel Plans should be site-specific, evidence-based and proportionate. They should set clear, measurable modal share targets (for all users), annual monitoring and reporting commitments, review triggers and financial bonds where appropriate to support mitigation measures if targets are not met. Where there is an existing Travel Plan but only minor transport implications are expected, an update to the Travel Plan may still be necessary.

6.5. It is important that all development takes accountability and responsibility for the impacts it has on the transport network, and makes an appropriate contribution to delivering appropriate mitigations for these to achieve the Transport Vision.

Policy TA2: Delivery of a safe, effective and inclusive transport system

A safe, effective and inclusive transport system will be achieved through:

i) Delivery of the Transport Vision and Hierarchy across all development providing more travel choice for all;

ii) Focusing development in locations that are accessible and can be safely connected, through direct and efficient routes, for walking, wheeling, cycling and public transport, as well as by private vehicles to essential, everyday facilities;

iii) Providing opportunities for digital communication and remote working to reduce the need to travel;

iv) **Prioritising road safety**

v) **Maximising the opportunities for sustainable transport of freight;**

vi) **Appropriate provision of facilities for disabled persons, such as suitable levels, signage, and facilities; and**

vii) **Supporting the delivery of the objectives of the Local Transport Plan, including considering impacts outside of Torbay.**

Strategic Improvements

The Council will support strategic transport improvements that strengthen connections within Torbay, to the wider sub-region, and to national and international markets, where they enable efficient, reliable and inclusive movement in line with the transport hierarchy, including those set out in the Local Transport Plan and other supporting modal plans.

Where relevant, proposals should support seamless interchange between all modes and improve journey reliability, affordability, accessibility, legibility and resilience.

Land will be safeguarded and developer contributions sought where justified to enable delivery.

Development and infrastructure proposals should support healthier communities, climate resilience and net environmental gain, informed by collaboration with transport providers, infrastructure operators and neighbouring authorities where cross-boundary impacts arise.

Community and Corporate Plan – Community and People

Explanation

6.6. An effective and efficient transport network is vital for people's lives and livelihoods, supporting Torbay to be healthy, happy and prosperous, improving the quality of life for residents and create a fairer and healthier society.

6.7. This includes:

- A safe and reliable transport network for all
- Strengthening walking routes around key areas and to/from key facilities providing opportunities for physical activity, social interaction and access.

- Delivery of high quality cycle infrastructure to develop safe cycling routes for all, not just on key trails but also the links to those
- Supporting a step change in public transport service and infrastructure provision, especially on core routes,
- Better integration to increase travel choice and opportunity,
- A cohesive network of electric charging
- Continued investment in the existing highway network to ensure resilience and address capacity constraints where possible

6.8. Development will be expected to deliver and contribute to local strategic enhancements. Particularly where related to town centres and harbour areas, these shall also consider measures to enhance accessibility and use of taxi and ferry services.

6.9. To deliver the Local Plan's aspirations and objectives, including regeneration of the town centres and address deprivation, improvements are needed to ensure the strategic transport network across all modes is fit for purpose and accessible, around the Bay and to the wider sub region and beyond. This is vital to delivering economic prosperity and also to support new development, ensuring the success of the Strategic Delivery policies.

6.10. The visual impact of transport infrastructure (including signage) within the street scene should be kept to a minimum, to avoid proliferation of unnecessary clutter or harm to amenity and the historic features.

Walking, Wheeling and Cycling Network

6.11. Torbay's Local Cycling and Walking Infrastructure Plan (LCWIP) identifies Bay Trails and supporting/connective walking, wheeling and cycling infrastructure across Torbay, as well as enhancement and protection of the South West Coast Path and King Charles III England Coast Path. There are also LCWIPs covering neighbouring areas which combine to enhance cross boundary travel.

Local Public Transport Services

6.12. Improvements to the bus and public transport networks and supporting infrastructure to provide a step change in quality, accessibility and integration with other forms of transport, within, to and from Torbay as appropriate.

Mobility Hubs

6.13. Development of multi-modal mobility hubs in key locations will improve connectivity to the transport network and increase travel choices (See Policies Map). Individual hubs may provide different facilities appropriate to the location, but all major development must consider opportunities. Sites suitable for more significant and/or bespoke facilities include (but are not limited to):

- Paignton Transport Gateway, bringing together investment in the railway station, bus station, car parking and public realm
- the former Park and Ride site at Churston, Brixham,
- the site adjacent to Gallows Gate. Torquay.

Proposals that contribute to the delivery of these sites will be supported where in accordance with other policies in the Local Plan.

Electric Vehicle Infrastructure

6.14. Electric vehicle infrastructure will not be considered in isolation and will feature across strategic and non-strategic investments in the transport network.

Rail Network

6.15. A new railway station, Edginswell Station, within the Torquay Gateway, will support residential growth, employment sites, and critical health facilities, whilst upgrades to existing stations will provide enhanced accessibility and other facilities to ensure everyone can access rail services.

6.16. Development of proposals to extend the railway line to, and with a new station at, Goodrington Sands and continued maintenance and enhancement of the rail network serving the Bay, supporting the future needs.

6.17. Minimising the impact of development upon level crossings, and where necessary seeking developer contributions to help fund improvements to, or consider alterations to the operation and safety of, level crossings, where these are required as a result of development.

Highway Network

6.18. Multi-modal enhancement of the Major Road Network, including the critical junctions and improving the flow of traffic, to ensure reliable connectivity within, to and from Torbay, with improvements to air quality along the corridors. A comprehensive solution to transport issues is needed to enable the development in Collaton St Mary (SDP4), and development contributions are expected to help fund these strategic improvements.

6.19. On-line multi-modal improvements, resilience, and traffic management schemes where necessary to protect and enhance critical route infrastructure.

Policy TA3: Development layout, access and connectivity standards

Delivering suitable layouts

All layouts will support sustainable travel as the first choice, prioritising a people-first approach. Layouts should respond to the site context, be inclusive and accessible and reflect the principles of healthy streets and Manual for Streets.

Direct and efficient multi-modal travel links to, from and through new development will be provided for, or secured in perpetuity, delivering unfettered connectivity and providing connections to facilities, services, open space and potential future development beyond the site boundary. To support this, ransom strips will be resisted.

This will include provision or connection to a network of footpaths, cycle routes, green infrastructure and public transport which shall include provision of, or future provision for, public rights of way and permissive paths – particularly within masterplan and growth areas where there is a wider benefit.

All development shall provide safe turning/manoeuvring and stopping areas for vehicles within the site, including deliveries. Measures for emergency service vehicles, waste collection vehicles and public transport vehicles to access and service the site will be included, as necessary and appropriate, in a way that would not disrupt the service they provide.

All new highway infrastructure (including walking, wheeling and cycle connections where there is a wider benefit) will be constructed, completed and maintained to the council's approved highway standards, meet highway safety standards and be available for use by the occupants, and other users of the development – including those linking through from neighbouring areas.

The Local Highway Authority will seek to adopt highway infrastructure via Section 38 of the Highways Act 1980 as a default position. Where this is not achievable a Private Management and Maintenance Plan confirming funding, management and maintenance regimes for the lifetime of the development will be required.

Accessing the highway network

Any new access (vehicular, pedestrian or cycle) to/from the highway network will:

- **Provide appropriate and suitable access for all modes, prioritised in accordance with the Transport Hierarchy, to a safe standard, that minimises conflicts between modes and users;**
- **Maintain an acceptable network capacity or provide suitable mitigation; and**
- **Not have an unacceptable impact on road safety**

Community and Corporate Plan – Community and Place

Explanation

6.20. It is an important principle that new development should integrate with the surrounding area in terms of its connectivity for all modes providing safe, free flowing and well maintained access throughout the development and the surrounding area.

Policy TA4: Parking and shared transport provision

Parking for all development should be provided in accordance with the council's adopted parking standards, unless a robust, site-specific justification demonstrates that an alternative level of provision is appropriate having regard to accessibility, development type and mix, local car ownership, highway safety, parking stress, seasonal demand and the availability of sustainable transport options.

Appropriate levels and standards of parking will be incorporated for all users, including cycles, adapted cycles, scooters, powered two-wheelers, mobility scooters, blue badge holders, visitors, deliveries, servicing vehicles, shared transport and electric vehicle charging. Parking must be safe, secure, accessible, convenient, well-managed and integrated into the design of development so that it supports placemaking, does not dominate the built environment and protects pedestrian and cycle priority.

The loss of existing parking or servicing provision for any mode will be a material consideration in planning applications. Where existing provision is displaced, applicants must demonstrate that replacement provision, demand management or mitigation is sufficient to avoid unacceptable effects on highway safety, accessibility, local amenity, parking stress, town centre vitality and community safety.

Shared transport, car clubs, bike share and similar mobility services will be supported where they demonstrably reduce private car use and parking demand.

They should not normally be treated as a direct substitute for required parking unless this is justified through a Transport Assessment or Transport Statement, secured through a Travel Plan or management plan, and supported by long-term delivery, monitoring and funding arrangements.

Where parking provision is proposed below the relevant standard, applicants must provide proportionate evidence that the reduced level will not cause unacceptable overspill parking, highway safety issues, community conflict or harm to amenity. Mitigation must be secured where necessary, including additional active travel measures, public transport support, shared transport, parking management, permit-free arrangements, delivery and servicing controls, or contributions towards sustainable transport infrastructure. Such measures must be additional to the wider sustainable travel requirements expected of all development and must be maintained for the lifetime of the development.

In applying site-specific parking requirements, the council will seek to minimise community conflict, anti-social parking and obstruction of streets, footways, cycle routes and access for emergency, refuse and servicing vehicles. Significant weight will be given to highway safety, inclusive access, community safety and the need to maintain attractive, accessible and well-functioning places.

Where development is proposed in Controlled Parking Zones, residents' parking schemes, areas of high parking stress, town centres or other locations where overspill parking could be harmful, the council may require permit-free or low-car development, parking surveys, parking management plans, legal agreements, Traffic Regulation Orders or other enforceable measures to ensure that the development operates as intended.

Table 13: In Principle Minimum Parking Standards:

Cycle Parking	Dedicated cycle parking is required within all new development and must be considered from the outset of the design process. It should be secure, covered where appropriate, well-lit, naturally overlooked, convenient to use, accessible by step-free routes wherever practicable, and located closer to main entrances than general car parking except for blue badge parking. Cycle parking must be designed for the exclusive use of cycles and maintained in perpetuity. Storage in habitable rooms, bin stores, circulation areas or balconies will not be acceptable. A proportion of spaces should be suitable for adapted cycles, cargo cycles, trailers and other non-

	standard cycles, with charging provision for e-bikes and e-cargo bikes where appropriate. Where cycle parking is provided within a standalone store or internal area, access should be level or step-free where practicable, users should not have to negotiate more than one door with their cycle, and doors should be wide enough to accommodate non-standard cycles. Where rear storage is proposed, an accessway should be designed in from the beginning to avoid the need for cycles to pass through habitable rooms. Provision for safe and secure electrical charging should be made within or immediately adjacent to cycle parking where e-bike or e-cargo bike use is likely, subject to appropriate fire safety, management and maintenance arrangements. Residential use: 1 space per bedroom Houses in multiple occupation: 1 space per letting bedroom
Provision for scooters (foot propelled) and powered two-wheeled vehicles including motorcycles.	Secure, safe and conveniently located provision should be made for foot-propelled scooters and powered two-wheelers, including motorcycles and mopeds, where demand is likely. Powered two-wheeler parking should be clearly signed, naturally overlooked, well-lit, accessible without conflict with pedestrians and cyclists, and include anchor points or equivalent security features where appropriate. Major developments should provide powered two-wheeler parking based on at least 5% of the car parking provision. Minor developments will be considered on a case-by-case basis, having regard to the nature of the use, accessibility, expected demand and opportunities to avoid informal or obstructive parking.
Provision for mobility scooters:	New development that is likely to cater for those making use of a mobility scooter, such as age restricted housing and extra care units, will be expected to make provision for storage areas and dedicated charging points on the ground floor and must form an integral element of the design of the development.
Electric Vehicle Charging provision:	New houses with at least one designated parking space within the curtilage of the plot must provide at least one active electric vehicle charging point. For flatted, communal and non-residential parking, active and passive electric vehicle charging infrastructure should be provided at a level appropriate to the scale, use, parking layout,

	likely dwell time and future demand, with details agreed with the Local Planning Authority. As a starting point, residential development with off-street parking should provide 50% active charging provision and commercial development should provide active charging for 25% of spaces, with passive provision for the remaining spaces unless otherwise justified. For residential extensions creating additional bedrooms, where off-street parking exists, provision must include at least passive provision, with cable runs, for an EV charging point.
Disabled parking requirements:	Residential development should provide at least one accessible parking space for each wheelchair accessible dwelling, together with appropriate provision for disabled visitors and future adaptation where spaces are not initially laid out as accessible bays. Non-residential development should provide blue badge parking at a level appropriate to the use, total parking provision and expected demand, located close to the most suitable accessible entrance with safe, level access.
Parking for People with Young Children and specialist parking	Provision for child and parent or specialist parking for development where appropriate.
Shared Transport /Car Club	Residential developments of 100 or more homes should provide space and safe access for shared cycle provision at a ratio of at least 1 shared cycle space per 20 homes and shared car provision at a ratio of at least 1 car club space per 100 homes, unless a Transport Assessment or Transport Statement demonstrates that an alternative level is more appropriate. For residential, leisure, visitor accommodation and employment uses, contributions towards shared transport, car clubs, bike share, public transport or other mobility measures may be required where these are necessary to support reduced parking provision, manage demand or improve sustainable travel choices.
Car parking provision:	All development should provide an appropriate level of car parking for occupants, staff, visitors and operational needs, while avoiding excessive provision that would undermine sustainable travel or dominate the design of the site. Where no specific standard is

	defined, parking should be justified through a reasoned and site-specific assessment of likely demand, accessibility, use, occupancy, travel patterns, parking stress, seasonal peaks and opportunities for sustainable travel. Detailed requirements for other uses will be set out in supporting guidance. **General Minimum Parking Standard:** Houses: 2 spaces per dwelling as a general minimum, excluding garages unless the garage is of sufficient size to function as a usable parking space and additional on-curtilage parking is provided. Apartments: 1.5 spaces per dwelling as a general minimum, including an appropriate proportion of visitor parking unless otherwise justified by location, accessibility, tenure, dwelling size and parking stress evidence. Larger dwellings, family housing and specialist accommodation may require additional parking where justified by likely occupancy, car ownership, accessibility and local parking conditions. Parking provision must include additional provision for visitors, appropriate to the nature and scale of the development. HMOs should provide 0.25 car parking spaces per letting bedroom, with fractions rounded to the nearest whole number, unless robust evidence demonstrates that a different level is appropriate. Cycle parking should be provided at 1 space per letting bedroom. **Town Centre and Accessible Locations** **Designated town centres:** A reduced level of parking, including low-car or car-free development, may be agreed where this is justified by accessibility, parking stress evidence, public transport availability, active travel provision, town centre character and the availability of public or shared parking. Where parking standards are not met, additional sustainable transport measures will be required to offset parking demand for the lifetime of the development. Reduced parking provision must be robustly justified in a Transport Assessment or Transport Statement and Travel Plan, and may be secured through permit-free arrangements, parking management plans, legal agreements or other enforceable measures.

	Accessible locations outside designated town centres: A reduced level of parking may be agreed for sites within convenient walking distance of high-frequency public transport, local services and active travel routes. This will normally mean sites within 400m walking distance of a national rail station or a bus stop served by services operating at least every 20 minutes during the main part of the day, subject to consideration of route quality, gradients, barriers to movement and local context. In accessible locations outside designated town centres, reduced parking will normally be expected to provide at least 1 space per dwelling plus 0.5 spaces per dwelling for visitors, unless robust evidence demonstrates that a lower level can operate without unacceptable overspill parking or harm to highway safety, amenity or community safety. Where the standard cannot be provided, additional sustainable transport, shared transport, public transport or parking management measures will be required where they can adequately offset parking demand for the lifetime of the development.

Table 14: Zonal residential parking standards schedule

Standard	Town Centres	Accessible Corridors	All other areas	Notes and evidence requirements
Zone definition	Sites within designated town centre boundaries.	Sites within convenient walking distance of a bus stop served by the 12 or 22 bus service.	Sites outside designated town centres and outside Accessible Corridors.	Walking distance must be measured by a safe, direct and usable pedestrian route, not as the crow flies.
Houses	0 to 1 space per dwelling. Car-free or low-car development may be acceptable where justified.	1 space per dwelling plus visitor provision.	2 spaces per dwelling.	Garages should not normally count unless they are of usable dimensions and additional on-plot parking is provided.
Apartments	0 to 0.75 spaces per dwelling, subject to evidence and management.	1 space per dwelling plus 0.25 to 0.5 visitor spaces per dwelling.	1.5 spaces per dwelling, including an appropriate visitor allowance.	Lower provision must reflect dwelling size, tenure, accessibility, likely occupancy and local parking stress.

HMOs	Car-free or low-car provision may be acceptable where justified.	0.25 spaces per letting bedroom, rounded to the nearest whole space.	0.25 spaces per letting bedroom, rounded to the nearest whole space.	Cycle parking at 1 space per letting bedroom. Additional evidence may be required where streets are constrained.
Visitor parking	To be justified by evidence; may be omitted where public, shared or managed parking is available.	Normally 0.25 to 0.5 spaces per dwelling, depending on dwelling mix and local conditions.	Included within the apartment standard; separate provision may be required for houses and larger schemes.	Visitor spaces should be unallocated, clearly identified and managed for visitor use.
Blue badge parking	At least one accessible parking space for each wheelchair accessible dwelling. Where spaces are not initially laid out as accessible bays, sufficient space should be safeguarded for future adaptation. Visitor blue badge parking should be provided where visitor parking is provided.			Blue badge spaces should be closest to accessible entrances and served by safe, step-free routes.
Cycle parking	Residential development: 1 secure, covered and accessible cycle space per bedroom. HMOs: 1 space per letting bedroom. A proportion of spaces should accommodate adapted cycles, cargo cycles and trailers.			Cycle parking must be integral to layout and closer to entrances than general car parking where practicable.
EV charging	Where off-street parking is provided, active and passive electric vehicle charging infrastructure should be provided in accordance with current Building Regulations and local policy requirements.			Communal charging should be designed for safe, convenient and managed access.
Reduced parking evidence	Any proposal below the relevant standard must be justified through proportionate evidence, including local parking stress, car ownership, dwelling mix, tenure, accessibility, walking and cycling conditions, bus service quality, seasonal demand and likely occupancy.			Mitigation may include permit-free arrangements, parking management, car clubs, Travel Plans, public transport support and active travel improvements.

For the purposes of this schedule, "convenient walking distance" should normally be interpreted as up to 400 metres by a safe, direct and usable walking route. The distance should be reduced where gradients, severance, poor footway conditions, lack of safe crossing facilities, lighting, personal security issues or other barriers mean that access to the bus stop is not genuinely convenient.

Reduced parking provision in Town Centres and Accessible Corridors will not be accepted automatically; applicants must demonstrate that the development can operate without unacceptable overspill parking, highway safety impacts, obstruction of footways, harm to amenity or community conflict.

How to apply the schedule

Applicants should apply the zonal parking standards using the following staged approach. The level of detail required should be proportionate to the scale of development, the degree of departure from the relevant standard and the sensitivity of local parking conditions.

1. **Identify the correct zone.** Confirm whether the site is within a designated town centre, an Accessible Corridor, or All other areas. For Accessible Corridors, applicants must demonstrate that the site is within convenient walking distance of a bus stop served by the 12 or 22 bus service, measured by a safe, direct and usable pedestrian route.
2. **Apply the relevant starting standard.** Calculate the parking requirement by dwelling type, including houses, apartments, HMOs, visitor parking, blue badge parking, cycle parking and electric vehicle charging. Fractions should normally be rounded up unless the applicant can justify an alternative through a site-wide parking and management strategy.
3. **Consider the local context.** Review site-specific factors including local car ownership, existing parking stress, Controlled Parking Zones or residents' parking schemes, street width, footway conditions, gradients, access for emergency and refuse vehicles, seasonal demand, visitor accommodation pressures, town centre activity and the availability of public or shared parking.
4. **Justify any reduction.** Where provision is proposed below the relevant standard, the applicant must provide proportionate evidence that the development can operate without unacceptable overspill parking, highway safety impacts, obstruction of footways, harm to amenity or community conflict. Evidence may include parking surveys, car ownership data, accessibility analysis, dwelling mix, tenure, Travel Plan measures and parking management proposals.
5. **Secure mitigation where needed.** If reduced parking is accepted, mitigation may be required through planning conditions, obligations, legal agreements or other enforceable measures. This may include permit-free development, parking management, car club or shared mobility provision, enhanced cycle parking, public transport support, walking improvements, Travel Plan monitoring or contributions towards sustainable transport infrastructure.
6. **Design parking as part of placemaking.** Parking, servicing, cycle storage and charging infrastructure must be integrated into the layout from the outset. Parking should be safe, inclusive, accessible, overlooked where appropriate, well landscaped and designed so that it does not dominate the street scene or interrupt pedestrian, cycle or public transport movement.

Explanation

6.21. Parking standards need to balance the practical parking needs generated by development with the council's wider objectives for sustainable transport, good design, healthy places, town centre regeneration and climate change. The policy recognises that many residents, visitors and businesses will continue to need access to motor vehicles, particularly in less accessible locations and during seasonal peaks. It therefore seeks to provide adequate, usable and well-designed parking while ensuring that parking provision does not undermine active travel, public transport, efficient use of land or the quality of the built environment.

6.22. A flexible, evidence-led approach will be taken where lower levels of parking are proposed in designated town centres, accessible locations and sustainable transport corridors. Such reductions will only be acceptable where they are supported by robust evidence and secured mitigation. This may include high-quality cycle parking, car club or shared mobility provision, public transport support, travel planning, parking management, permit-free arrangements or financial contributions towards sustainable transport. These measures must be additional to the normal sustainable transport requirements of development and should be capable of being monitored and maintained over time.

6.23. Changes of use, conversions, HMOs, visitor accommodation and high traffic-generating uses will be particularly scrutinised where they could intensify parking demand or alter existing parking patterns. Applicants may be required to provide parking stress surveys, parking management plans, servicing plans or seasonal assessments where local circumstances indicate a risk of overspill parking, community conflict, highway safety impacts or harm to local character. In Torbay, particular regard should be given to peak summer visitor demand, town centre conditions, constrained streets, topography and the needs of disabled people, servicing vehicles and emergency access.

6.24. The layout and design of parking should be considered as part of the overall placemaking strategy for a site. Car parks, parking courts and on-plot parking should be accessible, safe, overlooked, well landscaped and designed to minimise visual dominance. Parking should support, rather than interrupt, pedestrian and cycle movement. Large areas of surface parking should incorporate appropriate tree planting, sustainable drainage, permeable materials, lighting, boundary treatment and clear routes to entrances. Parking and servicing areas should be designed so that they do not obstruct footways, cycle routes, public transport infrastructure or the safe movement of larger vehicles.

6.25. Further design codes or guidance will set out detailed parking standards by land use, accessibility zone and development type, together with design requirements for parking bays, garages, cycle parking, blue badge spaces, electric vehicle charging, delivery and servicing, car clubs, shared mobility, parking stress surveys and management plans. This will allow the Local Plan policy to establish the core principles while giving the council

flexibility to update technical standards as travel behaviour, vehicle technology and local evidence change.

Chapter 7. Building for the future - Resilient and smart infrastructure and developer contributions



Figure 16 - Building for the Future

Strategic Policy INS: Sustainable infrastructure

All development will be expected to provide the physical, social and environmental infrastructure needed to make it acceptable in planning terms. A range of physical, social, green and blue infrastructure will be sought in order to help Torbay grow in a sustainable, healthy, safe, and prosperous way.

Development must:

1) Provide or contribute to the infrastructure required to meet the needs that development generates, having regard to its scale, type and location.

2) Ensure timely delivery, including phasing where necessary, so that infrastructure is in place to support development.

3) Prioritise sustainable delivery and outcomes, including climate resilience, biodiversity enhancement, sustainable transport and healthy, inclusive communities.

4) Provide infrastructure on-site where possible and appropriate

Development that does not meet critical infrastructure requirements such as those including, but not limited to, flood defence works, highway safety, water and sewer capacity, waste, and/or ecological/environmental improvements to meet Habitats Regulations requirements will not be supported.

Where onsite provision of infrastructure is not possible or appropriate, developer contributions will be sought to achieve offsite provision in accordance with the hierarchy set out in Policy IN1. A planning obligation will be required to secure the infrastructure necessary to make development acceptable in planning terms.

New Infrastructure Projects

The council will take a supportive approach to the development of new or improved infrastructure meeting the needs of the Bay, particularly infrastructure that is of strategic importance, subject to an assessment of the proposal's impacts including on amenity, the natural environment (including any European Wildlife Sites), landscape character, and the historic environment, and any necessary mitigation measures.

In the planning and design of infrastructure projects, opportunities to co-deliver environmental benefits (including habitat creation, ecosystem services (as defined in Glossary), and social benefits (including increased opportunities for social interaction, active travel and outdoor recreation), should be maximised.

Explanation

7.1. The full range of physical, social and green and blue infrastructure projects needed over the plan period will be set out in an Infrastructure Delivery Plan, developed with input from infrastructure providers. The Local transport Plan, Local Cycling Walking Infrastructure Plan, Bus Service Investment Plan and The Torbay Green Infrastructure Delivery Plan also set out green and blue infrastructure needs.

7.2. The Torbay Local Plan 2012-30 was supported by an Infrastructure Delivery Study (PBA 2013) that outlined Torbay's infrastructure needs. This will be updated as part of the Local Plan preparation and a new Infrastructure Delivery Plan produced.

7.3. Most of Torbay's infrastructure requirements are likely to fall within Torbay Unitary Authority's boundaries. Wider infrastructure such as water and electricity supply are covered by other regulatory and funding regimes. The need for cross-boundary infrastructure contributions will be kept under review, but are not currently proposed. The exception to this is likely to be where development affects Habitats Regulations matters.

7.4. There are likely to be different ways in which infrastructure can be provided. The council will seek in particular the delivery of environmentally friendly infrastructure, such as sustainable drainage, water efficiency measures and renewable energy/micro generation solutions, so long as these have major biodiversity and recreation benefits and do not prejudice the effective operation of infrastructure or community safety.

The infrastructure needs arising from a development will usually need to be met on-site through provisions made directly as an integral part of the development. Where appropriate, this will be regulated through planning condition or legal agreement. The council's preferred means of achieving this will be for on-site infrastructure (notably including all internal roads and open spaces) to be transferred into the council's ownership with financial contributions towards the council's ongoing management and maintenance costs.

Where safe and practical to do so, all infrastructure provided on-site will be publicly accessible, and will be supported by the necessary management arrangements to ensure that infrastructure is well maintained and fit for purpose for its lifetime.

Where onsite provision of infrastructure is either not possible or not appropriate (such as sewage treatment or some nature based solutions), developer contributions will be sought to achieve offsite provision, in accordance with the hierarchy set out in Policy IN1.

7.5. Infrastructure and service delivery should advance equity and should help close the gap between the most and least disadvantaged neighbourhoods and communities within the Bay. It is important that infrastructure facilities and services are well located in relation to need, and are accessible, useable and safe for all. It is important that, where negative

impacts associated with new infrastructure are unavoidable, these impacts are fairly and equitably distributed, and that vulnerable or disadvantaged groups are not disproportionately burdened.

7.6. Torbay is a Critical Drainage Area, and flooding, coastal change management and sewer capacity are increasingly important infrastructure issues in the Bay. The council will require that all development contributes towards reducing the volume of water entering the combined sewer system through a range of strategies including designing in water efficiency measures to reduce water consumption, promoting the use of sustainable drainage systems, and increasing the permeable area of development sites. Local Plan policies on drainage, water management and flood risk set out the council's requirements in this regard in more detail.

Strategic Policy IN1: Prioritisation of planning obligations

Where possible and appropriate infrastructure will be provided onsite in accordance with Policy IN1. Developer Contributions will be sought for the provision of infrastructure, affordable housing and other matters required to make development sustainable in planning terms. Where S106 contributions are argued to make development unviable, an independent assessment of viability will be required, proportionate to the scale of the proposal before S106 requirements are relaxed. Where a reduction in contributions is agreed due to viability constraints, the following order of priority will be taken into account when reducing contributions.

Contributions will be sought on the basis of the impact of the specific development and needs arising from it. In seeking developer contributions, the following order of priority will apply:

i) **Site Deliverability Matters: The provision of critical infrastructure, e.g. flood defence works, highway safety, water and sewer capacity, and/or ecological/environmental improvements to meet Habitats Regulations requirements, and monitoring of obligations**

ii) **Healthy Environments including active travel and green and open space.**

iii) **Affordable housing**

iv) **Employment and Healthcare contributions**

v) **Broader Sustainable Development Contributions (Public transport, Education, Lifelong learning, community facilities, Policing), offsite waste management, sports pitches and offsite open space**

Where development pays CIL an equivalent reduction from Broader Sustainable Development Contributions will be granted.

Where policy requirements are not met due to an agreed viability reason, the s106 Agreement will include mechanisms for the deferred calculation of viability to ensure that developers meet their policy obligations where the viability of the development has improved at a later date.

Community and Corporate Plan – Pride in Place

Explanation

7.7. Developer contributions towards infrastructure delivery will be sought in the form of the community infrastructure levy and/or section 106, as described in more detail in the council's adopted CIL Charging Schedule, the Planning Contributions and Affordable Housing Supplementary Planning Document, and/or any subsequent local planning documents.

7.8. Developer contributions may be pooled towards the delivery of strategic infrastructure elsewhere within the Bay where this would constitute the most effective and equitable means of meeting the infrastructure needs arising from the development.

7.9. Policy IN1 seeks to set out the council's priorities for S106 Contributions. More details are set out in the Planning Contributions and Affordable Housing Supplementary Planning Document (currently 2022, which will be updated as a supporting document to the Local Plan).

7.10. Policy IN1 sets out the following priority order for Planning Contributions:

1. **Site Deliverability Matters.** Critical infrastructure (also called "integral infrastructure"). This is physical and enabling infrastructure, which must be delivered on time to allow proposed development to proceed in narrow physical or safety terms (e.g. road access, flood defence works, sustainable drainage, sewerage capacity, water and electricity). Contributions for ecological mitigation etc. which are necessary to make development comply with Habitats Regulations requirements, particularly affecting the SAC,Marine SAC and Biodiversity Net Gain, will be treated as critical infrastructure. Where possible this will be delivered onsite although it may be covered by a S278 Highway Agreement or part of a S106 Agreement. The council's preferred method of delivery is through transfer of open space, highways etc to the council for adoption, with a maintenance and monitoring fee.

2. **Healthy Environments**. This includes the provision of accessible route for active travel, permeability between the site and nearby facilities, the provision of open space etc. Where possible this will be delivered onsite and should be integral to the design of development. although it may be covered by a S278 Highway Agreement or part of a S106 Agreement.

3. **Affordable Housing**. This is covered in more detail in Policy H7

4. **Employment, Town Centre Regeneration**, These will be sought to mitigate the impact of proposals that have an impact on town centres or result in the loss of employment See Policies E5, TO7 TC9 in Chapter 4.

5. **Wider sustainable development contributions**. These are sought to support the infrastructure and other requirements that development generates a need for. Whilst not necessary to make development stand up or remain safe in narrow physical terms, such infrastructure is required to make development acceptable in planning terms. This covers public transport contributions, Education and Lifelong Learning, Health facilities, community wellbeing , spiritual and safety facilities, off-site provision of Playing pitches and strategic recreation facilities, offsite waste management facilities.

7.11. The above priority list is a starting point only, and each application must be assessed on its merits to determine what obligations are necessary to make the proposal acceptable in planning terms, directly related to the proposal and fairly related to the scale and kind of development. For example education contributions will not be sought from development of older peoples' accommodation, although this may attract a higher level of healthcare contribution.

7.12. Developer Contributions are usually provided through S106 Obligations, although conditions will be used where possible. The use of S106 Obligations is regulated by the Tests of Lawfulness set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010 as amended) and the NPPF (paragraph 58 of the 2024 Framework). These require that obligations are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

7.13. Mitigation will be provided from Sustainable Development Contributions for affordable housing provided through s106 Contributions or other mechanism that secure the housing as affordable in perpetuity.

7.14. The council adopted a Community Infrastructure Levy (CIL) in 2017 and this will be updated as part of the Local Plan Update. Where development pays CIL the amount of CIL paid will be deducted from the Sustainable Development Contribution liability. However, Site deliverability matters must still be met irrespective of CIL. It is important that mandatory CIL relief for social housing and other matters is sought before development is commenced.

Viability Issues

7.15. Whilst Torbay is a high-need area, it is not a particularly high value area, and the council recognise that development should be viable.

7.16. A Whole Plan Viability Assessment is being prepared as part of the Plan preparation. Therefore, all developments are expected to meet policy requirements and developer contributions in full under normal market conditions. It is not possible for the Torbay Local Plan to anticipate extraordinary events that may occur during the plan period, and therefore it is accepted that abnormal costs or other circumstances may arise which impact upon viability to the extent that the full range of policy requirements and planning obligations set out in the local plan cannot be met.

7.17. Where planning contributions are argued to render development unviable, a viability appraisal of the development proposal will need to be submitted by applicants. For major developments, the council will obtain an independent review of the submitted viability appraisal and will recover from the applicant its reasonable costs in doing so. The submitted viability appraisal and the independent review will be published by the local planning authority with the planning application documentation.

7.18. The council will publish an updated Planning Contributions and Affordable Housing Supplementary Plan or guidance to support the Local Plan to expand upon the principles set out in Policy IN2. In the interim, the 2022 SPD will continue to apply. The council is entitled to charge a 5% administration fee for developer contributions and will update the figures for inflation.

Policy IN2: High quality communications and digital connectivity

To the door fibre

All proposals for residential and commercial development should be designed to connect to high quality communications infrastructure including to the door fibre optic cabling. Where this is not possible, evidence will be required to show why the provision is not technically feasible.

Other ICT development

The introduction and installation of the most up to date and fastest telecom and other Information and Communications Technology (ICT) will be supported by the Local Plan. Applications for ICT developments will be supported where the following criteria are met:

i) **The opportunity to accommodate apparatus on an existing mast or structure in preference to new masts or structures has been fully explored;**

ii) **Telecommunication apparatus and associated structures have been sited and designed in order to seek to minimise impact on the visual amenity, townscape, character and appearance of the surrounding area;**

iii) **Development does not have an unacceptable impact, including cumulative impact, on residential amenity, landscape character or wildlife;**

iv) **Existing landscape features have been utilised and/or an appropriate landscaping scheme has been prepared to minimise the impact on the visual amenity, character or appearance of the surrounding area;**

v) **If on a building, apparatus and associated structures should be sited and designed in order to minimise impact to the external appearance of the host building; and**

vi) **Underground facilities and ducts should be sited and laid to minimise harm to tree roots or areas of archaeological importance.**

When considering proposals for telecommunications or other ICT equipment, the council will consider the operational requirements of telecommunications networks. It will be a condition of any approval given that any telecommunication apparatus and associated structures that subsequently become redundant will be permanently removed from the site and that land will be reinstated to its former condition or in accordance with details to be previously agreed with the council.

Community and Corporate Plan – Pride in Place

Explanation

7.19. There has been a huge expansion in telecommunications and computing in recent years. Internet connectivity is now considered an integral part of everyday life and crucial to the success of most business operations. With the emergence of new services such as 5G services, streaming, the internet of things, home working and the expansion of internet capable devices, there is likely to be a continued very large increase in demand for bandwidth and persistent internet connection.

7.20. The Plan cannot predict the future of technology although it is relatively certain that technological changes will happen quickly. It is important that the planning process is proactive in supporting and encouraging ICT networks to maximise their economic and social benefits.

7.21. Policy IN2 sets out a supportive policy for Communications infrastructure, whilst seeking to minimise the impact of such equipment and making provision for sharing of masts etc. and the removal of redundant equipment.

Chapter 8. Climate Change - Our sustainable and resilient future

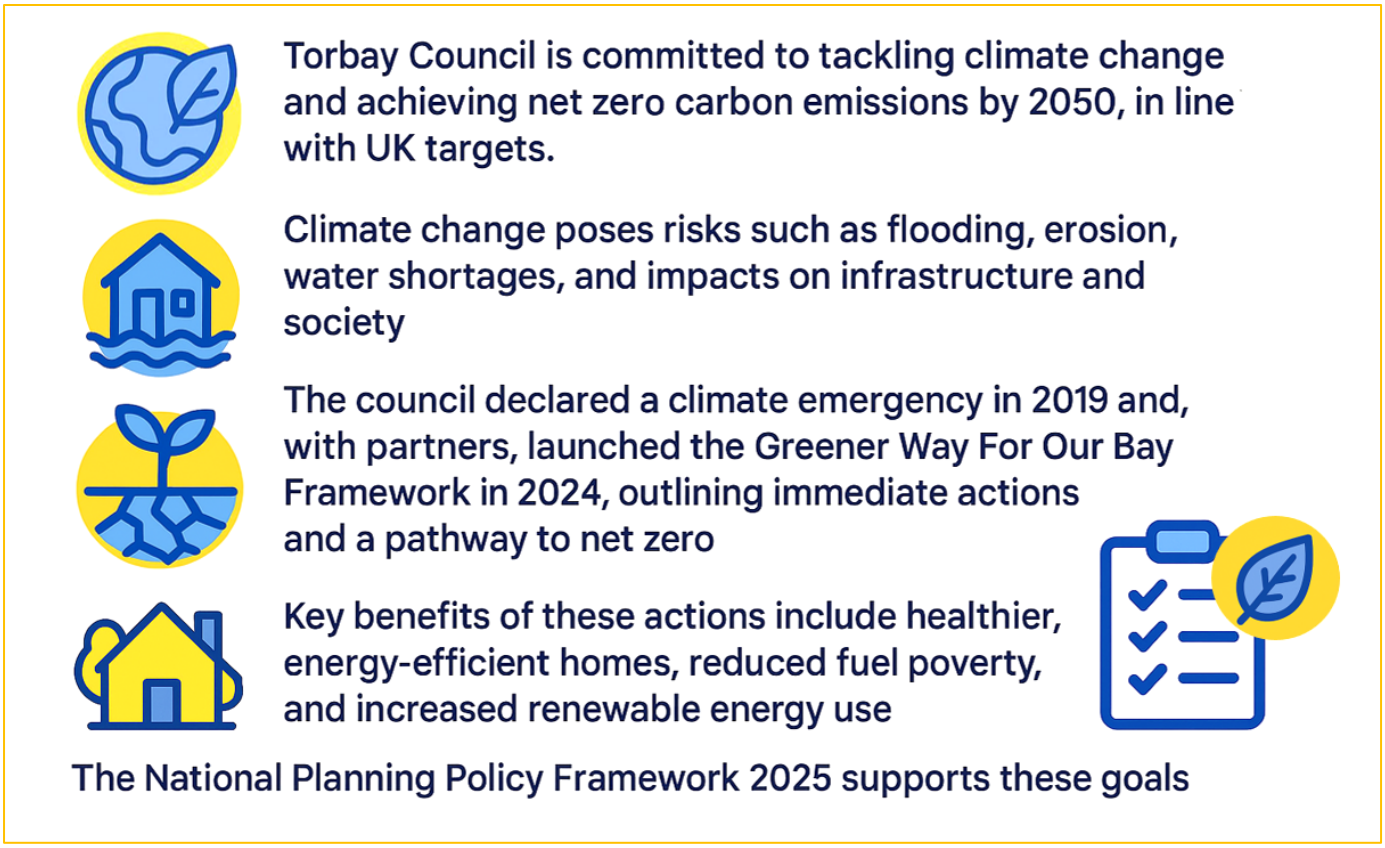

Figure 17 - Climate Change

Introduction

Strategic Policy CERS: Climate resilient, net zero carbon developments

All development proposals will be required to be resilient to climate change and minimise carbon dioxide and wider greenhouse gas emissions.

Proportionate to their scale, they must minimise greenhouse gases, including carbon dioxide, and demonstrate how they:

i) **Apply a climate resilient approach to ensure the development is adapted to cope with a changing climate, including design to minimise overheating, use**

water efficiently and utilise green and blue infrastructure to help cool external spaces

ii) **Minimise the risk and impact of flooding (including coastal where appropriate), through the location of development and including the use of nature-based solutions e.g. using sustainable drainage of surface water using features such as rainwater harvesting and reuse, infiltration areas, soakaways, porous pavements, attenuation wetlands and tree pits, green roofs/walls.**

iii) **Minimise heating and cooling energy demand and associated emissions of greenhouse gas emissions, using layout, orientation and built form**

iv) **Apply a fabric first approach to maximise energy efficiency**

v) **Maximise renewable and low carbon energy generation**[1]

vi) **Maximise water efficiency and seek to achieve a water efficiency standard of no more than 100 litres per person per day**

vii) **Minimise the use of materials and creation of waste and promote opportunities for a circular economy**

viii) **Maximise opportunities to enable travel by sustainable means by prioritising integrated, accessible and inclusive development that reduces reliance on private motor vehicles, in accordance with Policies TAS and TA1.**

ix) **Achieve a minimum of 10% measurable biodiversity net gain and ensure that on-going management measures are in place**

Proposals will be required to submit an Energy and Climate Change Statement, proportionate to the scale of the proposal indicating how the requirements listed above are to be met. As part of their wider Energy and Climate Change Statement, major developments will also need to include a climate resilience assessment and a transport assessment and travel plan.

Community and Corporate Plan – Climate Resilience

[1] Use of appropriate technologies such as heat pumps, solar thermal / photovoltaic panels, wind turbines + others that are suitable to the location

Explanation

8.1. A healthy, happy and prosperous Torbay for all is what Torbay Council's Community and Corporate Plan aims to achieve by 2040. Ensuring that our residents and businesses are able to adapt to a changing climate is an important part of achieving this vision for Torbay. This is why our Corporate Plan commits the council to continue to tackle the climate emergency for a sustainable future.

8.2. Beyond natural processes, humans have contributed to the release of more and more carbon dioxide emissions (and other greenhouse gases) into the air. This causes global temperatures to rise, resulting in long-term changes to the climate, known as climate change2. This means that our planet is facing huge environmental challenges. Our economy and society are also experiencing the impacts of a changing climate. Devon may face more river and surface water flooding, coastal flooding and erosion, reduced water availability, temperature change and extreme heat/cold and a range of negative impacts to key infrastructure, services and our wider economy and society (Devon Cornwall and Isles of Scilly Adaptation Strategy).

8.3. To help play our part in reducing carbon dioxide emissions and to prepare Torbay for a changing climate, Torbay Council declared a climate emergency in 2019 and, with partners, will work towards creating a net zero carbon Torbay3 by 2050.

8.4. This target is in line with the current UK government's net zero target by 2050. This is incredibly challenging. Success will only be achieved through all organisations, individuals and institutions playing their part. In 2024, The Torbay Climate Partnership approved the Greener Way For Our Bay Framework and Action Planhttps://www.torbay.gov.uk/council/greener-way-for-our-bay/ (GWFOB). This outlines a pathway to a net zero carbon Torbay by 2050 and a set of immediate actions to be carried by a range of partners across Torbay. This Local Plan needs to play a part in achieving a net zero carbon Torbay by 2050. A range of policies throughout the plan aim to reduce the amount of additional carbon emissions arising from new development and prepare and build climate resilient developments.

8.5. Many actions that help tackle climate change and reduce energy use and carbon emissions will also have a number of other benefits, like helping create warm, healthier

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[2] Climate change refers to a large-scale, long-term shift in the planet's weather patterns and average temperatures (MET Office). For more on climate change, what's causing it and the evidence to support it please visit **What is climate change? - Met Office**

[3] Torbay will reduce its greenhouse gas emissions by 100% from 2008 levels by 2050

homes, free from damp and mould in winter, alleviating fuel poverty4 by creating homes that use less energy and have lower energy bills and through renewable energy generation, homes that have their own resilient source of clean energy, with less reliance on imported energy.

8.6. The National Planning Policy Framework 2025 outlines that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It should also help to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

8.7. The following policy therefore plays a key role in ensuring that new developments make a full contribution towards meeting the GWFOB priority actions of making new buildings that are nice to live and work in, designed to limit the impact on the environment and help Torbay, and the wider UK, increase resilience to a changing climate and contribute towards the transition to net zero carbon by 2050. It also will help create future developments that are good for the occupants and are warm, healthy, developments that generate their own energy and have lower energy bills.

8.8. The NPPF requires plans to take a proactive approach to mitigating and adapting to climate change (See NPPF 2025 paragraph 162). Plans should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

8.9. Making sure Torbay is healthy, happy and prosperous for all will require new development to be able to cope with a changing climate and minimise associated economic and social impacts, whilst working towards reducing area-wide carbon emissions.

8.10. The GWFOB contains 10 priority actions and takes a long-term approach to mitigate emissions and adapt to climate change. In line with this framework's priorities to make a) new buildings that are nice to live and work in, b) designed to limit the impact on the environment, c) promote and increase the uptake of renewable energy generation, d) provide a range of low carbon, affordable and accessible transport, e) make our naturally inspiring coast and countryside help tackle climate change, this policy brings together the NPPF's and GWFOB's key elements to ensure development prepares for local climate impacts and supports the transition to net zero carbon by 2050.

8.11. New homes and commercial properties should be designed to adapt to a changing climate. They should be appropriately resilient to the impact of storm events including the

[4] With regards to a person in a fuel poverty, this is someone on a low income, that cannot keep their home warm at a reasonable cost.

effects of driving rain, high winds and surface water flooding and heat events. New buildings will need to also limit their propensity to overheat by optimising orientation, shading and layout.

8.12. The provision of green and blue infrastructure can play an important part in helping to build climate resilience into developments. In the form of landscaped spaces, tree cover, green roofs and walls, all can be used to lessen overheating through shading, reduce storm water run-off, reduce external ambient temperatures and improve biodiversity. Major developments are required to submit a detailed Climate Resilience Assessment covering how the development has been assessed for a changing climate and measures to be introduced to increase climate resilience. As a minimum this must cover a, b, c and f of the GWFOB priority actions. The Met Office's Local Authority Climate Service can assist developers understand how the local climate of Torbay will change up to 2100.

8.13. Creating homes and buildings that use little to no energy, use energy efficiently and generate energy from low/renewable energy sources are vital to achieving net zero carbon by 2050. Locally, it will also help to create thermally comfortable homes, reduce cold-home related illness, reduce energy bills and reduce the numbers of homes in fuel poverty.

8.14. Building Regulations have been improved to conserve energy and reduce carbon emissions. The government's Future Homes Standard seeks to deliver homes that are zero carbon ready from 20255. The government has also set out a new Future Buildings Standard which provides a pathway to deliver new non-domestic buildings that are zero carbon ready from 2025. At the time of writing we are still awaiting the implementation of these new standards from 2027. The council will keep the government's progress in achieving these standards under review.

8.15. Maximising onsite renewable energy generation through technologies such as solar photovoltaic panels and air, water or ground source heat pumps will cut emissions through provision of low/zero carbon forms of energy generation and help the occupant to have lower electricity bills. Community-led renewable and low carbon energy schemes also have an important role to play in our net zero carbon transition and are encouraged to come forward.

8.16. Water efficiency is about reducing our use of water and the effect our homes and buildings have on water resources. The effects of climate change may increase the pressure on water resources. Torbay already faces hose pipe bans during times of low water availability. Warmer summers are likely to increase water consumption and reduce available supply.

[5] Expected Autumn 2025

8.17. Pressure on water supplies can be addressed in part by water efficiency measures to reduce consumption. Improving the efficiency of water use, has multiple benefits of reducing bills whilst also reducing the need to extract and treat water from the environment and reducing the amount of water flowing into the sewer system, thereby helping to protect the environment, reduce carbon production and reduce flood risk. Water efficiency measures may include dual flush toilets, low flow bathroom and kitchen fittings, low water consumption appliances, grey water and water recycling systems, water butts and other on-site water retention systems. All development will achieve a water efficiency standard of no more than 100 litres per person per day.

8.18. Development should follow the waste hierarchy and reduce waste, reuse or recycle waste generated on site. Disposal of waste should be the last option.

8.19. The circular economy, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products for as long as possible, is important. Developments should choose materials that can be used again and again, reduce waste and the associated manufacturing and transport-related carbon emissions. In accordance with the principles of the circular economy, any infrastructure and development should be underpinned by sustainable waste management, whether it be in relation to construction or ensuring that new homes have appropriate layouts for waste collection services.

8.20. Increased traffic volumes are likely to arise from new developments and if not managed effectively are likely to cause localised pollution and congestion, increase greenhouse gas emissions and reduce the attractiveness of an area for others. New developments must mitigate these traffic impacts. Measures designed to enable people to make sustainable travel choices, such as developments designed for pedestrians with provision of cycle lanes, access to and improved local buses, car clubs, car sharing and electric charging plug-in points can all assist with reducing transport impacts.

8.21. In addition to the submission of an Energy and Climate Change Statement, Major developments will be required to demonstrate they have maximised opportunities for sustainable travel and will make adequate provision to mitigate the likely impacts of traffic through provision of a transport assessment and travel plan. All other developments generating new or additional journeys will be required to submit a transport statement unless there are significant transport implications arising. Particular attention should be had to Local Cycling & Walking Infrastructure Plan containing priority walking, wheeling and cycling routes, and the bus service improvement plan with network and infrastructure enhancements.

8.22. New planning implementation guidance/ or similar will be developed to provide further guidance.

Policy CER1: Net zero carbon development standards

From adoption of the Plan, all developments will have the following requirements:

1. **residential development, as a minimum, to achieve a 75% carbon dioxide emissions reduction from that required under Part L of the 2013 Building Regulations.**
2. **non-domestic development, as a minimum, to achieve:**

i) **A fabric standard at least as good as that required under the current Building Regulations;**

ii) **Heating using a heat pump or heat network (which does not utilise fossil fuel); and**

iii) **Solar PV panel coverage equivalent to 40% of the building's foundation area for both side-lit and top-lit zones**

In addition, future growth areas and all major greenfield sites (10 dwellings or 1000 sqm) will be required to achieve net zero carbon emissions through solar PV or other measures. New development should connect to an energy network where there are existing proposals or schemes.

Any major, high-density future growth area or greenfield site (10 dwellings or 1000 sqm) with expected high heat demand must demonstrate that consideration has been given to whether it is feasible and viable to develop a local energy network. Given the scale of development likely to come forward, local energy network assessments are required in the Torquay Gateway and West Paignton SDT policies.

Major Non-Residential Development will be required to meet the most up to date BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the council. The BREEAM 'Very Good' standard must be met as a minimum.

For all development (including hotels) proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, resulting in a change in energy status[6] the proposal will be required to demonstrate in the Energy and Climate Change Statement how energy demand has been reduced to the lowest practical level using energy efficiency measures, heating/cooling systems have been selected for their energy performance and that on-site renewable energy will be installed unless evidenced to be unfeasible.

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[6] A change to the energy status is when a building was previously exempt from the Building Regulations energy efficiency requirements but now is not. The change to energy status applies to the building as a whole or parts of the building that have been designed or altered to be used separately. For example, when a previously unheated space becomes part of the heated building

Significant weight will be given to the benefits of development resulting in considerable improvements in line with industry best practice approaches such as Net Zero Operational Carbon and to the energy efficiency and reduction in carbon emissions in existing buildings.

All development must submit an Energy and Climate Change Statement to the local planning authority for approval and implementation, demonstrating how they fulfil the above principles.

Community and Corporate Plan – Climate Resilience

Explanation

8.23. The GWFOB aims to create priorities to make new buildings that are: a) nice to live and work in b) designed to limit the impact on the environment and c) locally, increase the uptake of renewable energy generation. To achieve this The Torbay Local Plan is likely to be adopted around the introduction of the Future Homes Standard (FHS) and the Future Building Standard (FBS),. These Standards are being introduced by the government to deliver highly efficient homes and buildings which are zero carbon ready, better for the environment and better for the occupants. For occupants, new developments will create warm, healthier homes, free from damp and mould in winter and help alleviate fuel poverty7 by creating homes that use less energy and have lower energy bills. Through renewable energy generation, homes will also have their own resilient source of energy and be less reliant on imported energy.

8.24. The FHS should ensure that all new homes built from 2027 produce at least 75% fewer carbon emissions than homes delivered under the Building Regulations Part L (Conservation of fuel and power in buildings) 2013. It is expected to be achieved by higher fabric and energy efficiency standards, as well as heating sources that do not utilise fossil fuels and the installation of solar PV panels.

8.25. The new FBS requirements for non-domestic buildings will also produce significantly fewer carbon emissions and will require heating sources that do not utilise fossil fuels and the installation of solar PV panels.

[7] With regards to a person in a fuel poverty, this is someone on a low income, that cannot keep their home warm at a reasonable cost.

8.26. This will significantly reduce the regulated8 operational emissions for a typical building and make an important contribution to achieving net zero, whilst, for the occupant, increasing thermal comfort and reduce energy bills, fuel poverty and cold-home related illness.

8.27. In accordance with the government's expressed intention to introduce the FHS and FBS in 2027, Policy CER1 seeks to ensure that the level of ambition is achieved. Should the introduction be delayed this policy provides a local back-up to the net zero national ambition. The council will keep the government's progress in achieving these standards under review

8.28. Torbay has limited potential for large-scale renewable energy generation like wind farms and district heat networks. This means that to reach net zero carbon by 2050 all homes need to play a part by generating their own clean energy. Therefore, the Local Plan needs to maximise small scale renewable energy generation wherever possible on new developments. It will also help reduce occupants' energy bills. Therefore, this policy seeks to go beyond FHBS and require new developments to achieve net zero carbon and help create warm, healthier homes that use less energy and have lower energy bills.

8.29. The FHS will lead to an increase in heat pumps across all new developments. Some heat pumps have permitted development rights. Those types that do not, and require planning permission, will be supported where proposals avoid unacceptable impacts upon amenity and the natural, historic and built environment.

8.30. It is expected most buildings will achieve net zero carbon through achieving the Future Homes/Building Standard plus the installation of additional roof mounted solar PV panels, where appropriate, feasible and viable. Net zero refers to having zero regulated carbon dioxide (CO2) emissions associated with a building's annual operational energy consumption. Achieving net zero will require the combination of constructing a highly energy efficient building using a fabric first approach, plus on-site or connection to off-site renewable electricity generation. It will require the annual generation of onsite zero carbon electricity to balance energy consumption from 'regulated' energy. Regulated emissions include CO2 emissions arising from energy use regulated by Part L of the Building regulations (e.g. space heating, domestic hot water, fixed lighting etc).

8.31. Policy CER1b seeks to facilitate delivery of net zero carbon homes as soon as possible, prioritising fabric improvements which bring thermal comfort and lower energy bills, through for instance, high efficiency glazing and minimal heat loss from walls, ceilings and roofs. Where schemes cannot achieve all the requirements through fabric improvements, 'top-up' solutions are permissible such as Solar PV arrays to generate low carbon electricity, and finally payments to an approved carbon offsetting fund where necessary.

8

Carbon offsetting should be considered only as a ‘last resort’. A Torbay fund will be established and administered by the council and will be collected via Section 106 agreements. Funds will be allocated to low carbon projects within Torbay, where additionality is clear, focussing on retrofitting existing housing stock, with a focus on lower income households and community energy projects. The council will prepare the terms for a carbon offsetting fund with external partners and further guidance will be published.

8.32. Local energy networks9 can play a role in helping an area to meet its net zero carbon ambitions. They use less energy and emit less carbon emissions by co-producing heat and power which is shared across a network to heat and power buildings. To date, Torbay does not have any large local energy networks. Major development should connect to such networks or communal heating networks where they arise in the future.

8.33. Any large scale residential or non-residential development must demonstrate that consideration has been given to whether it is feasible and viable to develop, or be connected to, a local energy network.

8.34. There is no exact formula for determining if a new development is suitable for the development of a new local energy network. However, major, high-density mixed development proposal with an anticipated high heat demand will lend themselves to such networks, especially if in close proximity to sites with excess waste heat or areas with known natural heat sources such as underground geothermal heat. Given the scale of development likely to come forward across Torbay, a site-specific local energy network assessments is required for development that comes forward within the Torquay Gateway and West Paignton areas (See policies SS1, SDT3, and SDP3) and all future growth areas or greenfield site (10 dwellings or 1000 sqm) .

8.35. All Major, non-domestic, developments are also required to meet BREEAM standards. This is a well-established and measurable means of delivering the policy outcomes above, and to achieve a sustainable development that minimises a range of other environmental impacts.

8.36. Energy and Climate Change Statements are also required for conversions and material change of use applications, where the conversion to a new use, will result in a change in energy status. Change to energy status is defined in regulation 2 (1) of the Building Regulations 2010 or most up to date version. A change to the energy status is when a building was previously exempt from the Building Regulations energy efficiency requirements but now is not. The change to energy status applies to the building as a

[9] Decentralised low carbon heat generation using district heating or communal heating networks to distribute heat locally.

whole or parts of the building that have been designed or altered to be used separately. For example, when a previously unheated space becomes part of the heated building.

8.37. New planning implementation guidance/ or similar will be developed to provide further guidance.

Policy CER2: Embodied carbon reduction and assessment

All new development will be expected to demonstrate how they will minimise embodied carbon emissions.

Proposals for major development will be required to include an embodied carbon assessment as part of the Energy and Climate Change Statement. This assessment must use a nationally recognised embodied carbon assessment methodology and demonstrate actions taken to reduce embodied carbon emissions.

All development, including demolition that involve one-for-one replacement of existing dwellings must demonstrate why it is not feasible or viable to refurbish existing dwelling(s).

All applications must demonstrate how these requirements are to be met in an Energy and Climate Change Statement

Community and Corporate Plan – Climate Resilience

Explanation

8.38. Embodied carbon emissions are those typically associated with any processes, materials or products used to construct, maintain, repair, refurbish and repurpose a building and eventual material disposal.

8.39. Embodied carbon from the construction and refurbishment of buildings currently makes up 20% of UK built environment emissions10. As operational emissions from buildings continue to reduce, embodied emissions will make up a greater proportion of a building's total carbon emission. Work carried out for the Royal Institution of Chartered Surveyors

[10] **Embodied Carbon | UKGBC**

suggests that embodied carbon currently makes up between 35% and 51% of a building's total emissions, rising to 70% as operational energy decarbonises11. For this reason, the Local Plan seeks to start to address this increasing issue. Reducing embodied carbon emissions is extremely hard to achieve. This policy aims to introduce consideration of these emissions and actions to reduce them. No target is set through this policy but ensuring embodied carbon emissions are reduced as far as possible through good design and planning, will make a significant difference to reducing embodied carbon emissions and further support the transition to net zero by 2050.

8.40. Developments should:

a) be encouraged to prioritise the renovation or retrofit of existing structures, as part of an efficient use of land, and subject to other local plan considerations

b) select highly efficient building design and quality materials and systems which:

- Have low embodied carbon, including transport emissions;
- Minimise the need for replacement over the lifetime of the development;
- Can be reused, recycled and disposed of sustainably at end of life;

c) Ensure that materials are reused and recycled whenever possible, and that waste is minimised in design. Ensure that this is designed in from project inception to completion.

d) Ensure that new buildings are flexible and adaptable to future uses, reducing the need for future redevelopment.

e) All development, including demolition that involve one-for-one replacement of existing dwellings must demonstrate why it is not feasible or viable to refurbish existing dwelling(s). Where it is not feasible or viable a clear plan must be in place to demonstrate that adequate steps have been taken in the design of the new development to reduce embodied carbon and impacts.

f) Demolition of historic buildings which are in a state of considerable disrepair will only be acceptable where robust evidence can be provided to the satisfaction of the local planning authority that the building has not suffered from neglect and that the repair and reuse of the building would not be viable or that significant public benefits, including a lower net-carbon solution for the site to outweigh the heritage harm caused, can be delivered.

[11] **WoE-net-zero-new-build-policy-evidence- FINAL.pdf**

8.41. Given the impact a major development can have on embodied carbon emissions, they will also be required to include an embodied carbon assessment as part of the Energy and Climate Change Statement. To calculate embodied carbon emissions, a nationally recognised embodied carbon assessment methodology such as RICS and conform to BS EN 15978. All submissions should also demonstrate actions taken to reduce identified embodied carbon emissions. An Embodied Carbon Delivery Checklist will be developed to help all major developments meet this requirement.

Policy CER3: Heritage assets and climate adaptation

Proposals that help to increase resilience to climate change and secure a sustainable future for historic assets and non-designated heritage assets will be supported where they:

a. **preserve or enhance the significance of the asset**

b. **facilitate their sensitive re-use where they have fallen into a state of disrepair or dereliction (subject to such a re-use being appropriate to the specific heritage asset)**

Community and Corporate Plan – Protecting and enhancing Torbay's heritage / Climate Resilience

Explanation

8.42. Within Torbay there are 24 conservation areas, 13 scheduled monuments and approximately 865 listed buildings as well as numerous non-designated heritage assets, so it is vital that they play a role in contributing towards Torbay's net zero carbon target by 2050 (and so buildings can become warm, healthy and with lower energy bills).

8.43. To safeguard our heritage assets and to sustain our cultural heritage for future generations, our heritage assets need to be adaptable to, and protected from, the effects of climate change. Historic buildings can also positively contribute towards reducing carbon emissions through sensitive and sympathetic adaptations that secure their retention, repair, retrofit and reuse alongside the conservation of their significance. The embodied energy (the energy used within the materials and construction activities) in historic buildings means that their retention aligns with the ambition to reduce carbon emissions and the priority to conserve heritage assets.

8.44. Sympathetic adaptation that preserves the building is required to improve energy efficiency, reduce emissions, enable renewable energy generation and/or enable the

building to adapt to climate change. Adaptation may require alterations to heritage assets or development within their settings. A holistic view should be taken when considering such alterations. This should balance the need to safeguard the future of the asset and its conservation, and where appropriate, enhancement, of its significance.

8.45. Historic England offers information and advice on many related topics including energy efficiency and historic buildings. Historic England Advice Note 18 sets out more detail regarding their requirements for adapting historic buildings for energy and carbon efficiency.

8.46. New planning implementation guidance/ or similar will be developed to provide further guidance.

Policy CER4: Renewable and low carbon energy generation

Renewable and low carbon energy-generating development[12], including energy networks and community projects and all related enabling infrastructure (including battery storage and other energy storage facilities or recovery of waste heat or cooling and proposals that support the transition to a smart, flexible, and zero carbon energy system) will be supported where proposals avoid unacceptable impacts upon amenity and the natural, historic and built environment. Clear evidence of local community involvement and leadership will be given substantial positive weight.

Energy-generating development that is neither renewable nor low carbon will not be permitted[13]

Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.47. The Greener Way For Our Bay (GWFOB) aims to support the national decarbonisation plans for electricity and promote the uptake, locally, of renewable energy generation. In

[12] Includes a wide range of technologies that harness energy from water (hydro, wind, solar, clean hydrogen, geothermal, ground via bore holes, anaerobic digestion and new and emerging opportunities.

[13] With the exception of essential services and buildings, such as hospitals, that will still need backup power generation which are likely to be powered by fossil fuels.

addition, the NPPF states the planning system should support the transition to net zero by 2050 and should increase the use and supply of renewable and low carbon energy and heat. The UK government's "Clean Power 2030" target aims for a clean power system by 2030, with at least 95% of our power coming from low-carbon sources. The use and supply of renewable and low carbon energy and heat will play a vital contribution towards local and national net zero carbon targets by 2050. By driving forward new low carbon technologies, we can cut the use of fossil fuels for heating our homes.

8.48. Previous studies[14] carried out show a lack of abundant natural resources to supply clean energy in Torbay. The constrained nature of Torbay and proximity to nationally significant landscapes and marine designation, limits capacity for clean energy generation, through large, stand-alone, wind turbines, solar farms and low carbon heat networks. However, technologies are developing all the time and may give rise to new opportunities such geothermal heat. Therefore, this policy aims to be flexible and support the clean power transition where appropriate for Torbay. The Local Plan also aims to maximise smaller scale clean energy generation like roof top mounted solar. This is covered in more detail in Policies CERS and CER1.

8.49. Major developments are encouraged to include land for larger scheme such as solar PV and wind turbines and be accompanied with some means of longer-term energy storage, to draw-down electricity when required.

8.50. Communities are also encouraged to develop their own low carbon/renewable energy proposals, through neighbourhood plans. The benefits of which can include community ownership, revenue, and local jobs.

8.51. Where renewable and low carbon energy-generating development comes forward, the council will not require applicants to demonstrate the overall need for renewable or low carbon energy. The approach set out in this policy aims to help increase the use and supply of renewable and low carbon energy and heat as it arises.

8.52. Energy networks are vital to making net zero a reality in the UK. In high density urban areas, they are often the lowest cost, low carbon heating options. This is because they offer a communal solution that can provide heat to a range of homes and businesses by capturing or generating heat locally. By driving forward new low carbon technologies like heat networks, we can cut the use of fossil fuels for heating our homes and shield households from oil and gas price rises that are being pushed up by pressures on global energy markets. The Energy Act 2023 provides the powers for government to implement heat network zoning in England through regulations. These zones will be introduced from

[14] **torbay.gov.uk/media/1797/sustainableenergyassessment.pdf**

2025. If a zone is highlighted in Torbay this policy will be updated to support the development of the zone.

Strategic Policy ER1: Flood Risk and Safe Development

Proposals must demonstrate that all proposed development, including access and egress, is safe for its lifetime, taking into account all sources of flood risk (including ground water), future use, and the impacts of climate change. It must follow the sequential approach, prioritising sites with the lowest flood risk and ensuring land use vulnerability is appropriate to the location.

All proposals must be accompanied by a Flood Risk Assessment (FRA), proportionate to site size, location, and flood zone/critical drainage area. The FRA must demonstrate that:

1. **Development is located appropriately, guided by the sequential test where applicable, favouring areas at lowest flood risk.**
2. **The development is safe for its entire lifetime, considering the latest Environment Agency climate change projections and future flood risk.**
3. **The development does not increase risk as a consequence of flooding, including risk to life through higher occupancy levels or reduced ability of occupiers to respond safely.**
4. **In higher-risk areas, where the development can be justified in principle, the development is designed and laid out to be resilient to flooding and to avoid harm to third parties.**
5. **Mitigation measures are incorporated, including:**
    - **i) Sustainable Drainage Systems (SuDS)**
    - **ii) Water Sensitive Urban Design (WSUD)**
    - **iii) On-site water storage.**
    - **iv) Mitigation measures must control runoff, reduce downstream flooding, and improve water quality, having regard to the sensitivity of receiving waters, including the Marine Special Area of Conservation (SAC). In addition, they must include provision for safe exceedance flow routing, ensuring that rainfall events exceeding the design capacity of drainage systems are managed without increasing risk to people or property.**
6. **Proposals must comply with local and national strategies and guidance, including the Local Flood Risk Management Strategy, SuDS Design Guidance and the Strategic Flood Risk Assessment (SFRA).**
7. **Where flood defences exist, development ensures long-term effectiveness and maintenance, potentially contributing financially toward upgrades.**

8. **Development does not restrict access to watercourses or flood defence assets for maintenance or improvement.**

Proposals that enhance floodplains, restore natural drainage, or open culverts are encouraged, particularly where they:

i) **Reduce flood risk**

ii) **Improve water quality**

iii) **Enhance biodiversity**

iv) **Provide amenity or recreational benefits**

v) **Reduce flows to the combined sewer network or slow the movement of water through the catchment**

Development of basement accommodation, including changes of use, conversions or basement parking, will not be permitted in flood zones 2 or 3 or areas identified in the SFRA at high risk of flooding (including climate change allowances).

Development must demonstrate that it will not contribute to cumulative increases in sewer loading or flood-related discharges that could increase pollutant inputs to the Marine SAC.

Development which contributes to downstream flooding or increases discharge from combined sewer overflows (CSOs) during flood events will not be permitted unless appropriate mitigation is secured and the necessary flood protection measures referred to above are in place and operational. Developers will be required to contribute to these works as appropriate (see Policies INS, IN1 and ER2).

Development will be resisted where maintaining flood defence infrastructure required to retain the existing level of protection would result in disproportionate costs or generate substantial obligations for the public sector.

Community and Corporate Plan – Climate Resilience

Explanation

8.53. This policy seeks to ensure that development is located, designed and managed to minimise flood risk and remain safe for its lifetime, taking account of climate change and all sources of flooding.

8.54. Given the constrained nature of Torbay's catchments and the designation of the area as a Critical Drainage Area, Flood Risk Assessments are required for all development. These must take account of the latest evidence, including the Strategic Flood Risk Assessment (SFRA) and the latest Environment Agency climate change allowances for fluvial, tidal and

surface water flooding relevant to the site location and lifetime of development. Relevant information sources include the SFRA, Environment Agency flood maps, surface water flood mapping, groundwater flood risk data and other locally available evidence. Site-specific assessments should be informed by the most up-to-date information available at the time of submission.

8.55. All development is required to apply the sequential approach to direct growth to areas at lowest risk, having regard to the vulnerability of the proposed use. Where development is necessary in higher-risk areas, robust mitigation and careful design will be required to ensure safety and to avoid increasing flood risk elsewhere.

8.56. Managing surface water is a key part of reducing flood risk. Development is expected to incorporate Sustainable Drainage Systems (SuDS), Water Sensitive Urban Design, and other measures that control runoff, reduce downstream impacts, and improve water quality. Further detail is set out in Policy ER2.

8.57. Flood risk in Torbay is closely linked to the performance of the combined sewer network. Increased surface water flows can lead to sewer surcharge and increased discharges from combined sewer overflows, with implications for water quality, including effects on bathing waters and the Marine Special Area of Conservation. Development must not increase these pressures and, where possible, contribute to their reduction.

8.58. Further detail on flood risk, drainage constraints, and infrastructure requirements is set out in the Flood Risk and Water Management Topic Paper.

Strategic Policy ER2: Drainage Hierarchy

All development, including changes of use, must minimise the generation of surface water run-off and improve surface water management on the site. Proposals must seek to reduce surface water discharge to the combined sewer network and will be supported where this is achieved.

Development must not discharge surface water in the combined sewer network. Where this is robustly demonstrated to be the only feasible option, appropriate mitigation must be secured to ensure no overall increase in the volume and rate of surface water discharge to the combined sewer network.

Prior to consideration of discharge options within the drainage hierarchy, drainage strategies should maximise opportunities for:

i. The use of permeable surfaces, natural features and vegetation to maximise infiltration of surface water

ii. Water reuse and rainwater harvesting for re-use on the site

All development must adhere to the drainage hierarchy in the table below, prioritising infiltration and discharge to watercourses wherever feasible. Only where it is evidenced that ground infiltration is not possible can the next method of water disposal in the hierarchy be investigated.

Table 15 The drainage hierarchy, listed in order of priority:

Drainage Hierarchy:	
1.	An adequate ground infiltration system (for example swales, soakaways, infiltration basins, filter drains, rain gardens). This option must be fully explored and only discounted where the Local Planning Authority (LPA) is satisfied that it is not feasible
2.	A main river or water course
3.	A surface water sewer or highway drain
4.	As a last resort, where the above drainage solutions have been fully investigated and robust evidence provided to justify why they cannot be utilised, development may be permitted to discharge surface water to a combined (foul and surface water) sewer, where: a) discharge rates are restricted to greenfield rates, and; b) the requirements of Table 14 and Policy NCS2 are met

Table 16 Development requirements when disposing of surface water in the combined sewer

Where discharge of surface water to a combined sewer is proposed, it will be subject to Habitats Regulations Assessment (HRA) and must demonstrate that:	
a)	there will be no adverse effect on the integrity of the Marine Special Area of Conservation (SAC), either alone or in combination with other plans or projects, as a result of increased pressure on the sewer system and the associated risk of sewer spills;
b)	appropriate mitigation measures are secured and delivered, such as a planning contribution towards strategic sustainable drainage improvements to reduce pressure on the sewer system

	and ensure there is no net increase in surface water discharge into the combined sewer network, and;
c)	**there is a reduction in impermeable area of the site (with a minimum target of 20%) to enhance opportunities for rainwater absorption through permeable natural surfaces. Where this is not feasible the council may seek a planning contribution to deliver urban greening elsewhere within the catchment.**

All development proposals must provide robust evidence and information to enable the Local Planning Authority to assess potential effects on the Marine SAC.

Development will only be permitted where adequate wastewater and drainage infrastructure capacity exists or will be delivered in time to ensure no adverse effect on the Marine SAC. Financial contribution towards infrastructure improvement, or works in kind, may be required in order for development to proceed. Planning conditions or obligations will be used to prevent occupation until such infrastructure is in place.

Where necessary, planning obligations will be used to secure monitoring and management of drainage infrastructure and its impacts on the sewer network. Planning conditions to remove Permitted Development rights may be used to prevent cumulative impacts as a result of urban creep.

The Council will monitor the cumulative effects of development on the sewer network and the Marine SAC, including combined sewer overflow performance. Where monitoring indicates deterioration or risk to site integrity, additional mitigation will be required and development may be restricted.

Community and Corporate Plan – Climate Resilience

Explanation

8.59. The primary objectives of Policy ER2 are to achieve a net reduction in surface water discharge to the combined sewer system and to manage surface water run-off sustainably.

8.60. The Torbay Sewer Capacity Assessment (SCA) hydraulic modelling suggested that the sewer network will face substantial challenges due to the cumulative impacts of increased sea level rise and rainfall, urban creep and population growth. The assessment highlights that the cumulative impact of many small-scale changes across the urban area, including household development and the gradual loss of permeable surfaces, can significantly

increase pressure on the sewer network over time. For this reason, opportunities to reduce surface water run-off should be maximised for all development proposals, regardless of scale.

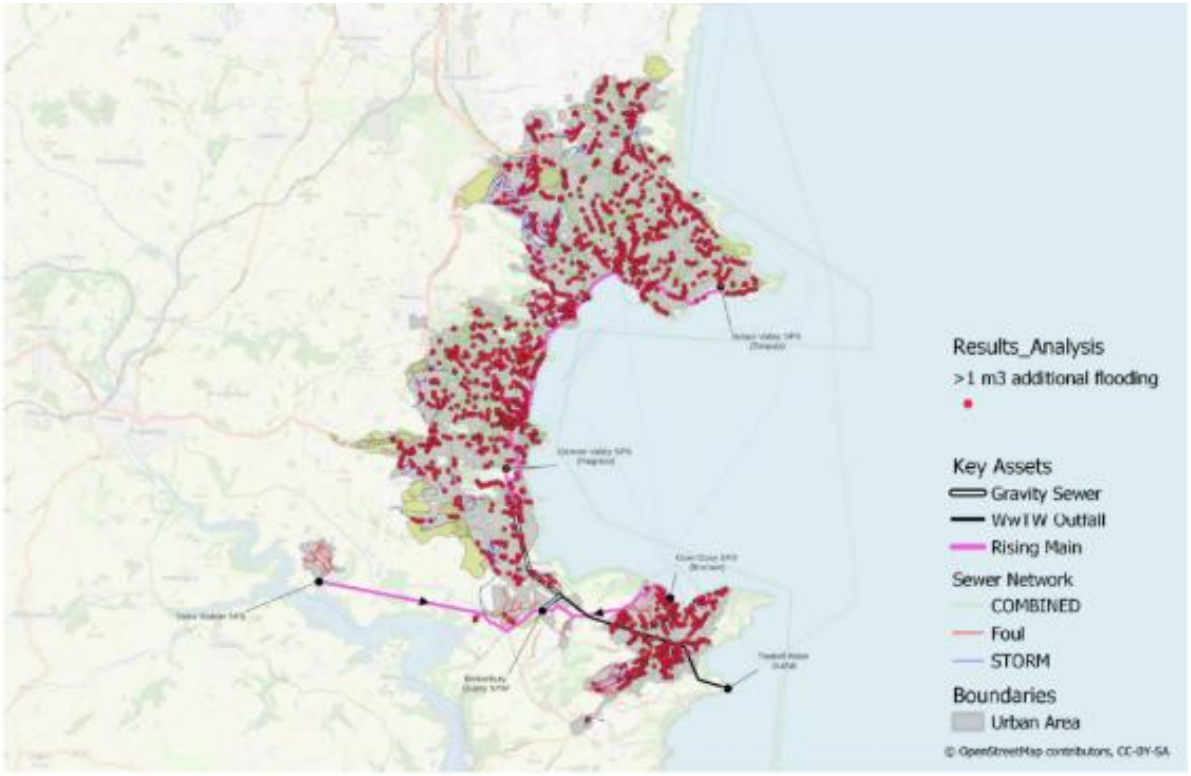

Figure 18 - Torbay flooding detriment due to development foul flows, creep across the whole catchment and 50% climate change allowance and 300 dwellings per year without mitigation.

8.61. Figure 19 illustrates flooding detriment due to development foul flows, urban creep across the whole catchment and 50% climate change allowance. This assumes a growth rate of 300 dwellings a year, but no mitigation works. For this assessment, the critical level has been taken as 0.5m below the manhole cover. This is the point where water level may impact upon low lying property by causing flooding or restricted sewer use. It should be noted that the results have been generated from a relatively extreme rainfall event and must be viewed as an indicator of modelled performance, rather than of the likelihood of actual sewer flooding occurring.

8.62. The SCA predicts an 11% increase in combined sewer overspills (CSOs) by 2040 due to higher rainfall from climate change, population growth, and urban creep from the existing built areas. Increased CSOs would harm the features of the Lyme Bay and Torbay Marine SAC, reduce Torbay's bathing water quality, and negatively impact tourism—all highly sensitive to water quality changes.

8.63. To avoid impacts on the Marine SAC the risk of increased CSO spills and sewer flooding must be prevented. All development must reduce the amount of rainfall that is discharged

into the combined sewer system through adherence to the drainage hierarchy. Prior to considering discharge options within the drainage hierarchy, proposals should maximise opportunities for surface water infiltration, water reuse and rainwater harvesting on site. This may include measures such as green infrastructure, permeable surfaces, rainwater harvesting systems and SMART water butts. SMART water butts should not be relied upon within drainage calculations unless their performance and storage capacity can be robustly demonstrated.

8.64. In accordance with advice from SWW, proposals seeking to discharge surface water into combined sewers will be subject to increased scrutiny. Developers must clearly justify why higher-priority disposal methods in the hierarchy cannot be used, to avoid adding stress to the network.

8.65. Brownfield or town centre developments are not always able to meet steps i-iii of the drainage hierarchy and may seek to discharge surface water into the combined sewer system at a controlled rate. Natural England has expressed serious concerns about the effect of combined sewer overflows on the integrity of the marine reefs within the SAC. The cumulative impact of surface water and population increase is likely to result in increased CSOs, which has an adverse effect on the integrity of the Marine SAC.

8.66. Development must demonstrate no likely significant effect (LSE) on the Marine SAC, including cumulative impacts. In order to achieve this, proposals will need to show that they avoid or cancel out the risk of increased run-off, and thereby an increased risk of spills.

8.67. However, where proposals are reliant upon discharge to the combined sewer system, posing a risk of increased spills, it is likely that they will contribute to a likely significant effect on the Marine SAC and will require Appropriate Assessment, including an assessment of ‘in combination’ effects. In these instances, mitigation measures will be required and the council may require a planning contribution towards strategic sustainable drainage improvements to reduce surface water within the combined sewer system when development disposes of surface water in this way.

8.68. Where adverse impacts on a SAC may occur, there is a need for assessment of mitigation measures under the Habitat Regulations to determine the acceptability of proposals. As a result, development will be required to submit detailed drainage arrangements prior to determination so that the council can assess whether it can reasonably be achieved with no adverse impact on the SAC due to the cumulative effects.

8.69. Minimisation of surface water run off can further be achieved using green infrastructure features which improve the potential for natural absorption of rainwater, such as soakaways, rainwater harvesting and reuse, green roofs, infiltration areas, porous pavements, attenuation wetlands and tree pits. All development should maximise these sustainable water management features.

Strategic Policy ER3: Water Management

Proposals must not have an unacceptable impact upon the water environment. As such all development must submit a water management plan (proportionate to the scale of development) demonstrating how the below criteria have been satisfied:

i) **The design of buildings and the surrounding environment (including pavements, highways, parking areas, driveways, gardens, public green spaces, planting and drainage) maximises Water Sensitive Urban Design (WSUD) and the provision of natural flood management measures and is resilient to the ongoing and predicted impacts of climate change. The design of development must maximise natural and permeable surfaces (impermeable surfaces will only be permitted as the exception where it is demonstrated natural/permeable are not possible).**

ii) **All development must treat water as a valuable resource by minimising water consumption and optimising water efficiency:**

   a. **New homes (including conversions) will be expected to demonstrate how they will achieve an estimated water consumption of 100 litres or less, per person per day.**

   b. **Non-residential development will be required to achieve full credits for category Wat 01 of BREEAM unless demonstrated to be impracticable.**

iii) **Development must avoid harm to surface waters (including rivers and coastal waters), sensitive water-reliant habitats, species and sites protected under European legislation, and the quality and quantity of groundwater. Regard should be had to the cumulative effects of developments; (Refer to Policies ER2 and NCS2)**

iv) **Where development is located within Groundwater Source Protection Zones (SPZs) or where there is a risk of adverse effects on aquatic ecosystems from the development or its construction, Pollution Prevention Plans must be prepared and submitted as part of a planning application;**

v) **Development must provide appropriate connection to the public sewer and complies with the requirements of Policy ER2.**

vi) **Development must deliver appropriate mitigation measures in accordance with the government's current Water Framework Directive objectives.**

Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.70. This Policy seeks to minimise the effect of development on water bodies, deliver Water Framework Directive objectives, support water resilience, reduce pressure on water supply and wastewater infrastructure, and implement mitigation measures set out in the South West River Basin Management Plan and Torbay Water Cycle Study.

8.71. Under the Water Framework Directive, development must not cause deterioration in water quality status. The council will ensure compliance, and seek development to bring about improvements to bathing waters and marine habitats through its design and off-site contributions where appropriate.

8.72. Evidence from the Environment Agency, South West Water, their joint position statement, and the Torbay Water Cycle Study (2026) supports the need for water resilience measures in all development. The Water Cycle Study identifies water supply and wastewater infrastructure constraints and a shortfall between planned growth and the housing assumptions within South West Water's Water Resources Management Plan. A water efficiency standard of 100 litres per person per day is therefore justified to reduce water demand and wastewater generation. Reducing wastewater flows will also help minimise pressure on the sewer network and wastewater treatment infrastructure, reducing the risk of combined sewer overflows that could adversely affect the integrity of the Lyme Bay and Torbay Marine SAC. Water consumption should be calculated using the methodology in Approved Document G of the Building Regulations.

8.73. The design of new developments should incorporate water efficiency and consumption measures, such as rainwater and greywater recycling, low flow taps and showers, low flush toilets, rain gardens and water butts in the construction of new buildings. These measures will help reduce potable water demand and wastewater generation, supporting the achievement of the policy’s water efficiency standard.

8.74. Where development poses a significant risk to the water environment, either through the construction process or operation, a Pollution Prevention Plan (PPP) will be required. The PPP must identify how adverse effects on aquatic ecosystems, such as the marine SAC) and socio-economic assets (e.g., bathing waters) will be managed. Physical or chemical modification of water bodies will be resisted where it harms their function or damages habitats.

8.75. Groundwater is an invaluable source of water for public supply, industry, agriculture and rivers but is vulnerable to a range of activities, such as pollution from industrial uses or infilling in the urban area. The council will refuse proposals that pose an unacceptable risk to groundwater and may require measures, such as Sustainable Drainage Systems (SuDS), to minimise or remove the risk. The use of natural SuDS such as swales, soakaways, infiltration basins, filter drains and rain gardens will be the preferred approach.

8.76. The age and capacity of shared sewers, particularly in Paignton, and the limited baseline wastewater treatment capacity at Brokenbury Wastewater Treatment Works, are a major

infrastructure constraint. Policy W5 and Policy ER2 address wastewater disposal and surface water discharge in more detail. Better use of existing infrastructure and water efficiency will be as important as new sewerage infrastructure in ensuring a sustainable future. Development must provide adequate sewerage infrastructure to cope with increased sewage and surface water, including the impact of extreme weather events. Foul and surface water drainage should be separated to reduce the likelihood of flooding and contamination downstream. Water conservation and reuse measures, such as rainwater harvesting and natural sewage treatment (e.g., reed beds), are encouraged. Development phasing may be required to align with critical water and drainage infrastructure improvements and Grampian conditions used to ensure phased and timely infrastructure development to serve growth.

Policy ER4: Sustainable Drainage Systems and Water Sensitive Urban Design

Sustainable Drainage Systems (SuDS) must prioritise the use of above ground, biodiverse solutions and be incorporated into development proposals in a holistic and imaginative way so that they form an integral part of green and blue infrastructure, providing multi-functional benefits including amenity, water quality, recreation, flood management and biodiversity.

SuDS should be designed to provide a safe, naturalised, accessible system minimising the need for fencing or barriers. Consideration must be given to the vulnerability of existing site surroundings, including buildings, ground conditions, ecology, landscape, heritage, safety, and public health, in relation to the design, maintenance and management of surface water features.

Well-designed SuDS should deliver multiple benefits, contributing to biodiversity net gain, climate adaptation and high quality public space. All Sustainable Drainage Systems must incorporate appropriate treatment stages to remove pollutants prior to discharge.

Development incorporating Sustainable Drainage Systems (SuDS) must have regard to the most recently adopted Torbay Council SuDS Design Guide and the National Standards for Sustainable Drainage Systems.

Where necessary, development may be required to contribute to improvements to existing drainage infrastructure.

All development should treat rainwater as a valuable resource for the benefit of people and the environment and utilise a Water Sensitive Urban Design (WSUD) approach to delivery of water sensitive places. This should integrate the management of water within the design of buildings, public spaces and landscapes

to reduce runoff, improve water quality, and enhance amenity. Where urban areas are being regenerated the retrofitting of water sensitive urban design is a high priority.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.77. At the top of the drainage hierarchy is infiltration to Sustainable Drainage Systems (SuDS). SUDS mimic nature and are designed to take account of water quantity (flooding), water quality (pollution) and amenity issues. They are more sustainable than traditional drainage methods because they:

- Reduce flooding by managing runoff volumes and flow rates from hard surfaces
- Protect or enhance water quality
- Protect natural flow regimes in watercourses
- Are sympathetic to the environment and the needs of the local community creating a better place to live and work
- Provide a natural habitat for wildlife
- Promote evapotranspiration from vegetation and surface water
- Recharge groundwater and natural aquifers

8.78. Water Sensitive Urban Design (WSUD) integrates water cycle management with the built environment through the use of Sustainable drainage systems (SuDS) and by embedding water management within the design and layout of development, rather than treating it as a standalone drainage function.. In towns and cities, space for water can be created in areas that are not traditionally ‘designed’ to manage water. Blue corridors can be created in existing urban areas to channel and attenuate run off through a development whilst enhancing green infrastructure, biodiversity and public amenity. SuDS schemes should make provision for the maintenance and management of schemes so that they remain effective and safe.

Policy ER5: Contaminated Land and Site Remediation

Development proposals must take the following environmental considerations into account:

i) **Where identified or suspected contamination presents a risk to public health and safety, buildings, structures or the natural environment, appropriate investigations and remedial or precautionary measures will need to be agreed with the council; and**

ii) **Developers will need to demonstrate that any identified or suspected contamination can be satisfactorily overcome without risk to health.**

iii) **The council will seek to support and subsidise the removal of contamination where it achieves wider public benefits including town centre regeneration, provision of employment or affordable housing.**

Community and Corporate Plan – Pride in Place

Explanation

8.79. Prioritising brownfield sites will often mean that contaminated land needs to be reused. Whilst contamination is not generally a significant issue in Torbay, there are several important sites where previous or current land uses suggest a remediation strategy will need to be agreed with the council before development commences.

8.80. Whilst contamination needs to be removed and sites rendered safe, some such sites are often very sustainably located for brownfield regeneration, and the council will seek to support their regeneration, including through the flexible use of developer contributions, where this meets the legal tests.

8.81. The council has prepared a Contaminated Land Strategy in accordance with the Environmental Protection Act 1990 – Part IIA.

8.82. The council will request appropriate site investigations and reports to be undertaken to assess the ground conditions and to identify the remedial, preventative and precautionary measures that will be required. The examination of any development site may need to consider surrounding land and activities, including any pathways through which a pollutant could potentially transfer. The sensitivity of the proposed end use is especially relevant, particularly where residential development is proposed with gardens; sites with a history of contamination could present risks from growing vegetables or dermal contact with soils. The degree of exposure, in terms of the time users of a development spend staying in an area, will be taken into account. Site investigation reports and recommendations for

remedial, preventative or precautionary measures must be submitted with major planning applications.

Policy ER6: Ground stability and risk management

Development proposals must take the following considerations into account:

i) **Appropriate investigations and remedial or precautionary measures will need to be agreed with the council where identified or suspected ground instability presents a risk to public health and safety, buildings, structures or the natural environment; and**

ii) **Developers will need to demonstrate that any identified or suspected ground instability can be satisfactorily managed throughout the lifetime of the development in order for development to proceed. This applies particularly, but not just to, land within the Coastal Change Management Zone and Coastal Vulnerability Zone.**

Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.83. Ground stability is an issue in the immediate coastal area and inland due to the natural movement of the ground and underlying strata or bedrock. The impacts of climate change can also result in ground stability issues. Where land stability has been identified as a concern or is suspected, developers will be expected to undertake a geotechnical investigation in accordance with the council's requirements. Conditions will be attached to planning permissions to ensure necessary procedures are followed. See also Policies ER7 'Coastal change management areas' and Policy GE1 'Geodiversity'.

Policy ER7: Coastal Change Management Areas

New residential development (including through change of use) will not be permitted within a Coastal Change Management Area (CCMA).

To reduce the impacts of physical changes to the coast and the impact of these changes on coastal communities, new development or the intensification of existing development in Coastal Change Management Areas will be limited to the following:

a. **Essential infrastructure[15] (including relocation) where there are clear, costed plans to manage the impacts of coastal change, and it will not have an adverse impact on rates of coastal change at the site or elsewhere;**

a. **Changes of use to a use that would reduce the exposure of people, property and critical infrastructure to the impacts of coastal change, where the use requires a coastal location and would provide substantial economic or social benefits to the community;**

b. **Key community infrastructure, requiring a coastal location to provide the intended benefits, where there are clear, costed plans to manage the impact of coastal change and the service it provides;**

c. **Adaption measures to existing buildings, businesses and infrastructure, which increase resilience to flood risk and coastal change;**

d. **Temporary siting of development directly linked to the coastal strip (such as beach huts, cafes/tea rooms, car parks and sites used for holiday or short-let caravans and camping);**

e. **Water compatible development, where the CCMA risk is inundation;**

f. **Minor extensions to established dwellings where the structural integrity of the shoreline would not be undermined.**

All development must demonstrate:

i. **that it is consistent with policy statements for the local policy unit in the Shoreline Management Plan;**

ii. **that it will be safe over its planned lifetime, would not increase risk to life or property, and is designed, sited and securely fixed to minimise risks from coastal erosion, flooding and storm events, including ensuring that buildings and associated materials are not displaced or mobilised during extreme weather events;**

iii. **That it will not have an unacceptable impact on coastal change;**

iv. **that it conserves, or where appropriate enhances, landscape, seascape and townscape character, heritage significance and important coastal habitats, particularly where they are at risk from climate change impacts.**

[15] In the context of CCMAs, essential infrastructure is defined as: i. essential transport infrastructure (including mass evacuation routes) which must cross the area at risk; ii. essential utility infrastructure which must be located in a flood risk area or CCMA for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood; and iii. wind turbines.

Where development is only appropriate for a limited period before the impacts of coastal change are expected to occur, planning permission may be granted on a temporary basis.

Within Coastal Vulnerability Zones, and in areas where there is uncertainty regarding the rate or extent of coastal change, development proposals must apply a precautionary approach and be supported by a site-specific assessment proportionate to the identified risks. The assessment must demonstrate that the development will remain safe throughout its planned lifetime and would not increase coastal erosion, instability or flood risk elsewhere.

The replacement, relocation or adaptation of essential infrastructure within a CCMA will be supported, where necessary to maintain the safe and effective operation of critical services, subject to compliance with the Plan as a whole.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.84. The National Planning Policy Framework (NPPF) requires plans to manage coastal change by avoiding inappropriate development in vulnerable areas and identifying Coastal Change Management Areas (CCMAs). These identify areas at risk from coastal erosion and, in some locations, inundation over the plan period. While much of Torbay's coastline is currently defended, this does not remove long-term risks, particularly where there is uncertainty in the rate and extent of coastal change.

8.85. Coastal change may affect land, property and key infrastructure. In Torbay, elements of essential infrastructure, including parts of the wastewater network such as rising mains, are located within CCMAs. Where there is uncertainty about the rate or extent of coastal change, risks to infrastructure and service continuity may increase. This may also add pressure to wider infrastructure constraints identified through the Water Cycle Study and Habitats Regulations Assessment.

8.86. Within Coastal Change Management Areas, opportunities for development are necessarily limited by the need to manage long-term risks associated with coastal erosion, instability and inundation. The policy therefore takes a precautionary approach, seeking to minimise the future exposure of people, property and critical infrastructure to coastal change. Development should support adaptation to coastal change and avoid creating a reliance on future coastal protection measures that may not be sustainable or deliverable.

8.87. This policy applies to both new development and the intensification of existing uses. Proposals that would materially increase the exposure of people, property, visitors,

occupiers or critical infrastructure to coastal change will only be supported where they are consistent with the objectives of the policy and can demonstrate that risks can be appropriately managed throughout the lifetime of the development.

8.88. Development within CCMAs should be resilient to coastal change over its lifetime. Proposals should consider site-specific risks, including erosion, inundation and storm events, and how these are addressed through design, siting and construction. This policy supports the replacement, relocation or adaptation of essential infrastructure where needed to maintain critical services, reflecting the need to respond to coastal change over time and ensure communities remain safe and functional.

8.89. The Coastal Vulnerability Zone identifies areas outside Coastal Change Management Areas where evidence indicates an elevated risk of coastal erosion, instability, inundation or other coastal change processes, including areas susceptible to cliff instability and ground movement. The designation is intended to ensure that development proposals are informed by proportionate site-specific assessment and apply a precautionary approach where necessary. Inclusion within a Coastal Vulnerability Zone does not mean that development is unacceptable in principle, but proposals will be expected to demonstrate that risks can be satisfactorily managed throughout the planned lifetime of the development and it would not increase risks elsewhere.

8.90. Temporary planning permissions may be used where development can be accommodated safely for a defined period but is unlikely to remain appropriate over the longer term as coastal change progresses. This can help support coastal and marine businesses, tourism and community activities, while avoiding the establishment of permanent development in locations that may become vulnerable to erosion, instability or inundation during their anticipated lifetime. For the purposes of this policy, the planned lifetime of development should reflect the expected operational life of the proposed use, having regard to relevant national guidance and the anticipated effects of coastal change over that period.

Chapter 9. Our Natural Places - Protecting and enhancing Torbay's countryside, landscape and natural environment



Figure 19 – Our Natural Places

Strategic Policy LS: Landscape Strategy

The overarching strategy is to provide a high-quality landscape setting and strong green infrastructure framework; to protect, conserve and, wherever possible, enhance landscape character and local distinctiveness for the countryside and seascape by reference to the Torbay Landscape Character Assessment, including the Historic Landscape Characterisation. The rural landscape performs a crucial part of the identity and value of our settlements and the strategic gaps between the three main towns in Torbay and between Torbay, Teignbridge and the South Hams should be protected to prevent coalescence and to retain the separate identities of the settlements.

The South Devon National Landscape (SDNL) has the highest status of protection and great weight will be given to conserving and enhancing the landscape and

natural beauty; development within the SDNL setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

All new major development should be set sympathetically within the landscape, and promote a connection with green space and nature, providing appropriate green infrastructure including access to green space or water, such as ponds and streams; new streets should be tree-lined. Woodlands, trees and hedgerow features should be protected and provided appropriately to the scale of development and landscape context. Development should protect and enhance locally valued landscapes.

Urban open spaces and landscape/townscape features will be maintained or enhanced to support the overall character and appearance of the local environment.

Community and Corporate Plan – Pride in Place

Explanation

9.1. The local landscape setting as a crucial part of the identity and value of Torbay. Conserving the setting of our villages, towns, and protecting the South Devon National Landscape, is a central consideration in approving or refusing permission for new development.

Strategic Policy L1: Protecting our countryside and rural economy

In the open countryside away from existing settlements, and in rural areas surrounding the three towns of Torbay, development will be resisted where this would lead to the loss of open countryside or creation of urban sprawl, or where it would encourage the merging of urban areas and surrounding settlements to the detriment of their special rural character and setting. The countryside area (L1) and undeveloped coast (Policy L3) together define the settlement boundaries.

Major new development should focus on Future Growth Areas in the Strategic Delivery Areas set out in the Key Diagram, consistent with the ambition and policies of the Local Plan. Otherwise, development outside the main urban areas (as defined by the settlement boundary) and Strategic Delivery Areas will only be supported within the established boundaries of villages and hamlets, provided that it is of an appropriate modest scale and consistent with relevant Local Plan Policies, including those relating to landscape, recreation, biodiversity, design and conservation. Suitable infill development, refurbishments and conversions will be supported within

these settlements in order to meet the day-to-day needs of local communities, to promote the retention and development of local services and to help maintain their sustainability. Village Envelopes in Maidencombe and Churston/ Galmpton are defined on the Policies Map.

Outside settlement boundaries, the following forms of development may be permitted, provided that the rural and landscape character, wildlife habitats, green corridors and historic features are not adversely affected and necessary mitigation measures are carried out to minimise any harm to the environment:

i) **New homes for which there is a proven agricultural need, or self-build affordable housing where acceptable under Policy H8.**

ii) **Development required for forestry, horticulture or agriculture;**

iii) **Touring caravans and tents;**

iv) **Tourist facilities appropriate to the rural area;**

v) **Development associated with outdoor sport and recreation appropriate in a rural area;**

vi) **Sensitive conversion, alteration and extension of existing buildings;**

vii) **Essential improvements to the highway network; and**

viii) **Appropriate renewable energy development.**

Where new development proposals come forward, the council will also have regard to the need to protect, conserve and enhance the distinctive landscape characteristics and visual quality of a particular location, as identified in the Torbay Landscape Study and Character Assessment, the suitability of development and the capacity of the countryside to accommodate change. Including dark skies, associated infrastructure such as parking should not overspill into surrounding countryside.

Proposals must demonstrate how they have taken into account the most recent Landscape Character Assessment and assessed the potential impact of the proposal on the landscape including cumulative impact. Where a proposed development is likely to have a significant impact on the landscape character or visual amenity of an area, a Landscape Visual Impact Assessments (LVIAs) or Environmental Impact Assessment will be required. Policy L4 refers to locally valued landscapes.

Development in the countryside must not have an adverse effect on the integrity of the South Hams SAC or other important habitats. It should also have regard to Policy NC1 to assess the in-combination effects of multiple developments that could affect Greater Horseshoe Bats, calcareous grassland features and the integrity of the South

Hams SAC, and the scope for developer contributions to mitigate the impact of increased recreational pressure on the South Hams SAC.

The Countryside Area is shown on the Policies Map.

Community and Corporate Plan – Community and Place

Explanation

9.2. The open countryside of Torbay is a fundamental part of the sub-region's identity and a major component of the Bay's tourism offer. It provides amenity value and a range of recreational opportunities and is an integral part of the Bay's economy.

9.3. The Local Plan strikes a careful balance between protecting the integrity and character of the countryside whilst allowing development that is vital to the support of sustainable communities, such as rural exceptions affordable housing, and self-build schemes (see Policies H8 and H9) and the rural economy.

9.4. The Countryside Area is shown on the Policies Map and has been defined for the following reasons:-

1. To identify the countryside around Torbay as a finite resource and to encourage its best use;
2. To safeguard Torbay from further urban sprawl and maintain important green wedges;
3. To prevent the main urban areas of Torbay from merging with each other and neighbouring settlements;
4. To preserve the special character of the towns and villages within Torbay's overall landscape setting;
5. To recognise the need to adapt to changing demands in the countryside around Torbay and priorities for development;
6. To concentrate building development within the urban area and prevent the unnecessary spread of inappropriate uses into the countryside; and
7. To maintain a connected network of landscape features to provide Green Infrastructure

9.5. Much of the rural hinterland will be covered by other designations including country parks other landscape designations as well as our best and most versatile agricultural land (Policy SC4). Proposals for development will be considered in the context of the Torbay Landscape Character Assessment which identifies the key characteristics to protect, conserve or enhance those features which contribute to a particular distinctive character.

9.6. Different towns and urban areas in Torbay have very distinct identities that should be protected and wherever possible enhanced. Strategic green wedges are important to prevent urban coalescence and retain the valuable landscape setting that is characteristic of Torbay's urban areas. About a quarter of the Countryside Area is also overlaid by the nationally important National Landscape (AONB) (Policy L2), and 40% is designated as undeveloped coast (Policy L3) and form part of the Strategic Local Nature Recovery Network (LNRN).

9.7. The Local Plan Update provides an opportunity to identify areas of non-coalescence, on the Policies Map, which would seek to retain a rural and open character of the land, and/or protect the separate identity of settlements (both existing and allocated).

Policy L2: National Landscape (previous Area of Outstanding Natural Beauty)16

Great weight will be given to conserving and enhancing the landscape and natural beauty of the South Devon National Landscape (previous Area of Outstanding Natural Beauty).

Major development in a designated National Landscape will be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Proposals within the setting of a National Landscape must not harm the setting and should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Consideration of such applications will assess:

i) **the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**

ii) **the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and**

iii) **any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated taking account of the relevant South Devon National Landscape (AONB) Management Plan and the special qualities alongside the Torbay Landscape Character Assessment.**

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[16] National Landscapes: areas legally designated as areas of outstanding natural beauty under the National Parks and Access to the Countryside Act 1949 and Countryside and Rights of Way Act 2000

Development which is permitted in the National Landscape should conserve and enhance its landscape and natural beauty, having particular regard to the impacts on its character components, as set out in the South Devon AONB Management Plan, including wildlife, cultural heritage, tranquillity, dark skies, views and avoids cumulative impacts; it should complement the scale, massing, footprint and spacing characteristic of the area. It should also adhere to guidance in the South Devon National Landscape (AONB) Management Plan, particularly in relation to the need for development to be landscape led building form and design. Mitigation measures may include planning contributions towards delivery of projects set out in the Management Plan.

Community and Corporate Plan – Pride in Place

Explanation

9.8. National Landscapes (formerly known as Area of Outstanding Natural Beauty- AONBs) are designated in recognition of the outstanding qualities of their 'natural beauty' under the National Parks and Access to the Countryside Act 1949. They contain the most beautiful, spectacular, and dramatic areas of countryside and form landscapes of national importance with designation conferring the highest status for the conservation of landscape and scenic beauty.

9.9. The Levelling Up and Regeneration Act (2023) amended Section 85 of the Countryside and Rights of Way Act 2000[1], which means that rather than 'have regard to', relevant authorities (including the Local Planning Authority) must 'further the purposes' of Protected Landscapes of conserving and enhancing the natural beauty[2] of the National Landscape (NL). Each component of natural beauty identifies what is special about the landscape and should be afforded 'great weight' in planning decisions. Reference to the South Devon National Landscape (SDNL) Management Plan is a key tool to ensure that public bodies are meeting their duty and reference to the special qualities which define the unique 'natural beauty' for which the SDNL is designated. The SDNL Management Plan's policies and the special qualities (summarised below) of the SDNL establish criteria against which policy and actions can be assessed for compliance with the duty:

1. Fine, undeveloped, wild and rugged coastline
2. Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses
3. Deeply rural rolling patchwork agricultural landscape
4. Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops

5. Iconic wide, unspoilt and expansive panoramic views
6. A landscape with a rich time depth and a wealth of historic features and cultural associations
7. Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement
8. A breadth and depth of significant habitats, species and associated natural events
9. An ancient and intricate network of winding lanes, paths and recreational routes
10. A variety in the setting to the SDNL (AONB) formed by the marine environment

9.10. The SDNL Management and Delivery Plan sets out externally funded projects and identifies the key planned actions delivered by partners that contribute towards the conservation and enhancement of the South Devon National Landscape. Where residual harm results from new development, mitigation measures may include a request for planning contributions towards achieving relevant projects.

[1] As amended by the Levelling-up and Regeneration Act 2023

[2] 'Natural beauty' has no legal definition but legally consideration must be given to the 'flora, fauna, geological and physiographical' features of the designated area.

[1] National Landscapes: areas legally designated as areas of outstanding natural beauty under the National Parks and Access to the Countryside Act 1949 and Countryside and Rights of Way Act 2000

Policy L3: Coastal landscape

The undeveloped coast

The undeveloped coast is shown on the Policies Map.

The council and partnership organisations will conserve the character of the undeveloped coast and seek to enhance its distinctive landscape, seascape, biodiversity, geological, recreational and cultural value. Development will not be supported in the undeveloped coastal area unless proposals satisfy the following requirements:

i) Maintain the unspoilt character of the coastline, coastal landscape and seascape;

ii) Maintain or improve public access for recreation; and

iii) **Provide sensitively designed development, including tourism uses, where there are clear economic or sustainability benefits that cannot be realised in alternative locations.**

Where new development proposals have met the above criteria, the council will also have regard to the need to protect, conserve and enhance the distinctive landscape characteristics and visual quality of a particular location, as identified in the Torbay Landscape Study and Character Assessment, the suitability of development and the capacity of the countryside to accommodate change and particular reference to coastal change management (Policy ER7).

Development outside the undeveloped coast which may harm the intrinsic character of the area will be assessed with regard to visual impact.

The Developed Coast

The developed coast: In the developed areas of coast, development will be permitted where it provides benefit to Torbay's economy and does not unacceptably harm the landscape character and appearance of natural, historic or geological assets and coastal change management (Policy ER7).

Community and Corporate Plan – Pride in Place

Explanation

9.11. Policy L3 deals with landscape and related matters to do with the coast. Policy ER7 Coastal Change Management Areas, deals with issues such as shoreline management, flooding and land stability which are associated with development in coastal areas.

9.12. The mean low water mark defines the limits within which Torbay Council has a statutory power to control the development and use of land. The coast is significant from an environmental, economic and social perspective and adds greatly to the quality of life for Torbay's residents. The scenic beauty, natural setting and seascape underpin Torbay's popularity as a place to live, work and visit and so it is important to protect the intrinsic landscape character of the undeveloped coast for its own sake, and as a significant, finite resource. The quality of life and distinctive local identity is enhanced by a large number of accessible award-winning bathing beaches and three harbours, which form an important recreational and amenity resource. The South West Coast Path extends along Torbay's coastline, providing an attractive environment for walking and wheeling which is a popular tourist draw.

9.13. It is important that the qualities of the coastline are conserved for future generations, in particular the important areas of undeveloped coastline which extend landward to include

areas that maintain a coastal character, and are within the visual envelope to and from the seaward side. Developments will only be permitted along the undeveloped coast to provide facilities for activities appropriate to the location, such as low-key rural tourism or recreation uses, where their introduction does not harm the scenic qualities and prevailing character, and any built development is kept to a minimum.

9.14. Consideration should be given to whether there are alternative locations where the development could feasibly be located, away from the undeveloped coast. The Torbay Landscape Character Assessment (LCA) identifies a number of coastal landscape character types which incorporate the majority of the land within the undeveloped coast. The LCA should be used (in combination with any seascape analysis) as a basis for assessing the character and sensitivity of the area and its ability to accommodate new development. This will include parts of the developed coast where the LCA has identified 'undeveloped' maritime cliffs, open coastal plateau and low lying beaches, offshore islands and a new landscape type: Harbours, ports and marinas. Development should consider the valued landscape attributes and landscape guidelines.

Policy L4: Valued landscapes

Landscapes which, by reason of their local distinctiveness, special qualities and features and or condition, that have a limited capacity to absorb change that will be considered to be valued landscapes.

This will include the South Devon National Landscape and its setting at a national level, alongside the undeveloped coast may be considered to form locally valued landscapes (LVL);

Proposals within these areas must:

i) **Avoid loss of key characteristics, or their legibility, that underpin the scenic quality and the significance of the locally valued landscape and landscape character area.**

ii) **Respond effectively to the key characteristics and significance of the area referred to in the Torbay Landscape Character Assessment and Landscape Sensitivity Assessments (2025) and the specific recommendations within the LCA (or subsequent update).**

Locally valued landscape is not limited to the National Landscape and the undeveloped coast, and may be identified through the Torbay Landscape Character Assessment. Individual proposals within or next to these valued landscape areas should respond to the distinctive qualities and local character and will be assessed

based on their specific landscape and visual impact taking into account any mitigation proposals.

Development which protects and enhances the locally valued landscapes will be supported.

Community and Corporate Plan – Pride in Place

Explanation

9.15. There is no single definition of a valued landscape, however, legal decisions have tended to say that to be a 'valued landscape', there should be some local distinctiveness, special quality, or feature, rather than solely being 'valued' by local people. It will be a matter of planning judgement whether or not land forms part of a valued landscape, the council considers that the following are likely to qualify as valued landscapes which include but are not limited to: the South Devon National Landscape and its setting, undeveloped coast, land within or in the setting of a designated heritage asset, urban landscapes such as Local Green Spaces (LGS) and Urban Landscape Protection Areas (ULPAs).

9.16. The LCA provides additional advice on whether areas of landscape are likely to be considered as 'valued'.

Policy L5: Urban Landscape Protection Areas (ULPAs)

Development within Urban Landscape Protection Areas (ULPAs), as shown on the Policies Map, will only be supported where:

i) **It does not undermine the value of the ULPA as an open or landscaped feature within the urban area; and**

ii) **It makes a positive contribution to the urban environment or enhances the landscape character of the ULPA.**

Development that would undermine the ULPA designation as a whole will be resisted.

Designated Urban Landscape Protection Areas are as follows:

Table 14 Urban Landscape Protection Areas 17

Torquay
01 Watcombe Park and Watcombe Heights

02 Mincent Hill, Barton
03 Scotts Bridge/Barton
04 Riviera Way Corridor
05 Lummaton Hill, Combe Pafford
06 Hele Woods/Windmill Hill Woods
07 Daison Woods
08 St. Marychurch Road (formerly Oddicombe Downs)
09 Babbacombe Downs
10 Cary Park
11 Markham Plantation and Sherwell Valley
12 Shiphay Manor (Girls' Grammar School)
13 Rowcroft/Shiphay Plantation
14 Chapel Hill, Torre
15 Stantaway Hill, Upton
16 Grange Road/Warberry Copse
17 The Quinta
18 Lydwell Road
19 Palace Hotel Grounds (North)
20 Palace Hotel Grounds (South)
21 Ansteys Playing Field
22 Ilsham Valley/Lincombe Slopes
23 Torwood Gardens
24 Daddyhole Plain
25 St. Johns Wood, Park Hill
26 Stentiford Hill
27 Torre Abbey Meadows and Sports Grounds
28 Sherwell Park
29 Ashfield Gardens
30 St. Matthew's Field

Paignton
31 Preston Green
32 Parkfield
33 Paignton Green North
34 Paignton Green South
35 Queen's Park
36 Victoria Park
37 Paignton Cemetery and allotments
38 Monastery, Winner Hill
39 Primley Woods and Meadow to south
40 Goodrington Park/Roundham
41 Quay West Corner
42 Clennon Hill/Roselands Valley
43 Sugar Loaf Hill
Brixham
44 Tor Rocks, Broadsands
45 Brunel Woods, Galmpton
46 Battery Grounds
47 Furzeham Recreation Ground
48 St. Mary's Churchyard and Park
49 Summercombe
50 Shoalstone and Ashole Woods.

Community and Corporate Plan – Community and Place

Explanation

9.17. These enclaves of special landscape quality set in or bordering the urban areas (some of which also skirt the coastal fringe) vary in size and make a considerable contribution to the environment in a variety of ways. Taken as a whole these protected urban landscape

areas form a valuable part of Torbay's green infrastructure (see Policy GIS) and help ensure a healthy Bay (see Policy SC1). They are considered to form 'valued landscapes'.

9.18. Some ULPAs act as local vantage points, some as amenity open space, some as green spaces that provide a natural and visual break within the local (urban) townscape and others as landmarks in the local scene. In some cases they perform all four roles. Designated ULPAs include both publicly owned/publicly accessible and privately owned/non-accessible sites. Some ULPAs are also of ecological significance and some have been subsequently allocated as Local Green Spaces (LGSs) in Neighbourhood Plans.

9.19. The preparation of an updated Local Plan offers the opportunity to review the designated ULPAs and provide further clarity and guidance in relation to these sites.

Policy L6: Local Green Spaces (LGSs)

Development proposals that protect or enhance Local Green Spaces and that comply with other relevant policies will be permitted.

Development proposals that would have an unacceptable adverse impact on the use, function and appearance of these local green spaces or would result in their loss will not be permitted other than in very special circumstances and such circumstances will only exist where the harm resulting from the proposal is clearly outweighed by other considerations.

Very special circumstances may exist for development enabling community or sports use on LGSs used as playing fields, or café/ food and drink uses in Harbourside and Waterfront locations. In such instances to open nature of the wider LGS and public access should be retained.

Very special circumstances also cover the proposed railway station at Edginswell,

Development or change of use that would conflict with the reason for designation will be seen as inappropriate development.

Inappropriate development adjacent to a Local Green Space that would have a significant adverse impact upon the reason for the designation will not be supported.

Community and Corporate Plan – Community and Place

Explanation

9.20. The Neighbourhood Forums have included a number of Local Green Spaces that are green spaces that are demonstrably special to a local community. Designation should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services and be capable of enduring beyond the end of the plan period. Local Green Space must be reasonably close to the community it serves; have demonstrable local significance and interest; be local in character; and not cover an extensive tract of land. Local Green Spaces are designated in the made (adopted 2019) Torquay Neighbourhood Plan (99 LGS see Policy TE2 - Local Green Spaces), Paignton Neighbourhood Plan (53 LGS - Policy PNP1 and PNP1(a)PGLS) and the Brixham Peninsula Neighbourhood Plan (17 LGS - Policy E4: Local Green Spaces).

9.21. Consideration of development proposals within a Local Green Space should be consistent with national policy for Green Belts (excluding provisions relating to 'grey belt' and previously developed land).

Strategic Policy THS: Trees and hedgerows

The Local Plan seeks to assist the delivery of the most up-to-date Torbay Tree Strategy. Planning applications will set out how they achieve the vision set out in the Devon Tree and Woodland Strategy to: Expand, Improve, Protect, Inspire and Deliver.

Development that supports the planting of new trees or areas of woodland, especially in appropriate Devon Local Nature Recovery Areas, or which would include public access woodland schemes, will be encouraged where they conserve or enhance biodiversity, landscape, seascape character and best and most versatile agricultural land, or where they conserve and where appropriate enhance the significance of heritage assets and their settings, including historic landscapes. All development proposals will retain good quality and healthy woodland, trees and hedgerows. These features will be incorporated into the overall design and landscape scheme and located within public spaces where possible (see Policy TH1). New streets should be tree lined unless there are compelling reasons why this would be inappropriate. Where loss is unavoidable, Policy TH2 would apply. The council will seek to adopt new public green spaces and may protect any new trees through the implementation of Tree Preservation Orders (TPO).

Ancient Woodland, Ancient Hedgerows and Veteran Trees:

Development proposals resulting in the loss or deterioration of ancient woodland, ancient hedgerows or ancient and veteran trees will only be permitted where there

are wholly exceptional circumstances and the benefits of the development in that location clearly outweigh the loss. Where it is permitted, a compensation strategy will need to be agreed and secured prior to granting planning permission.

TPO/Conservation Area:

Where the proposal will result in the loss or deterioration of a tree protected by a Tree Preservation Order or a tree within a Conservation Area, then permission will be refused unless:

a. **the need for, and benefits of, the development in that location clearly outweigh the loss, and**
b. **suitable and robust mitigation is provided through replacement tree planting or a suitable planning contribution**

Trees elsewhere:

Any other tree, hedge or woodland not covered by the above and which makes a positive contribution to the landscape, amenity, heritage or biodiversity value of the area, should be retained as part of the design and layout of development schemes.

Where a loss of trees, hedges or woodland is unavoidable or justified through an arboricultural assessment, replacement planting commensurate with the loss will be undertaken on site. Tree planting will be in accordance with Policy TH2. Where onsite replacement tree planting is not feasible, developer contributions will be required.

In instances where new trees and/or woodlands are proposed as part of wider development proposals, developer contributions may be required to ensure suitable management provision is made for their long-term management. This includes information provision of for residents and users about the appropriate positive management of private trees and landscape features.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.22. This policy aims to deliver strategic scale expansion of green landscape features and to ensure tree, woodland and other landscape features are protected, and where this is not possible suitable mitigation is provided.

9.23. Woodlands, trees and hedgerows can form important landscape features as well as providing valuable habitats and wildlife corridors.

9.24. Woodlands form traditional elements of the countryside or important islands of natural habitat within Torbay's urban areas. Once lost, this part of our heritage cannot be replaced.

9.25. Hedgerows, many of which are of traditional Devon Bank construction, are important elements within the landscape of Torbay. They can function as wildlife corridors linking wildlife sites. Hedges can also form very ancient land boundaries and may preserve historically important artifacts. A quarter of Devon's hedges are more than 800 years old. For these reasons, it is important that significant hedgerows are retained and their appropriate retention will be secured by planning conditions.

9.26. Established hedges have substantially more historic and environmental value than new hedges, which take time to mature and do not reflect historic enclosure patterns. Therefore, existing hedges should be retained wherever possible. This is particularly important where they form part of Greater Horseshoe Bat commuting routes identified in Policy NCS2. Maintenance of hedgerows may be essential to maintain the integrity of the South Hams SAC and must be considered at an early stage of the planning process, in accordance with Policies NCS2 and NC1.

Policy TH1: Trees, hedgerows and natural landscape features

Development will not be permitted where it would result in serious harm, either directly or indirectly, to protected trees, veteran trees, hedgerows, ancient woodland, unless it is clearly demonstrated that the harm is justified and can be appropriately avoided, minimised or mitigated. Harm can arise directly, through felling or damage during construction, or indirectly through pressure to fell or prune in the future due to the proximity of trees to a new development.

In applying this policy, regard will be had to the hierarchy of protection set out in Strategic Policy THS. Other natural features of significant landscape, historic or nature conservation value are addressed in Policies LS, L4 and NCS1.

Where loss of trees, hedgerows or woodland is justified under Strategic Policy THS, appropriate mitigation will be required in accordance with this policy and Policy TH2, which may include developer contributions to secure long-term management and maintenance.

Development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity or climate resilience role.

All development proposals will demonstrate how retained and new trees, hedges and woodland will have a satisfactory long-term relationship with: buildings; infrastructure; utilities and services; and highway movement; and will ensure the amenity and safety of occupiers of buildings and retain or create sightlines enabling public spaces to be well overlooked.

Planting schemes for public spaces and roadsides should include suitable native species that occur naturally in the locality, unless it can be demonstrated that native species are not appropriate (e.g. for arboricultural or ecological reasons). In accordance with Policy DE1, 'Living' boundary features should be used as an integral part of layouts in the first instance and must comprise native hedging species wherever possible.

New development will be designed and undertaken to prevent damage to root systems of retained or new woodland, trees and hedgerows and will allow for future above and below ground growth over the life of the development. New trees must maximise their potential to provide climate resilience, including surface water attenuation, through measures such as tree pits which are fully integrated to SuDS schemes.

Measures to protect retained trees, hedges and woodland must be in place before, and remain in place during, the development process. This must be demonstrated through an agreed Method Statement. Appropriate management will be secured in perpetuity, through agreed Landscape Management Plans. For major residential developments, this should include the provision of information for new occupants about the benefits of and appropriate positive management of private trees, hedges and landscape features.

Where building near trees or hedges is unavoidable, construction techniques and methods of working will be designed to prevent or minimise damage. Temporary netting of hedges or trees prior to, and during construction of, development will not be permitted. Where hedges cannot be retained, they should be translocated, rather than removed.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.27. Trees provide significant environmental benefits and are especially valuable in urban areas. Beyond their intrinsic beauty, they help soften the impact of development, enhance

the quality of our streets, and create a green framework for towns. Trees can be important both individually and in groups, and in some parts of Torbay, they are a defining feature of the local character.

9.28. Orchards form an important part of green infrastructure and local heritage, as well as supporting sustainable food production. Traditional orchards are a priority habitat, and the Council has a statutory duty to conserve and enhance such habitats. Proposals affecting orchards will be assessed against Policies GIS, THS, and SC4.

9.29. Trees can be perceived negatively when located close to properties, where they can obstruct views, reduce light, or create maintenance and safety concerns. Development will not be supported if it is incompatible with the retention of trees. Proposals affecting trees will be carefully considered to ensure trees which are to remain do not cause unreasonable inconvenience to future occupiers.

9.30. Construction can easily damage tree roots through compaction or excavation. When determining planning applications, it is essential to ensure that construction activities do not occur in close proximity to trees in ways that could cause harm.

9.31. Trees will be safeguarded through planning conditions attached to development consents. These conditions may specify measures to protect trees during and after construction. Such conditions will be applied wherever trees of amenity value are adjacent to development. New planting should aim to enhance existing habitats, create new ones, or provide shelter belts.

9.32. Tree Preservation Orders (TPOs) may be used to protect trees of amenity value and prevent their removal. TPOs can apply to individual trees, groups, or entire areas. Torbay benefits from a rich legacy of trees, many of which are already protected by TPOs. Similar protections apply to trees within conservation areas, where there is generally a presumption against felling unless there are sound reasons for doing so.

Policy TH2: Mitigation for loss of trees, hedgerows and woodland

Where the principles of Strategic Policy THS have been followed, and it is evidenced that the loss of trees, hedgerows or woodland is acceptable, appropriate mitigation will be required.

Tree loss should be mitigated through compensatory planting in accordance with the Council's tree replacement table below.

Hedgerow loss should normally be replaced on at least a metre-for-metre basis, with a preference for achieving a net gain in connectivity and ecological value.

Where relevant, mitigation for the loss of trees and hedgerows may contribute towards Statutory Biodiversity Net Gain (BNG) (Policy NC3). Where BNG does not apply, tree and hedge mitigation should be secured separately.

In exceptional circumstances (e.g. where on-site mitigation would compromise good design), off-site provision or financial contributions may be accepted.

Deliberate prior removal of trees will be a material consideration.

Such tree planting should:

a. **take all opportunities to meet the five Tree Planting Principles (see supporting text); and**

b. **unless demonstrably impractical or inappropriate, provide the following specific quantity of compensatory trees for the loss each tree within the size category indicated in the Tree Loss Compensation table below.**

Table 18 Tree Loss Compensation

Trunk girth (mm) at 1.5m above ground of tree lost to development	**Number of replacement trees required per tree lost***
75 - 200	2
201 - 400	4
401 - 600	6
601 - 800	9
801 - 1000	10
1000+	11+**

*** Replacement based on selected standards 100-120 mm girth at 1.0m**

****Depending on the value of the tree to be lost additional compensatory planting may be required**

An equivalent approach based on the latest Natural England's Green Infrastructure Framework Standards may be considered as mitigation where appropriate.

Where new compensatory hedges are provided, the principles of the Devon Hedge Group guidance on making new hedges should be followed unless an alternative approach is justified by site-specific circumstances.

In instances where new trees, hedges and/or woodlands are proposed, developer contributions may be required to ensure suitable provisions are in place for their long-term management and maintenance.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.33. Trees and other planting deliver a wide range of benefits, including wildlife habitat, urban cooling to help address climate change, adding maturity to new developments, softening and enhancing built form, providing screening and shade, reducing stormwater run-off, improving visual amenity, and supporting health and well-being.

9.34. New trees and planting can contribute to the government's 25 Year Environment Plan, the UK's efforts to hit net zero carbon emissions by 2050, biodiversity net gain and the Devon Tree and Woodland Strategy goal of achieving 20% tree cover in Torbay.

9.35. The tree and hedgerow compensation standard in this policy provides an indicative mechanism to determine the appropriate level of mitigation for loss of trees and hedgerows. Mitigation will be determined on a case-by-case basis in consultation with the Council's tree officer. The council's preference is for on-site replacement in suitable locations, secured through planning conditions however, for small scale householder development, off-site mitigation may be more appropriate.

9.36. Where off-site planting is justified, this should be preferentially be provided on public land or locations identified through the Devon Local Nature Recovery Strategy and will be secured via planning obligations.

9.37. Replacement planting and hedgerow creation required under this policy provide mitigation for the loss of existing features and are separate from statutory Biodiversity Net Gain requirements. While such measures may contribute towards Biodiversity Net Gain and assist compliance with Policy NC3, they do not remove the need to provide mitigation required under this policy. The requirements of this policy will continue to apply to development that is exempt from Biodiversity Net Gain requirements.

9.38. The council is committed to increasing the overall tree cover wherever possible. Opportunities for new tree planting should be explored in all development proposals. Planting schemes for public spaces and highways should include only native species that

occur naturally in the locality, unless arboricultural or other considerations mean native species are not appropriate.

9.39. Where new tree planting is proposed (whether to compensate for losses on- site or as enhancement), the quantity, location and species selection of new trees will be expected to take practicable opportunities to meet the following five Tree Planting Principles:

- Create habitat and, if possible, connect the development site to the Strategic Green Infrastructure Network; and
- Assist in reducing or mitigating run-off and flood risk on the development site; and
- Assist in providing shade and shelter to address urban cooling, and in turn assist in mitigating against the effects of climate change; and
- Create a strong landscaping framework to either (a) enclose or mitigate the visual impact of a development or (b) create new and enhanced landscape, or both; and
- Be of an appropriate species for the site.

Strategic Policy NCS1: Biodiversity and Nature Recovery Network

All development for the purposes of conservation and enhancement of the natural assets within the Bay will be supported.

The council will safeguard, conserve and enhance the valued qualities, features and attributes of sites in the Bay which are important for biodiversity and geodiversity.

In order to increase biodiversity, help achieve net zero, improve the local environment and enhance health and wellbeing, all development will be required to:

i) **Recognise the importance of and benefits provided by ecosystem services, and be located and designed to avoid negative impacts on biodiversity and geodiversity. This includes but is not limited to: tranquillity, dark night skies, bathing waters, biodiversity, geodiversity and soils within the Bay (commensurate with their importance). Only where this is not possible will mitigation, and as a last resort, compensation be considered.**

ii) **Protect, enhance and expand existing wildlife-rich habitats and geodiversity, and create new ones to support a nature recovery network. Development must seek to support and deliver the priorities and actions in the most up to date Torbay Green Infrastructure Strategy, Nature Recovery Network (NRN) and**

Devon, Plymouth and Torbay Local Nature Recovery Strategy (LNRS). These strategies must be utilised to ensure new development integrates wildlife and links new green spaces with habitats in the wider landscape.

iii) **Protect local, national and internationally protected sites, priority species and habitats. The council will safeguard, conserve and enhance the valued qualities and features of sites protected under European legislation, including supporting habitats outside of the designation which ensures the favourable conservation status of the site. Where a proposal may have adverse effects on a European site which cannot be mitigated development will not be permitted. Particular attention must be paid to Greater Horseshoe Bat flight paths, and Cirl Buntings.**

iv) **Avoid impacts on irreplaceable habitats. Development that involves the loss of irreplaceable habitats will not be supported.**

v) **Positively incorporate and promote biodiversity features, proportionate to their scale, including features which support priority or threatened species such as swifts, bats and hedgehogs.**

vi) **Provide a measurable and proportionate net gain in biodiversity, as set out in Policy NC2.**

vii) **Provide long term land management practices to maintain or restore landscapes, greenspace, watercourses, dark corridors and amenity open spaces, integrating biodiversity and green infrastructure objectives including improved public access.**

viii) **Have regard to the Devon, Plymouth and Torbay Local Nature Recovery Strategy and, where proportionate, seek to support the delivery of its priorities, including by contributing to habitat restoration, enhancement and creation within identified High Opportunity Areas.**

All development must be located and designed to follow the mitigation hierarchy (avoid, minimise, mitigate, compensate) to prevent adverse impacts upon biodiversity, or geodiversity. Developer contributions may be required to allow monitoring of any mitigation, or to improve management or enhancement of the natural environment.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.40. Biodiversity is fundamental to our health, wellbeing, and economic prosperity. 'Biodiversity' means the variety of wild plants, animals, and their habitats, and also includes geological and geomorphological features. A healthy, resilient natural environment is a key asset for Torbay, contributing to its sense of place, tourism appeal, economy, and overall environmental quality. Biodiversity is also an essential consideration in achieving high-quality design.

9.41. The importance of biodiversity is increasingly recognised by government, reflected in the Environment Act 2021 and the 25 Year Environment Plan. Torbay contains internationally, nationally, and locally designated nature conservation sites, shown on the Policies Map, which support a wide range of species. In 2024, the Torbay Climate Partnership approved the Greener Way for Our Bay Framework and Action Plan (GWFOB), which sets out a pathway for Torbay to achieve net zero carbon by 2050. The framework identifies ten key priorities, including "enjoying and protecting our marine and natural environment." The nature conservation policies within this Local Plan align with the objectives of the GWFOB and will play an important role in supporting its delivery, particularly through the protection and enhancement of biodiversity and designated sites.

9.42. The Devon Local Nature Recovery Strategy (LNRS) forms part of the evidence base for this Plan. Development proposals should have regard to the Devon, Plymouth and Torbay Local Nature Recovery Strategy and any local biodiversity evidence relating to target habitats and species. The Council will have regard to the LNRS priorities and mapped High Opportunity Areas when planning for biodiversity conservation, enhancement and recovery.

9.43. Landscape, biodiversity, and green infrastructure mitigation packages will be informed by these strategies and evidence. The Council will require no overall detriment and will seek net gains for the natural environment in line with the NPPF. Policy. Mitigation cannot compensate for intrinsically unsuitable development (see Policy NC1). High-quality bathing waters are also a key ecological and tourism asset; Policies ER2, ER3, and W5 aim to minimise wastewater impacts, including restricting new surface water connections to combined sewers.

9.44. Landscape can also be man-made and there is an interrelationship between the historic and natural environment for example when considering hedgerows, field patterns and other naturalised features (see Policies GIS and HES).

Strategic Policy NCS2: Habitats Regulations Assessment

Development must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 as amended[17] (European Sites), other than in exceptional circumstances.

Sufficient and up-to-date survey information, commensurate with the sensitivity of the site and the nature, location, and scale of the proposal, will be required to inform planning applications and allow the planning authority to carry out Habitats Regulations Assessment (HRA) of the proposal.

Where likely significant effects on a European site cannot be ruled out, either alone or in combination with other plans or projects, an Appropriate Assessment will be required. Permission will only be granted where the competent authority can ascertain that the proposal will not adversely affect the integrity of the habitats site, having regard to its conservation objectives. Mitigation relied upon to support a conclusion of no adverse effect on integrity must be certain, deliverable, enforceable, funded, monitored, and secured before planning permission is granted, for the full duration of the impact.

Where adverse effects on integrity cannot be ruled out, permission will only be granted where the derogation tests in the Habitats Regulations are met (see glossary).

Plans and proposals should take into consideration and be in accordance with the latest versions of all council and wider HRA guidance documents and strategies. Specific HRA policy requirements in relation to avoiding, mitigating and compensating impacts on European sites (at the point of Local Plan publication) are set out in the HRA Requirements Table below.

Table 19 Habitats Regulations Appropriate Assessment (HRA) Requirements

Habitats Regulations Appropriate Assessment (HRA) Requirements	
Protected Site and features	HRA Requirements
Berry Head to Sharkham	

[17] The Conservation of Habitats Species Regulations 2017, https://www.legislation.gov.uk/uksi/2017/1012/contents [accessed 20th Aug 2025]

Point component of the South Hams SAC: Vegetated sea cliffs of the Atlantic and Baltic coasts European dry heaths Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco brometalia	A strategic mitigation approach applies to recreation pressure on the sensitive habitats making up the Berry Head to Sharkham Point component of the South Hams SAC. Development within the identified Zone of Influence that would increase recreational pressure, including residential and tourist accommodation, will be required to contribute to or provide mitigation in accordance with the latest mitigation strategy and supporting guidance. In most cases, mitigation for new residential or holiday accommodation within the Zone of Influence (ZoI) will comprise a financial contribution towards measures identified through the Council's latest mitigation strategy and, where required, Appropriate Assessment. These may include: Strategic Access Management and Monitoring Measures, provision or improvement of alternative local greenspaces, local access management projects, visitor management, monitoring, wardens, education, or other measures identified through Appropriate Assessment. Where major schemes are likely to result in a significant increase in recreational pressure at Berry Head, specific on-site measures, alternative recreation facilities, or other bespoke mitigation may also be required. Any deviation from the strategic mitigation approach must be clearly justified and will be considered on a case-by-case basis.
Berry Head to Sharkham Point component of the South Hams SAC: South Hams SAC Greater Horseshoe Bats	Development that could impact Greater Horseshoe Bats will be located and designed to protect the integrity of the South Hams SAC by: 1. Avoiding the loss, damage, illumination of, or disturbance to the following: a. roosts which are known, or are likely, to provide significant functional support to the SAC; b. foraging areas within the Sustenance Zones, including the Core Sustenance Zone (CSZ); c. foraging areas within the Landscape Connectivity Zone (LCZ) where they are of particular importance e.g. due to their size or proximity to a roost; d. flyways and commuting routes within the Sustenance Zones; e. networks of actual or potential commuting routes within the LCZ; f. existing mitigation features resulting from previous development; and g. known or likely pinch points

2. Maintaining, enhancing, or creating sufficiently wide and dark corridors, especially at the edge of the built-up area;
3. Designing development and lighting to be compatible with Greater Horseshoe Bat habitats and flyways, supported through lighting modelling where required;
4. Avoiding risk of death or injury to bats through interaction with wind turbines, traffic or other infrastructure;
5. Maintaining connectivity between Sustenance Zones within the LCZ, including across roads, railways or other barriers;
6. Creating or enhancing roosts, commuting routes and foraging zones;
7. Where required by Appropriate Assessment, providing financial contributions to help create permanent, high quality Greater Horseshoe Bat habitat and roosts in locations which increase population resilience; and
8. For the purposes of undertaking Habitats Regulations Assessment, complying with the **2019 South Hams SAC Habitats Regulations Assessment Guidance** (or subsequent revisions) and technical advice notes;

Core sustenance zone additional requirements

Within the Core Sustenance Zone, avoidance of impacts to Greater Horseshoe Bat habitat and connectivity will be prioritised over mitigation, compensation or enhancement measures.

Within the Core Sustenance Zone (CSZ), development resulting in the loss, fragmentation, degradation or illumination of Very High or High suitability habitat for GHBs (see glossary) will not be permitted where GHBs are known to forage unless it can be demonstrated through project level HRA that habitat function and connectivity will be maintained and a net gain in GHB foraging habitat can be secured elsewhere within the CSZ.

Development on areas of Low suitability habitat surrounded by or adjacent to Very High or High suitability habitat will not be permitted where it would adversely affect the function or connectivity of the surrounding habitats.

Within the Core Sustenance Zone (CSZ), development impacting contiguous Low suitability habitat for GHBs must demonstrate that GHB habitat function is maintained and there is no overall reduction in habitat extent or functional connectivity across the CSZ and connectivity to the wider SZ and LCZ is safeguarded.

Pinch Point additional requirements

	Within identified pinch points and commuting corridors, development will only be permitted when it can demonstrate that the functional continuity of the Pinch Point is maintained (see explanation). **Mitigation/monitoring** Within the CSZ, habitat, pinch point or commuting corridor loss, disturbance or illumination will only be permitted in exceptional circumstances. In such cases, replacement features must be secured in advance on a like-for-like or better basis and designed to maintain ecological function, prey availability and connectivity, ensuring there is no overall loss of GHB foraging habitat or network function. Elsewhere within the SZ and LCZ, where impacts cannot be avoided, appropriate mitigation, habitat enhancement, roost provision and/or financial contributions will be required. All measures must be secured before permission is granted, monitored for effectiveness and include remedial action where necessary.
Lyme Bay and Torbay Marine SAC	**Water Quality:** In respect of the Lyme Bay and Torbay Marine SAC the council has commissioned a Water Cycle Study and a Sewer Capacity Assessment. This evidence sets out the measures required to ensure there are no cumulative adverse impacts on the Marine SAC resulting from combined sewer overspills (CSO). Mitigation for CSO increase and the removal of surface water from the combined sewer system is set out in detail in Policies ER2, ER3, ER4 and will comprise: 1. All development must minimise the generation of run-off , reduce surface water entering the combined sewer system and maximise the use of permeable natural surfaces 2. All development must comply with the requirements of Policy ER2 and submit detailed drainage arrangements at the application stage to enable the Local Planning Authority to undertake a Habitats Regulations Assessment screening and, where necessary, an Appropriate Assessment. 3. All development must demonstrate reduced water consumption in accordance with Policy ER3 to ensure there is sufficient sewage treatment capacity. Additional mitigation for surface water runoff will be provided through the implementation of Policy GIS ‘Strategic Green infrastructure’. Lyme Bay and Torbay Marine SAC Is also sensitive to changes in water quality arising due to the construction/operation of development. This typically includes, but is not limited to, major development or demolition located within 250m of the designated site, or near a watercourse which provides a hydrological link to the Lyme Bay and Torbay SAC. Where there is a risk of adverse effects on the Lyme

	Bay and Torbay SAC due to water quality, development proposals must prepare and submit, as part of a planning application, Pollution Prevention Plans. **Recreation:** Individual planning applications that have a clear link to increased recreational use of the coast will be subject to project-level HRA, and a bespoke package of measures will need to be secured to address the specific impacts of the proposed project.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.45. As a Competent Authority, the planning authority must carry out Habitats Regulations Assessments (HRA) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Torbay currently contains two internationally important habitats sites: the South Hams SAC and the Lyme Bay and Torbay Marine SAC.

9.46. All plans and projects not directly connected with the conservation management of a habitats site require HRA Screening to assess potential significant effects. Where significant effects cannot be ruled out, an Appropriate Assessment must be undertaken. Planning permission can only be granted where adverse effects on site integrity are excluded, or where there are imperative reasons of overriding public interest and adequate compensatory measures are secured.

9.47. Sites protected under the Conservation of Habitats and Species Regulations 2017 consist of:

- Special Areas of Conservation (SAC);
- Special Protection Areas (SPA);
- Proposed SACs;
- Potential SPAs;
- Areas secured as sites compensating for damage to a European site.

9.48. In addition to the Local Plan, the Council has prepared HRA guidance documents and strategies to support a consistent strategic approach to mitigation and reduce unnecessary duplication in assessment. Plans and projects should have regard to these documents, where relevant, alongside applicable Natural England guidance.

9.49. South Hams SAC:

The Berry Head to Sharkham Point component of the South Hams SAC forms part of the UK's national site network and is designated for its heathland, calcareous grassland, vegetated sea cliffs and caves. These habitats are of importance for conservation at a European level and are listed under Annex I of the Habitats Directive (Council Directive 92/43/EEC). Berry Head is also designated as a Site of Special Scientific Interest (SSSI) andNational Nature Reserve. The habitats at Berry Head are vulnerable to degradation through erosion by walkers and eutrophication through dog fouling, in addition to scrub encroachment.

9.50. A visitor survey in 2023 found that 75% of visitors to Berry Head came directly from home within 8 km of the site, compared to 5 km in 2016. This indicates that the primary Zone of Influence (ZoI) for recreational impacts on Berry Head is an 8 km radius (Figure 21).

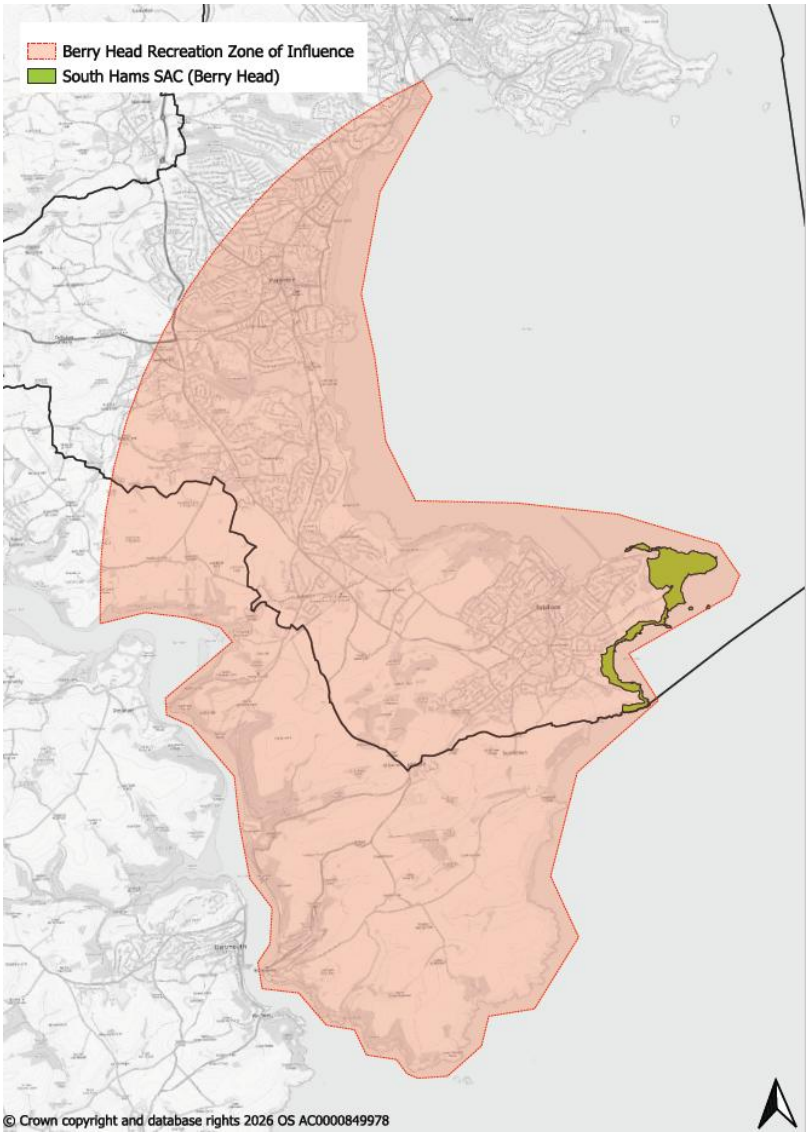

Figure 20 - Berry Head to Sharkham Point Zone of Influence where new dwellings or tourist accommodation is likely to result in increased recreational impacts on the SAC

9.51. Significant effects from increased recreation due to the development of housing or tourist accommodation within the Zone of Influence (ZoI) cannot be ruled out and mitigation measures will be necessary.

9.52. The council, in collaboration with stakeholders, will develop a detailed Berry Head Management Plan including mitigation measures and associated cost estimates. A Supplementary Planning Document (SPD) or planning guidance note will set out the mitigation costs and the mechanism for securing developer contributions.

9.53. The South Hams SAC is also designated for Greater Horseshoe Bats (GHB), one of Britain's rarest bat species. Greater Horseshoe Bats use hedgerows (including remnant hedges and veteran trees) as flyways.

9.54. Greater Horseshoe Bats have only short-range echolocation, which means they must fly close to the ground and linear features, such as hedges, woodland edges, and vegetated watercourses. They actively avoid light levels above moonlight. As a result, development must protect natural features that provide landscape connectivity and avoid lighting that deters bats. The bats use a variety of different roosts at different times of the year, including maternity and hibernation roosts. They feed in different habitats throughout the year, depending on seasonality of prey, typically foraging up to 4km from the roost as an adult. This 4km radius is used to determine the "Sustenance Zones" around roosts, although they will travel further when moving between different roosts. Juveniles typically only forage within 1 km of the roost in their first summer, so foraging habitat close to maternity roosts is particularly important. Hibernating bats are known to feed less frequently and within shorter distances during winter months.

9.55. The Torbay Greater Horseshoe Bat Evidence Study (2026) found that the Berry Head roost is constrained by the sea, the built-up area of Brixham and a limited number of commuting routes. The study identifies a Core Sustenance Zone around the roost, together with areas of Very High, High and Low suitability habitat, to reflect their relative importance to the SAC bat population. Within the Core Sustenance Zone, maintaining habitat extent, quality, connectivity and dark commuting routes is particularly important. The study found that habitats close to the roost and key commuting corridors make a disproportionate contribution to maintaining the integrity of the South Hams SAC population.

9.56. The study also identified a series of pinch points where commuting routes are constrained by existing development, topography or other barriers. These areas are especially sensitive to further habitat loss, severance or illumination because there may be limited alternative routes available to Greater Horseshoe Bats.

9.57. The council has jointly adopted the South Hams SAC Habitats Regulations Assessment Guidance. The guidance assists those submitting planning applications for development that could have an adverse effect on the integrity of the South Hams SAC Greater

Horseshoe Bat population. The document identifies a Consultation Zone which includes roosts, Sustenance Zones, Landscape Connectivity Zone, pinch points and existing mitigation features required for previous developments.

9.58. Changes in land management or habitat condition affecting habitat used by Greater Horseshoe Bats may be a material consideration in the assessment of planning applications and Habitats Regulations Assessment. The deliberate degradation, fragmentation or alteration of habitat which supports, or is likely to support, the South Hams SAC Greater Horseshoe Bat population, including changes to grazing management, may be taken into account in decision making.

9.59. **The Lyme Bay and Torbay Marine SAC:**
Torbay has a rich marine environment with its coastal waters designated as both a Marine SAC and a Marine Conservation Zone (MCZ). The Torbay component of the Marine SAC includes reefs and sea caves, supporting a variety of marine life. The MCZ protects nine different marine habitats which include seagrass beds and the intertidal area.

9.60. The features of the Marine SAC and the MCZ are sensitive to changes in water condition/quality. Sewer spills and sewer flooding must be avoided. Pollution from surface water run-off—such as oil, chemicals, and other contaminants—during construction and operation phases can have cumulative negative impacts on water quality and coastal species. Discharges of pollution from the land may alter physicochemical conditions of coastal waters, including temperature, turbidity, salinity, and nutrient levels, affecting designated features.

9.61. The Local Plan includes measures to reduce the impacts of development on coastal waters and minimise sewer outfalls, particularly at Hopes Nose, Torquay. Relevant policies include ER1, ER2, ER3, ER4, W5, and GIS. Measures may include planning contributions to deliver additional mitigation for surface water runoff for key watercourses.

9.62. The SAC Sea caves are unique within the UK and contain very sensitive fauna that are vulnerable to damage. Risk of damage of damage can arise due to recreational activities such as wild swimming, kayaking, paddleboarding, personal watercraft use, diving, coasteering, and shoreline access at low tide.

9.63. At present the SAC sea caves are recorded as being in Favourable condition. There is no evidence currently available to conclude that recreational activities are damaging the SAC features, or that recreational activities are attributable to the housing numbers identified in the Local Plan. Individual planning applications that have a clear link to increased recreational use of the coast will need to be subject to project-level HRA, and a bespoke package of measures will need to be secured to address the specific impacts of the proposed project.

Policy NC1: Biodiversity and ecology

Part 1: Protection of internationally and nationally important wildlife sites

Internationally and nationally important sites and species will be protected. Development proposals must undertake a thorough assessment of impacts on internationally and nationally important sites (both individually and in combination with other developments) and must avoid impacts in the first instance. Development that enhances internationally and nationally important sites will be supported.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless it is demonstrated that all the following criteria are met:

i) **Alternative sites have been considered, and the development cannot be located on an alternative site that would cause less or no harm.**

ii) **The proposal cannot be achieved through an alternative, less harmful design or form.**

iii) **Suitable avoidance and mitigation (and exceptionally compensation) measures are proposed, in accordance with the mitigation hierarchy.**

iv) **In respect of European sites, the effects can be fully mitigated and the integrity of the site will be maintained.**

v) **The public benefits of the proposal clearly outweigh the harm.**

vi) **Where permanent or long-term temporary habitat loss or direct reduction of habitat condition is identified, bespoke compensation measures will need to be agreed. This must be undertaken as early as possible and include utilisation of the Discretionary Advice Service from Natural England.**

Development likely to affect an international site will be subject to assessment under the Habitat Regulations. Currently there two European designated sites within the Torbay boundary, the South Hams SAC and the Lyme Bay and Torbay Marine SAC.

Internationally and nationally important designations are listed in detail in Appendix D.

Part 2: Protection of regionally and locally important wildlife sites and features

Development which conserves, restores or enhances regionally and locally important wildlife-rich sites, networks, priority habitats and geodiversity will be supported.

Development proposals that would cause a direct or indirect adverse effect upon the above will not be supported unless the following three criteria are met:

i) **They cannot be located on alternative sites that would cause less or no harm. Every effort has been made to minimise any damage.**

ii) **The public benefits of the proposal clearly outweigh the impacts on the features of the site, the wider network of natural habitats and designated sites**

iii) **Suitable avoidance, mitigation and compensation measures are proposed, in accordance with the mitigation hierarchy.**

Developments should provide an assessment of biodiversity value. This should particularly include any features that have previously been identified that would support designation as a County Wildlife Site or Regionally Important Geological Site and measures to conserve and enhance them.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.64. Statutory designated wildlife sites benefit from substantial protection under national legislation. This policy does not duplicate these protections but provides additional detail on permissible impacts and biodiversity enhancement expectations.

9.65. International and nationally important sites falling under this policy include:

a. Special Areas of Conservation (SAC)
b. Special Protection Areas (SPA)
c. Proposed SACs
d. Potential SPAs
e. Ramsar sites
f. Areas secured as compensation for damage to an internationally or nationally designated site
g. Sites of Special Scientific Interest (SSSI)
h. Marine Conservation Zones (MCZ)
i. National Nature Reserves (NNR)

9.66. Regionally and locally important wildlife and geological sites include:

a. Local Nature Reserves (LNR)
b. County Wildlife Sites (CWS)
c. Other Sites of Wildlife Interest (OSWI)
d. Regionally Important Geological Sites (RIGS)
e. Special verges
f. Habitats of Principal Importance, as listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (identified through site survey work or as identified through existing mapped resources)

9.67. The NPPF requires local plans to identify and map sites of international, national and local importance and to follow the mitigation hierarchy: avoid harm where possible, mitigate impacts where unavoidable, and compensate for harm only as a last resort. Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be shown that the development proposal is in the national interest.

9.68. Torbay supports both European and UK protected species, as well as UK priority habitats. Notably, Torbay hosts a large population of Cirl Buntings—one of Britain's most endangered songbirds. Targeted conservation has increased their numbers, and guidance on safeguarding this species has been produced by Devon County Council and the RSPB (November 2014). Development must protect Cirl Bunting habitats directly or contribute to offsetting through provision of receptor habitats.

9.69. Torbay also supports populations of bat species, reptiles, seabirds and seahorses, which are protected under legislation including the EU Habitats Regulations and the Wildlife and Countryside Act 1981, as well as local frameworks such as County Wildlife Sites. Torbay also has several areas of ancient woodland that form an irreplaceable biodiversity resource both for its diversity of species and for its longevity as woodland. Veteran or aged trees outside ancient woodland are also particularly valuable. Irreplaceable habitats should be protected; to be acceptable, development would clearly need to outweigh any harm.

9.70. Torbay's coastal waters are designated as the Lyme Bay and Torbay Marine Special Area of Conservation (SAC) and as a Marine Conservation Zone (MCZ). These areas support reefs, sea caves, and diverse marine life. The Local Plan requires development to minimise impacts on sewer outfalls, particularly at Hopes Nose, Torquay. Sustainable urban drainage systems (SuDS) and water-sensitive urban design are promoted through Policies ER1, ER2, ER3, and W5.

9.71. The council will seek to improve Torbay's biodiversity and geodiversity, including increasing the number and proportion of Local Wildlife Sites (CWS and RIGS) in 'positive management'. This could include enhancing the status of Proposed and Unconfirmed

Wildlife Sites (UWS). The Council will therefore seek to gain appropriate protection and recognition for locally important sites commensurate with their importance. Development should be located to minimise its impact on biodiversity. Development should follow the mitigation hierarchy - where impacts occur, mitigation and/or compensation will be required. Measures such as strengthening of flight paths, corridors, appropriate planting of biodiversity-rich species, the creation of habitats and biodiversity management programmes will be required through planning condition or s106 Planning Obligations. Biodiversity impact is an on-site acceptability matter and cannot be avoided to improve scheme viability.

9.72. New development should maximise opportunities to incorporate wildlife features through landscaping and design; this may include artificial bird nesting and bat roosting sites/boxes.

9.73. A schedule of Torbay's SSSIs, National Nature Reserves and Local Sites of Wildlife and Geological Interest is set out in Appendix D. The Local Plan Policy NC2 supports the RSPB's aspiration for an average provision of one new bird or bat box per new dwelling.

Policy NC2: Species of principal importance

Development proposals that would have an adverse impact on European Protected Species (EPS), Nationally Protected Species, Section 41 Priority Species, or Devon Local Priority and Special Species will not be supported.

Particular regard must be given to potential impacts on Cirl Bunting habitats and territories. Development affecting Cirl Buntings will only be permitted where the benefits of the proposal clearly outweigh the impacts, including cumulative effects, and where those impacts can be fully mitigated.

Development must reflect species-specific guidance, including the Devon Local Nature Recovery Strategy and the most up-to-date Torbay Green Infrastructure Strategy.

All development should incorporate opportunities to enhance habitats for Protected and Priority Species within the built environment in addition to features required as part of biodiversity net gain, mitigation or compensation. This may include features such as bird, bat and invertebrate boxes, swift bricks, bee bricks, and hedgehog holes and permeable boundaries.

Enhancement provision should be proportionate to the scale of development. As a minimum guide, the following should be provided per dwelling or per 100 sqm of non-residential floorspace as a minimum, in suitable locations:

a. **2-4 integrated bird boxes such as swift bricks**

b. **1-2 bat boxes**

c. **1 bee brick**

Where appropriate, a monitoring scheme must be agreed and secured prior to granting planning permission. This should ensure mitigation measures are implemented effectively and include any necessary remedial actions.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.74. A wide range of species are protected under international and national legislation both within and outside designated protected habitats. In Torbay, European Protected Species include bats, hazel dormouse, and great crested newt. UK Protected Species include cirl bunting, barn owl, and Deptford pink.

9.75. Species listed as of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006 are also protected through national planning policy. The list includes over 800 species such as hedgehog, skylark, and brown hairstreak butterfly.

9.76. The Devon Local Nature Partnership has identified approximately 1,600 species considered rare in Devon (Devon Priority Species), along with a list of 96 species known as Devon's Special Species, for which the county has a particular conservation responsibility, including the long-snouted sea horse, grey long eared bat and hazel dormouse.

9.77. Further species-specific guidance is available on the council's website and Devon County Council's website.

9.78. Development can positively or negatively affect biodiversity, depending on its location, design, and mitigation. This policy aims to ensure development delivers biodiversity benefits and supports the objectives of the Environment Act 2021.

9.79. The NPPF (paragraph 185b) emphasises enhancing ecological networks and recovering priority species. This policy supports those aims by requiring features that benefit priority species which can thrive in urban environments if provided with suitable habitats.

9.80. Guidance from organisations such as the National House Building Council and UK Green Building Council highlights cost-effective, low-maintenance measures that integrate biodiversity into the built environment.

9.81. Additional features for wildlife enhancement:

- Reptile/amphibian hibernacula;

- Brash and log piles;
- Invertebrate bricks and bee hotels;
- Wildlife ponds;
- Sustainable urban drainage systems (e.g. swales and pools with native vegetation);
- Native hedge planting;
- Swift/wildlife towers and green roofs;
- Artificial nest cups for house martins
- Barn owl lofts;
- Bat, bird, and dormouse boxes in trees and hedges.

9.82. These features should be designed with input from qualified ecologists and integrated into development to ensure longevity and retention.

Policy NC3: Biodiversity Net Gain

On all development sites, a measurable 10% Biodiversity Net Gain (BNG) must be achieved, where development is exempt as set out within The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The 10% BNG shall be delivered on-site wherever possible. Where it is not possible to achieve this level of biodiversity net gain on site, or where onsite net gain would not generate the most benefits for nature conservation, off-site provision will be considered, in accordance with the Biodiversity Gain Hierarchy (avoid harm in the first instance).

When identifying opportunities for on- and offsite biodiversity net gain, the location, type and form of net gain should seek to support nature-based solutions to climate change, manage surface water run off, reduce flood risk and preserve best and most versatile agricultural land. Net gains should be located to help to deliver the most up to date Torbay Green Infrastructure Strategy and/or the Devon Local Nature Recovery Strategy by reflecting the strategic significance of sites (defined in glossary).

Off-site BNG provision should be prioritised within Torbay. Where this is not possible or would not deliver the most strategically significant or ecologically

appropriate outcomes, provision should be directed to locations within the Devon, Plymouth and Torbay Local Nature Recovery Strategy area. Where this is not achievable, an alternative location may be used where it would deliver more strategically significant or ecologically appropriate biodiversity net gains.

BNG habitats (whether delivered on-site or off-site) must be secured, managed, monitored and maintained for a minimum period of 30 years in accordance with an approved Habitat Management and Monitoring Plan. Proposals should demonstrate how long-term stewardship arrangements, funding and responsibilities for maintenance will be secured for the duration of the management period.

Notwithstanding the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all development proposals should incorporate biodiversity enhancements into their design. Development proposals where the main objective is to conserve or enhance biodiversity or geodiversity, or to create greater resilience of biodiversity or geodiversity to climate change, will be supported in principle.

Development that results in the loss or deterioration of 'irreplaceable habitats' will not be permitted.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.83. This policy seeks to achieve 10% BNG (as required by legislation) and provides additional guidance on how and where BNG should be delivered, with a preference for delivery locally within Torbay and reflecting the Devon, Plymouth and Torbay Local Nature Recovery Strategy.

Policy NC4: Light pollution

All development proposals will be designed to avoid, minimise, and mitigate, any harm arising from light pollution, lightspill or glare. Proposals for external lighting, new development/uses that will require external lighting, or designs that includes large areas of glazing or reflective materials will only be permitted where all the following apply:

i) Any external lighting is demonstrated to be necessary for the development or use and the amount of lighting used is the minimum required for security/safety and/or operational purposes;

ii) **Light spillage or glare will be minimised to an acceptable level;**

iii) **The character of the surrounding landscape and seascape, character and visual amenity of streetscape or townscape, and heritage significance is conserved or enhanced, taking account of existing light levels. Particular weight will be given to the conservation or enhancement of the South Devon National Landscape's dark skies and Greater Horseshoe Bat foraging and commuting habitats;**

iv) **Ecological interests are conserved or enhanced, taking account of the level of protection of the species and habitats and the type, duration, and intensity of artificial light/light spill/glare;**

v) **There is no adverse effect on the integrity of a European Wildlife Site. Proposals likely to affect South Hams SAC bats through increased lighting will require a lighting assessment and design strategy prior to inform a project level HRA prior to permission being approved.**

Any harm that remains once a proposal has been mitigated will be balanced against the need for the development/use, along with any public benefits that would result.

Where new development would require artificial lighting to operate, e.g. for reasons of security or safety, or where development would introduce a new use sensitive to light intrusion, particular consideration will be given to the suitability of the location for the development.

Proposals for lighting schemes that would improve the safety or visual amenity of areas within the public realm, historic townscapes or better reveal the significance of a heritage asset and its setting will be supported subject to the above.

Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.84. Artificial lighting can provide social benefits, such as street lighting and enabling recreation outside daylight hours. It can also help to enhance the public realm or heritage significance. However, there is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems through disrupting natural light-driven cycles that regulate marine life, migration, reproduction and feeding patterns.

9.85. Light pollution is a driver of insect decline and many night-flying species of insect that bats hunt are attracted to light, especially those light sources that emit an ultraviolet component or have a high blue spectral content. Broad winged bat species (including Greater Horseshoe Bats) have been shown to avoid illuminated commuting and foraging.

Consequently, these bat species are put at a competitive disadvantage and are less able to forage successfully and efficiently in well-lit areas. Continuous lighting in the landscape, such as along roads or waterways, creates barriers which many bat species cannot cross, even at very low light levels.

9.86. In addition to the environmental impacts, ALAN can affect human health and well-being, with links to cancer, diabetes and sleep disorders.

9.87. The proliferation of short-wavelength, blue-toned white lights since the advent of energy-efficient light-emitting diodes (LEDs) in the early 2000s has compounded this issue. This type of light is strong enough to penetrate deep into coastal waters, reaching more than 40 metres beneath the surface in areas with clear water and high intensity illumination.

9.88. Alongside our rare terrestrial and marine life, parts of Torbay are within the South Devon National Landscape. The impact of light pollution and skyglow can be seen across the National Landscape and can negatively impact landscape, seascape, townscape/streetscape character and heritage significance.

9.89. There are often technical and practical ways that the impacts of ALAN can be reduced or removed, e.g. through careful design, positioning and direction, sensors, or reduction in the intensity or hours of use. Impacts can also be reduced by avoiding short wavelength blue light and using longer-wavelength, redder bulbs or, at a minimum, lower colour temperature LEDs.

9.90. Proposals including significant external lighting will require a lighting impact assessment prepared by a lighting specialist. Where permission is granted, conditions may control hours of illumination, light angles, intensity, column heights, colour specification, and retention or provision of screening vegetation or bunding.

Strategic Policy GE1: Geodiversity and the English Riviera UNESCO Global Geopark

All development must conserve and enhance Torbay's terrestrial and marine geodiversity, particularly the geosites identified within the English Riviera UNESCO Global Geopark (ERUGGp).

Development must provide a level of protection to locally significant geological sites which are undesignated, commensurate with their importance.

Development proposals that would cause a direct or indirect adverse effect upon both of the above will not be supported unless the following criteria are met:

i) They cannot be located on alternative sites that would cause less or no harm. Every effort has been made to minimise any damage.

ii) **The public benefits of the proposal clearly outweigh the impacts on the features of the site and the wider network of geosites.**

iii) **Suitable avoidance, mitigation and compensation measures are proposed, in accordance with the mitigation hierarchy.**

Developments should provide an assessment of geological interest, including any features that would support designation as a Regionally Important Geological Site and measures to conserve and enhance them. The objectives of the most up to date ERUGGp Management Plan must also be taken into consideration.

The promotion, improvement and appropriate management of Torbay's special geological qualities will be supported and will be a key element in promoting sustainable tourism and fostering pride in the area's unique environment. The council will seek to promote public access to, appreciation and interpretation of geodiversity.

Community and Corporate Plan – Protecting and enhancing our natural environment and heritage

Explanation

9.91. Torbay's designation as a UNESCO Global Geopark is based upon the outstanding international importance of 32 geosites (i.e. sites of significant geological interest within the Geopark) spanning a story of three geological time periods over 400 million years. In this context, Torbay has made a huge historical contribution in terms of the development of geological and archaeological sciences. The consideration of geology as part of the planning process alongside appropriate conservation, management, and enhancement of geology is fundamental to the retention of the status.

9.92. Within Torbay there are eleven geological Sites of Special Scientific Interest (SSSIs) and sixteen Regionally Important Geological Sites (RIGS). The designation integrates these sites, which are listed in Appendix D. Many of Torbay's geologically important sites are disused quarries that have exposed geological and fossilised features. Development affecting geological sites of interest should retain, protect and provide for the appropriate management of such features.

9.93. It is known that there are sites of geological significance in Torbay where the geological value is yet to be recognised/recorded because the sites have not yet been designated. As such, any new or temporary exposures may reveal new sites of value worth recording and/or protection. These sites could be in the form of an old quarry, cliff face or cutting, or sites subject to coastal erosion on the foreshore.

Strategic Policy GIS: Green and blue infrastructure

Torbay has a rich and varied green and blue infrastructure (GBI) network based on its coastline and urban/rural landscape.

Development will be required to protect, enhance and integrate with the existing GBI network and deliver new high quality GBI tailored for and accessible to local needs.

Developments should ensure that new and existing GBI forms a multifunctional network which maximises the full range of potential benefits as far as possible. In doing so, development will support the Local Plan's strategic aims by increasing the quantum, quality and capability of GBI to be a resource that underpins Torbay's environmental, social and economic success.

Development will support the strategic local needs for specific GBI as identified in relevant local strategies and evidence (see explanation para 9.95). The existing Country Parks designated in Torbay are: i) Cockington, Torquay, ii) Occombe Farm, Paignton and iii) Berry Head, Brixham. These important GBI assets will be protected and enhanced.

The Local Plan makes specific provision for:

i) **A search area for a green burial facility in the Broadsands, Churston, Galmpton Neighbourhood Plan Area and Torquay Gateway;**

ii) **Nature based solutions to flood risk and surface water management**

Developments will be required to make contributions proportionate to their scale for the management and improvement of GBI. Where development is likely to give rise to recreational impacts on the South Hams SAC, it will be required to contribute to and/or deliver green infrastructure and open space enhancements as part of a coordinated mitigation strategy. This may include provision or improvement of accessible green spaces, recreational routes and visitor management measures, in order to reduce pressure on sensitive habitats and ensure no adverse effect on site integrity.

The integration of new GBI with the active travel network (including South West Coast Path and existing foot/cycle paths) will be supported and secured as part of design where possible.

Development should have regard, where appropriate, to relevant national guidance including the Natural England Green Infrastructure Framework, its principles, standards and design guidance.

Development should deliver child-friendly GBI, with safe, accessible opportunities for play, movement and interaction with nature, including the integration of informal play, natural features and opportunities for social interaction.

Site and context analysis must be used to determine the appropriateness of a development proposal in responding to its surroundings, in the context of GBI. Development will be assessed against how it complies with the following GBI design principles in table GIS-1 below, proportionate to its scale.

Table 20 GIS-1 - GBI Design Principles

	Principle	Detail
a)	GBI-led Design	GBI must be embedded in the design from the outset, responding to the area's landscape character context and existing GBI assets, while addressing local issues such as flood risk, health and biodiversity. Public open space and access must be considered early and should help shape the layout of development.
b)	Multifunctional and varied GBI	Developments must provide multifunctional spaces that connect to the wider GBI network and deliver multiple benefits, including flood risk mitigation, water management and sustainable drainage, climate adaptation, health and wellbeing, economic value, nature recovery and, where relevant, the management of recreational pressure on designated sites. Development should also contribute to a varied GBI network, incorporating a range of types and scales.
c)	Evidence based provision	The types of space provided must be tailored to community needs and informed by early engagement and local GBI evidence (see explanation).
d)	Safe & Inclusive Public Spaces	Public open spaces, access routes, and green corridors must be designed to be safe, inclusive and attractive for all users. Development should ensure that spaces are accessible, overlooked, and support independent mobility, informal play and everyday use, contributing to community cohesion, active lifestyles and social inclusion.
e)	Habitat, Protection Creation & Restoration	GBI must create and restore native, wildlife-rich habitats and contribute to local GBI objectives including, where appropriate, supporting the priorities of the Devon Local Nature Recovery Strategy and delivery within identified High Opportunity Areas, and delivery of BNG. Where relevant, GBI must support the protection of

	the South Hams SAC, including mitigating impacts on Greater Horseshoe bats and reducing recreational pressure through the provision and enhancement of appropriate alternative green space and access opportunities.
f) Long-Term Stewardship	**Long-term stewardship, management, and funding for the upkeep of new and existing GBI must be secured, with Torbay Council seeking adoption of GBI provided through development.**
g)Avoiding GBI Loss	**All development must be located and designed to avoid the loss or fragmentation of GBI.**

Community and Corporate Plan – Place and Community

Explanation

9.94. Green and blue infrastructure (GBI) refers to a network of multi-functional green and blue spaces and other natural features, in both urban and rural areas, which deliver a wide range of environmental, economic, and health and wellbeing benefits for nature, climate and communities.

9.95. GBI exists at a variety of scales and forms across Torbay, from small-scale features such as trees, grass verges, green roofs and living walls, to larger assets including coastlines, beaches, parks, wetlands and community gardens. The South West Coast Path, as part of the King Charles III England Coast Path, is also a key component of this network, providing significant recreational, health and wellbeing benefits, and supporting the local visitor economy. All elements, regardless of size, contribute to the overall network and play an important role in its function. GBI in Torbay forms part of its natural heritage and provides opportunities for the public to enjoy and access the historic environment.

9.96. The Local Plan identifies Torbay's three Country Parks (Cockington, Occombe and Berry Head) as key components of the GBI network, as shown on the Policies Map.

9.97. Relevant evidence supporting the delivery of green and blue infrastructure includes, but is not limited to: Torbay Green Infrastructure Delivery Plan, any future Green and Blue Infrastructure Strategy for Torbay, Open Space, Sport and Recreation Strategies, the Local Nature Recovery Strategy and its mapped High Opportunity Areas where appropriate, the Devon Tree Strategy and local tree strategies.

9.98. Development at all scales should consider opportunities to protect, enhance and connect GBI. Sustainable drainage and water management is a critical issue in Torbay. All development must prioritise the delivery of natural flood and water management rather

than relying on engineered approaches. See Policies ER1, ER2, ER3 and ER4 for detailed drainage requirements.

9.99. GBI contributes to several of the Local Plan's strategic priorities, including climate resilience, nature recovery, health and wellbeing, transport and economic prosperity. The following Local Plan policies

9.100. GBI can also have historic and archaeological significance, particularly at locations such as Cockington (Torquay) and Berry Head (Brixham). Policies HES and HE1 should be applied where relevant.

9.101. The Local Plan makes provision for a burial facility as a key specific green infrastructure need. Analysis shows that burial facilities in Torbay are nearing capacity. Local evidence suggests that Torbay needs to provide up to 1,500 burial plots over the Plan period, equating to at least 1ha of land. The Local Plan identifies two areas of search for burial facilities, set out above.

9.102. Visitor monitoring at Berry Head during the summer of 2023 showed a 16% increase in total footfall per hour, compared to 2016. Vegetation monitoring carried out in the same year revealed changes in the character of the habitats for which Berry Head is designated, with a decline in the condition of sensitive areas compared to monitoring in 2016. This is evidence that visitor numbers at Berry Head have exceeded capacity, and on-site mitigation alone is unlikely to prevent further degradation from recreation linked to new housing and tourism development. The Local Plan HRA sets out that a strategic approach to providing alternative or enhanced recreation opportunities within the zone of influence will need to be provided and funded through development contributions (see Policy NCS2).

9.103. GBI is integral to sustainable development, supporting health and wellbeing, economic vitality, air quality, nature recovery, and climate adaptation. It contributes to net zero targets and provides urban cooling and flood risk management. The Council will seek to protect and enhance the green infrastructure network.

9.104. In assessing the needs and opportunities for GBI, proportionate to its scale, development should be sensitive to its local context and make best use of local evidence. This evidence should be used to determine the strategy and design of GBI elements. This may include utilising landscape assessments, ecological data, health and wellbeing data, local sources of information on communities, etc. Careful and targeted engagement as part of the development design process, with the local authority, stakeholders and the wider community offers rich potential to understand local needs and design the best solutions. When considering access for all potentially disadvantaged groups of people based upon age, socio-economic status, sex and mobility should be considered.

9.105. Where GBI provision is supported by quality assessments aligned with industry standards (e.g., Building for a Healthy Life, Building with Nature), this will be encouraged and adds weight to the justification of approach.

9.106. The council will work with partners to improve Torbay's terrestrial and marine environments through a network-wide approach that includes the links between spaces, the multiple purposes they can have and wider environmental benefits.

Chapter 10. Our Shared History - Protecting and enhancing Torbay's heritage and identity



Figure 21 - Our Shared History

Strategic Policy HES: Historic environment strategy

Development will be required to sustain and enhance monuments, buildings, areas, street furniture, walls and other features which make an important contribution to Torbay's built and natural setting and historic environment, for their own merits and their wider contribution to the character and setting of the Bay. This includes all designated and non-designated heritage assets, including scheduled monuments, historic buildings (both nationally listed and of locally listed), registered historic parks and gardens, conservation areas, and archaeological remains; and their settings.

All heritage assets and their settings will be conserved, proportionate to their significance.

Proposals which affect heritage assets will be assessed on the following criteria:

i) **The impact on the significance heritage assets, and their settings;**

ii) **The need to encourage appropriate adaptations and new uses and to support optimal viable use, and support appropriate urban regeneration and the delivery of affordable homes;**

iii) **The importance of protecting and promoting the assessment and evaluation of Torbay's scheduled monuments and archaeological remains and their settings, including the interpretation and publication of archaeological investigations within the Historic Environment Record;**

iv) **The impact on vistas and views of Torbay's historic built environment.**

v) **Whether the impact of development, alteration or loss is necessary in order to deliver demonstrable public benefits taking into account the significance of the heritage asset; and**

vi) **Whether new development contributes to the local character and distinctiveness of the area, particularly through a high quality of design, use of appropriate materials, or removal of deleterious features.**

vii) **Proposals that enhance heritage assets or their setting will be supported, subject to other Local Plan policies.**

Community and Corporate Plan – Conserving and Enhancing our Shared Heritage

Explanation

10.1. Torbay has a rich and varied history, which has helped create a high-quality built environment in which to live, work and visit. The Community and Corporate Plan aims to maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors.

10.2. The first Torbay Heritage Strategy was adopted in November 2020 with a new Strategy proposed for 2026. It describes Torbay's rich heritage and sets out objectives to conserve, manage and enhance Proposals should have regard to this document or any update. This also covers matters that fall beyond traditional planning control such as the two registered vessels "Pilgrim of Brixham" and Vigilance of Brixham" which are important to Brixham's fishing history.

10.3. Torbay's relationship with the sea has helped shape Torbay's built form. Its history is evidenced by a wide range of historic features, including Palaeolithic sites and finds of international importance (e.g. Kents Cavern), Bronze and Iron Age field systems in St. Marychurch, mediaeval manors that remain the basis of settlement patterns, the best preserved monastic remains in Devon, and Napoleonic and Second World War fortifications in Brixham. Paignton boasts one of the oldest purpose built cinemas in Europe. During the 19th Century, the main settlements in Torbay expanded in a very different way from previously. The arrival of the railway and development of tourism, combined with the close relationship with the coastal strip, the sea and buildings, resulted in the creation of the English Riviera. This was and remains strongly influenced by an Italianate aesthetic, especially characterised by large ornamented villas set in landscaped grounds.

10.4. The integration of Torbay's heritage assets with modern development forms an important part of the conservation and development of Torbay's unique character.

10.5. The Local Plan places great emphasis in regenerating urban areas, many of which contain both designated and non-designated heritage assets. Regenerating urban areas, particularly in town centres and harbourside and Waterfront Areas is one of the few options Torbay has to provide high quality homes, and the public benefit that development achieves must be recognised in the planning balance. Urban renewal, regeneration, and effective management of the historic environment can give rise to competing pressures. Sensitive development management is essential to ensure heritage assets and key features are conserved and where possible enhanced through heritage-led regeneration while ensuring good quality development which contributes to the community good.

10.6. The historic environment adds value to regeneration and has been a major draw in attracting visitors to the Bay and acting as a stimulus to economic and tourist activities. It is also a source of demonstrable local pride as well as a valuable educational and aesthetic resource, and also improves health and wellbeing.

10.7. Policy HES seeks to ensure that heritage assets are safeguarded for the future, and where possible enhanced both for their own merits and as part of Heritage led regeneration projects. It is also sufficiently flexible to ensure that any harm to the significance of a historic asset can be weighed against the wider public benefits of an application, e.g. Social, economic and environmental enhancement. An Independent Statement of Heritage Significance will be required in support of an application that has a potential impact on heritage assets, and their settings. This should be proportionate to the scale of the proposal, and will be particularly relevant to proposals affecting listed buildings and key buildings within conservation areas.

10.8. Once heritage assets have been lost, they cannot be replaced, while their significance can be eroded through unsympathetic alteration or inappropriate development within their setting. The council will expect all reasonable efforts to be made to find a viable use for a

heritage asset in order to conserve its significance. Where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the asset will not be taken into account in decision making.

10.9. Historic Landscape Characterisation, Conservation Area Appraisals and Management Planshttps://www.torbay.gov.uk/planning-and-building/caa/, the Historic Environment Record (HER), and the Torbay Heritage Strategy will be used to further inform and understand the contribution that designated and undesignated heritage assets make to Torbay's history, character and communities, and to inform strategies for their sustainable management.

10.10. Adapting historic buildings to improve energy efficiency and resilience to climate change is an important consideration. Historic England provides guidance on improving energy efficiency https://historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/ as well as installing heat pumps. https://historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings/low-and-zero-carbon-technologies/installing-heat-pumps-in-historic-buildings/ Where adaptations are carried out, they should be reversable wherever possible.

10.11. Torbay also has a rich cultural, geological and social heritage, and is a global Geopark. Policies LS to L4, THS, TH1 and GIS are relevant to natural features and naturalised manmade features (such as hedgerows or historic ruins) of historic and landscape significance.

10.12. In determining planning proposals, the council will seek to achieve improvements to the natural, built and historic environment, and will seek to support proposals that enhance these. Regard will be had to the need to find the optimum viable use for both designated and non-designated heritage assets. The use of traditional local materials will be sought where it is appropriate to do so.

10.13. The removal of unsightly later additions to historic buildings will be sought when negotiating the change of use of buildings. Policies TO2 and TO3 set out criteria for considering proposed change of use of holiday accommodation, and seeks the removal of unsightly later C20th additions to historic buildings, which were only deemed acceptable to support tourism.

10.14. The council has a rolling programme to prepare and update Conservation Area Appraisals and associated Conservation Management Plans, which are available at www.torbay.gov.uk/conservation-area-appraisals. The council will support the designation of a new Conservation Area at Yalberton Valley.

Policy HE1: Designated Heritage Assets (Conservation Areas, Listed Buildings Structures and Gardens, Scheduled Monuments)

Development proposals should have special regard to the desirability of preserving and enhancing any designated heritage asset including listed buildings, parks and gardens and scheduled monuments, and their setting. Development that has an impact upon a heritage asset will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance.

In particular, proposals causing substantial harm to, or loss of, a Grade 2 listed building, park or garden will be refused other than exceptional circumstances. Proposals involving substantial harm to or loss of designated assets of the highest significance, notably scheduled monuments, Grade 1 and 2* listed buildings and Grade 1 and 2* registered parks and garden will be refused other than in wholly exceptional circumstances.

Applications affecting the significance of any heritage asset will be required to provide sufficient information to demonstrate how the proposals would impact on the significance of the asset.

Where a proposal results in less than substantial harm to the significance of a designated heritage asset, permission will only be granted where both of the following are met:

- **i) The harm is outweighed by clear evidence of wider public benefit, and where appropriate securing a viable long term use for the asset; and**
- **ii) It is robustly demonstrated that other options avoiding or minimising harm to the asset have been explored and are not reasonably viable.**

Suitable uses for listed buildings will be supported where this would help to preserve or enhance their significance and would meet the objectives of the Torbay Heritage Strategy, assist with their removal from the Heritage at Risk Register. Historic features must be restored and deleterious additions being removed wherever possible. New development should respect the scale, form, orientation, purpose and architectural detailing of any designated heritage asset it affects.

Proposals that help to increase resilience to climate change and secure a sustainable future for designated heritage assets will be supported where they:

- **a) preserve or enhance the significance of the asset and;**

b) facilitate their sensitive re-use where they have fallen into a state of disrepair or dereliction (subject to such a re-use being appropriate to the specific heritage asset)

Community and Corporate Plan – Pride in Place

Explanation

10.15. Policy HE1 deals with designated heritage assets, including listed buildings, Historic Parks and Gardens and scheduled monuments. Conservation areas are also designated heritage assets, Policy HE2 is also relevant to these.

10.16. Torbay has over 866 entries in the English Heritage National Heritage List, including 29 of Grade II*. Many are also within conservation areas. Historic buildings are an important part of the character and urban form of Torbay and as such it is important that they are maintained. Conservation is the positive management of change which allows historic building to change and adapt to new uses and circumstances in a way that keeps their heritage value intact and ensures their long-term maintenance and viability.

10.17. The Planning (Listed Buildings and Conservation Areas) Act 1990 also provides special protection to listed buildings, and consent is required to make alterations or demolitions to the building, including internal features and features within the curtilage built before 1948.

10.18. Torbay also has six parks and gardens which are listed in the National Register of Parks and Gardens of Historic Interest. The Register is intended to ensure that their historic value is taken into account when considering development proposals. Torbay's parks and gardens listed in the national register are listed below. All are Grade II apart from Lupton, which is Grade II*.

- Watcombe (Brunel) Park, Torquay
- Barton Road Cemetery, Torquay
- Castle Tor, Torquay
- Princess Gardens and Royal Terrace Gardens, Torquay
- Oldway Mansion, Paignton
- Lupton Park, Brixham

10.19. A small number of historic buildings or sites have special protection as Scheduled Monuments, which are of national importance. They are protected under the Ancient

Monuments and Archaeological Areas Act 1979. Historic England considers applications to schedule or de-schedule monuments on behalf of the Department for Culture, Media and Sport (DCMS). Torbay contains 13 Scheduled Monuments:

- Ashole Cavern, Brixham
- Berry Head Fort and Battery, Brixham
- Hardy's Head Battery, Brixham
- Chambered tomb, 630m north west of Elberry Farm Churston-with-Galmpton
- Kent's Cavern, Wellswood, Torquay
- Prehistoric field system, Walls Hill, Babbacombe
- St Michael's Chapel, Chapel Hill, Torre
- The Bishop's Palace, Tower Road, Paignton
- The Old Redoubt and later Victorian Rifle Range Target, 540m south west of Berry Head Fort, Brixham
- Torre Abbey, Torquay
- Two prehistoric hilltop enclosures, a ditch system and four bowl barrows, 300m north of Barton Pines, Blatchcombe, Paignton
- Windmill Hill Cave, Brixham
- World War II Emergency Coastal Battery and remains of a Victorian practice battery, at Battery Gardens, Brixham.

Policy HE2: Conservation Area protection and enhancement

Proposals within or affecting a Conservation Area should pay special attention to the desirability to preserve or enhance the character and appearance of Conservation Areas.

Proposals affecting Conservation Areas will be assessed on the basis of

i) Significance of the asset;

ii) Level of harm;

iii) The public benefits arising from the proposal;

iv) **The necessity of carrying out works to adapt or create resilience to climate change, providing the least intrusive method or technology has been adopted;**

v) **The desirability of retaining key buildings and features within Conservation Areas.**

vi) **The benefits of identifying a long-term viable use of a heritage asset, particularly those identified as being at risk**

vii) **The objectives of the Conservation Area Management Plan for the Conservation Area affected by the proposal.**

Proposals involving demolition of buildings or structures of demonstrable significance within Conservation Areas or their setting must show that all options for retention have been assessed. This includes showing that all possible funding sources and other feasible options that would be less harmful, have been explored.

Community and Corporate Plan – Pride in Place

Explanation

10.20. Conservation Areas are designated under conservation legislation, currently the Planning (Listed Buildings and Conservation Areas) Act 1990. Torbay has 24 Conservation Areas indicated on the Policies Map. Section 72 of this legislation sets out a duty in conservation areas to pay “special attention to the desirability of preserving or enhancing the character or appearance of the area”.

10.21. Key buildings and features within conservation areas are identified within the council's Conservation Area Appraisals. Conservation Area Appraisals and associated Management Plans for each conservation area will be prepared and periodically reviewed.

Demolition within Conservation Areas

10.22. Conservation Areas (and listed buildings) are protected by the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires planning permission to be obtained for the demolition of buildings in Conservation Areas, in addition to planning permission for development. The demolition of buildings or boundary features within Conservation Areas can seriously harm the character and appearance of areas. Many buildings of quite modest architectural merit can still be of importance in Conservation Areas where they form part of a street façade or maintain a pattern of building and open space, or have historic significance.

10.23. Many Conservation Areas owe their character to a significant extent to the presence of boundary walls of local stone, which may also serve as retaining walls. Some are listed in their own right but others are protected by the fact that they form part of the curtilage of a

listed building or because they are in Conservation Areas. The council aims to ensure that these walls are retained and that, where repair or reconstruction are required, this is carried out sympathetically.

Alterations in Conservation Areas

10.24. Roof materials and coverings, chimneys, cornices and mouldings, original windows and shopfronts, railings and boundary walls all make an important contribution to the character of a Conservation Area. Alterations and extensions of buildings in Conservation Areas can easily lead to their visual character being harmed by alterations or extensions which on houses (but not flats or commercial properties) can often be carried out as permitted development. Examples are porches, stone cladding, PVCu windows, dormer windows and satellite dish aerials. In appropriate situations the council will introduce Article 4(2) Directions to bring such items under normal development control

10.25. Policy HE2 seeks to balance the need to conserve the character and appearance of conservation areas, with the need to provide resilience to climate change and for buildings to remain suitable for modern occupation. However, proposals should utilise the least intrusive method, such as the use of traditional materials (e.g. wood rather than PVC-u) and locating equipment such as solar PVC-U out of public view where possible. They should take a whole house approach to consider improving energy efficiency of the entire building, rather than focussing just on individual features.

10.26. The council's officers and Design Review Panel, will advise applicants and, officers will encourage any alterations or adaptations to be carried out sensitively to the character and appearance of the host building. Additional guidance on adapting heritage assets in the face of the Climate Emergency will be published.

Development proposals in Conservation Areas

10.27. It is recommended that when submitting outline planning applications for development within Conservation Areas, details relating to elevations, height, massing and scale are considered. Inappropriate development just outside the boundary can be as damaging to the character of the area as if it were sited within the Conservation Area. Therefore, development on the fringes of Conservation Areas must be considered as carefully as those within the boundary

Conserving and enhancing Conservation Areas

10.28. Many of the proposed urban regeneration sites are within conservation areas. These offer opportunities for conservation area enhancement, for example through traffic management, use of appropriate street furniture and the promotion of enhancement schemes. The aim will be to ensure that changes are sympathetic and features that make a positive contribution to the character of the Conservation Area are not lost. The council will seek to ensure that paving, landscaping, road design and street furniture are appropriate and well designed.

10.29. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to determine which parts of their areas should be designated as Conservation Areas and to review their boundaries “from time to time”. The council will consider designating conservation areas where locales have significant architectural or historic value. Similarly, where areas are not of significant historical or architectural value, a conservation area designation can devalue the concept, and the council will consider removing such areas once appropriately reviewed.

Policy HE3: Non-designated heritage assets

Proposals should seek to conserve or enhance the architectural or historic value of non-designated assets and where possible provide a long-term viable use of a heritage asset.

Energy efficiency or climate resilience measures will be supported where possible and appropriate.

Community and Corporate Plan – Pride in Place

Explanation

10.30. Non-designated heritage assets do not enjoy specific planning protection (note that all buildings and structures within conservation areas are designated in relation to its contribution to the significance of the conservation area as a whole). Nevertheless, non-designated assets may be of individual architectural or historic value, and should be conserved where possible, taking into account the need to find viable uses for the assets, and having regard to the wider public value of development.

10.31. The council will consider seeking emergency listing of significant heritage assets that are at risk.

Policy HE4: Schedules of redevelopment of heritage assets

Where Proposals involving demolition of all or part of designated heritage assets and within conservation areas, will only be permitted subject to an agreed schedule of redevelopment, and it is demonstrated to the Local Planning Authority’s reasonable satisfaction that redevelopment will proceed.

Where proposals include the demolition of period features or materials, they shall be salvaged and reused as far as practicable.

Community and Corporate Plan – Pride in Place

Explanation

10.32. The starting point in planning is that buildings of significance to designated heritage assets should be retained, as noted in the above policies and the NPPF (Paragraphs 212-217). Designated heritage assets should be retained and retrofitted to adapt to modern use, where possible.

10.33. Where key or significant buildings are demolished, the result can be an unsightly gap which may remain undeveloped for years or decades if developments stall. Therefore, where redevelopment or demolition are granted it will be subject to an appropriate condition ensuring that demolition only takes place in conjunction with the redevelopment. Only in instances where the existing building is structurally unsafe, has no architectural, historic or townscape merit, where archaeological investigation necessitating demolition, of the site is required, will the council consider an earlier demolition, without a schedule for replacement.

Policy HE5: Investigation and preservation of archaeology and historic artefacts

Archaeological and palaeontological remains and their settings should be preserved where the intrinsic and historic importance of these remains outweighs the need for the proposed development. There is a presumption that Scheduled Monuments will be preserved.

Where development proposals affect a site of archaeological potential, the applicant will be required to commission an archaeological assessment or field evaluation and submit the results of any assessment or evaluation to the local planning authority before the application is determined.

Where development has an effect on features, deposits or artefacts, but is assessed to be acceptable, the developer will be required to make provision for appropriate and proportionate archaeological recording, preservation, storage, publication and other forms of public dissemination of results during and after fieldwork

Community and Corporate Plan – Pride in Place

Explanation

10.34. Policy HE5 requires that the impact of development on archaeological or palaeontological remains is taken into account in the development process. In most instances, artefacts will be the remains of human activity ("archaeological"). However, the policy also covers pre-human evidence (palaeontological).

10.35. Important archaeological remains and their settings should be preserved in situ as a first option, although each case will be taken on its merits. Where development may affect remains, developers should contact the DCC Council's Archaeology Team before submitting a planning application in order to find out at an early stage whether there are likely to be archaeological constraints. Archaeological appraisals (desk-top studies) and field evaluations may be required for applications where archaeological remains are thought to be present.

10.36. Building and landscape proposals should be designed to minimise the disturbance of archaeological remains as far as practicable. The council will encourage the sympathetic management of sites by planning conditions and legal agreements where appropriate.

10.37. In most cases archaeological remains will not require withholding planning permission. However, where appropriate the council will use planning conditions or obligations to ensure that the archaeological remains are adequately recorded. This will include analysis, interpretation, preservation, publication and curation of the findings and the presentation of results to the public, and for research/education. This could include donation of artifacts or evidence to local museums.

Chapter 11. Designed with quality - Taking pride in Torbay's place-making



Figure 22 - Benefits of good design and placemaking

Strategic Policy DES: Design and placemaking

Well-designed places positively influence people's lives, underpinning health and wellbeing, transport, nature, community facilities and services whilst supporting economic growth.

Development must be well-designed to make best use of land and maximise the density of development, whilst protecting living conditions and amenity. Development must respect and enhance Torbay's special built and natural environment qualities including appropriate consideration of areas and buildings of historic interest.

Proposals that achieve a positive contribution to regenerating waterfront and harbourside areas will be supported subject to other planning considerations.

All development should contribute to providing safe, healthy, inclusive places that promote a sense of belonging.

Community and Corporate Plan – Pride in Place

Explanation

11.1. The Local Plan seeks to maximise opportunities for urban development, especially through town centre regeneration. However, we need to create places that are a good living environment where people want to live, work and play. A high quality of design, that respects living conditions, scale, density, massing, height, material, landscaping, layout, accessibility, safety and security (designing out crime and disorder) is key to this. Particular attention must be given to conserving or enhancing the character and appearance of conservation areas and other designated heritage assets.

Policy DE1: Design quality and assessment

All development must be well designed, respecting and enhancing Torbay's special qualities, including the waterfront and natural setting of the Bay, and the character of the natural and built environment including areas and buildings of historic interest and the settlement pattern of the three towns, whilst designing out opportunities for crime and disorder.

Proportionate to the scale of the development, major development will be informed by a townscape and/or landscape assessment, including historical context of the site, existing and previous land uses (including agricultural land quality where appropriate) as well as movement patterns through and/or around the site.

All development proposals will be assessed against their ability to meet the design considerations set out below.

Table 21 Design Considerations for Development

DESIGN CONSIDERATIONS FOR DEVELOPMENT	
FUNCTION	
1.	Be adaptable to future change and needs, including that of occupiers;

2.	Promote diversity through a balanced mix of uses that work together and support sustainable living; Promote living accommodation above commercial uses where possible.
3.	Make the best use of space in terms of ground coverage and height, and achieve maximum density consistent with good design principles;
4.	Be designed to reduce crime and the fear of crime by the promotion of safety and security in the design of buildings and surrounding space whilst ensuring that amenities are not unduly affected. Design should also minimise opportunities for community conflict, anti-social behaviour and maximise safety for all;
5.	Be economically and socially viable in terms of density, mix, function and location;
6.	Where appropriate ensure equality of access and use for all sectors of the community;
7.	Integration of the development and surrounding green infrastructure, including sustainable drainage and water sensitive urban design;
8.	Achieve a net gain in biodiversity, including tree and hedgerow planting and habitat creation;
9.	Avoid noise and light pollution; and
10.	Promote tenure neutral design, materials and location of affordable housing;
VISUAL APPEAL	
11.	Be uncluttered and attractive; including, where appropriate the removal of unsightly additions when considering the conversion of existing buildings.
12.	Acknowledge local character and develop distinctive character in townscape and landscape terms, using existing landform, features;
13.	Have a clear urban structure and grain that integrates with the surrounding context;
14.	Relate to the surrounding built environment in terms of scale, height and massing;
15.	Make the most of opportunities to restore/ improve key gateways into the Bay and create a focal point
16.	Evolve high quality architectural detail with a distinctive and sensitive palette of materials;

17.	Protect important local and longer-distance views and impact on the skyline, especially from public vantage points, having regard to the location and prominence of the site, and
18.	Integrate with the existing street scene and features (such as trees)
QUALITY OF PUBLIC SPACE	
19.	Positively address the street with active frontages;
20.	Respect existing street frontages and built form;
21.	Ensure definition of space that clearly and coherently defines private and public areas;
22.	Be legible, permeable and accessible to all users;
23.	Provide opportunities for active lifestyles including walking, wheeling and cycling (“Active Design”)
24.	Provide public space and routes that are attractive, safe, uncluttered and work effectively, including a means of storing waste which minimises impact on the street scene;
25.	Positively enhance the built environment;
26.	Avoid creating gated communities;
27.	Incorporation of existing trees and native species, and
28.	Provision of high quality hard and soft landscaping.

Community and Corporate Plan – Pride in Place

Explanation

11.2. The design of development has a vital role in the development of place and the evolution of the Bay. Torbay is blessed with a diverse range of historic architectural styles within its towns and some outstanding countryside. Some post-war development has nevertheless diluted the quality and character of their surroundings. Government guidance requires new development to be of a high standard of design. The council will utilise national design

guides alongside the preparation of local evidence and design codes to support decision-making and guide the preparation of development proposals.

11.3. Good design is not just about the architecture of a building. It is also about the spaces within which the development sits, and the quality of the relationships between the development and surrounding areas. Design and layout should take account of neighbouring buildings, uses and the wider area. The council considers that good design is about making places that are functional, visually appealing, with a high-quality public realm.

11.4. The Torbay Design Review Panel (DRP) assesses draft proposals to improve the quality of urban design and architecture through the planning process. The DRP acts as an advisory body, providing professional design advice on key development proposals. While it does not have statutory decision-making powers, its guidance reports will be used as a material planning consideration when applications are taken to the council's Development Management Committee.

11.5. Section 17 of the Crime and Disorder Act makes a legal duty for planning to consider crime prevention. Consideration should be given in the location, design, and management of development to preventing crime, disorder, community conflict and antisocial behaviour. Such matters should be addressed in design and access statements. The council will work with the Police Architectural Liaison Officer (ALO) to minimise crime, disorder, antisocial behaviour and conflict. Design should seek to promote healthy and active lifestyles. Guidance and principles for development on "Active Design" is available from Sport England and the Healthy Torbay SPD.

11.6. To ensure that development proposals meet the requirements of this Policy, a Design and Access Statement should accompany planning applications proportionate to the scale of the proposal. Such statements should provide a site analysis describing how the proposal has evolved, the philosophy behind the proposal, how the proposal responds to its context and how it connects with surrounding areas. They should be updated as the design process evolves.

11.7. Development likely to harm (directly or indirectly) existing trees or woodlands will only be permitted where appropriate measures are in place for the retention and management of existing trees and landscape features. The council will seek advance planting where practicable. Appropriate protection measures will include approved management programmes, planning conditions or s106 Planning Obligations, conservation area legislation or tree preservation orders (see also Policy THS).

Policy DE2: Building for a Healthy Life

To demonstrate the delivery of high-quality urban design, major development proposals with a residential component will be assessed against 'Building for a Healthy Life' (BHL) criteria (or equivalent methodology).

Under the BHL 12 'traffic light' system, a development proposal will be supported by the council when it secures as many 'green lights' as possible. When a development proposal has 'amber' and 'red lights' scored in the BHL assessment, it should be amended to improve the quality and design of development. Site and scheme specific constraints will be taken into account.

Community and Corporate Plan – Place and Community

Explanation

11.8. Torbay Council is committed to the principles of Building for a Healthy Life. It is a standard that can be used by local authorities to assess the design quality of new homes, neighbourhoods, streets and public spaces. The current version, Building for a Healthy Life (2026)), comprises 12 criteria, prompted by questions, which help achieve the delivery of functional, attractive and sustainable places. A well-designed scheme will perform well against all 12 criteria and the performance is determined using a traffic light system of green, amber and red. The assessment supports the delivery of the aspirations of this Local Plan as well as government policy and guidance promoted through the National Planning Policy Framework.

11.9. Building for a Healthy Life provides a useful guide for developers on the standards that are expected and what factors are considered when assessing design.

11.10. The BHL framework aims to form a collaborative dialogue with the 12 criteria being used at the start of and throughout the development and consultation process. It is important that BHL is considered at the outset of design proposals and should therefore form an integral part of pre-application discussions. The purpose of BHL is to enable a conversation about design in new schemes between local authority and applicant, thereby arriving at a mutually supported result. A properly evidenced, self-assessment of BHL by the applicant will be required alongside a planning application, proportionate to the nature and scale of a proposal. The local authority may also choose to carry out its own assessment of a scheme using BHL criteria and will also take the Design Review Panel's views into account.

Policy DE3: Development amenity and living standards

All development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses, or place unreasonable restrictions on existing businesses and community facilities. This will be assessed using the following criteria:

i) **The impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution;**

ii) **Satisfactory provision for off-road motor vehicle parking, secure covered and safe parking for bicycles and electric-bicycles, and storage of containers for waste and recycling;**

iii) **Scale and nature of the use, specifically where this would be overbearing, or lead to an over-concentration of similar uses which would harm the amenity of the area;**

iv) **Impacts on existing living conditions and standards of accommodation of other uses;**

v) **New dwellings should comprise self-contained accommodation with separate access;**

vi) **New residential development will need to have particular regard to outlook and light;**

vii) **Provision for useable amenity space, including gardens and outdoor amenity areas. Where possible a minimum of 10 sq m for apartments and 55 sq m for houses will be sought. Where individual provision is not possible, communal provision will be sought;**

viii) **New homes should be developed at a density which makes good use of land, whilst avoiding town cramming and the loss of open space;**

ix) **Adequate floorspace should be provided in residential development to achieve a pleasant and healthy living environment. Regard will be had to the Nationally Described Space Standards; and**

x) **Where historic buildings are converted, incongruous later additions should be removed or replaced by more sympathetic additions, and attempts be made to restore the building's original character.**

Where necessary, in order to limit the impact of new development, the council may seek to restrict the use of hours of operation, time and volume of deliveries, vehicular access, operation of machinery as well as other measures necessary to preserve amenity.

Explanation

11.11. The council wishes to ensure that all new homes meet high standards of residential accommodation, both in terms of quality of life for residents, and the creation of liveable, safe neighbourhoods. All applications will be expected to contribute towards making Torbay a better place in which to live.

11.12. The council will consider the impact of the development in terms of the noise and disturbance it may generate or be subject to. Developments likely to affect amenity by virtue of noise or disturbance, traffic movements, fumes, dust, vibrations, light, heat and littering on a regular basis or into the evening and night-time will not be considered favourably, unless impacts can be mitigated and will be encouraged to locate away from residential areas to avoid harm.

11.13. The Local Plan seeks to achieve a significant increase in town centre living and therefore some homes will be located close to existing business, tourism and commercial uses. Care should be taken to provide users with reasonable level of privacy. The council's starting assumption is that tourism, leisure uses and residential accommodation can coexist in Harbourside and Waterfront, Core Tourism Investment Areas and other key tourism areas. Residents in these areas must expect that there will be a level of bustle and activity including late at night.

11.14. Residential developments should be designed to protect privacy in proposed and existing dwellings so that the outlook and quality of space provided will not be compromised. Window alignments should be designed to minimise overlooking other windows or garden areas as far as possible. As a guideline, layouts should seek to avoid directly facing windows less than 21m apart unless obscured, as far as this is consistent with other design principles and the need to make best use of land.

11.15. New dwellings should make provision for external amenity/garden space where possible. As well as providing amenity space, gardens can act as a sustainable urban drainage measure, assisting flood risk management and promote biodiversity. The council's greenspace requirements are set out in the Planning Contributions and Affordable Housing Supplementary Planning Document (2022) and will be updated through the healthy Torbay SPD and Local Design Codes. All dwellings should make provision for the storage of recycling bins/boxes and secure cycle parking (see Policies W1 and TA4).

11.16. New dwellings should be self-contained as far as possible and of a reasonable size. All new homes, whether created by sub-division, redevelopment or new build should therefore provide a good standard of accommodation, having regard to safety, space, amenity, parking and design. Development should meet the government's Nationally Described Space Standard Technical housing standards – nationally described space

standard - GOV.UK as far as possible. The standards are intended to be operated flexibly, especially when converting historic buildings. However, the creation of small apartments by subdivision/ conversion will be resisted where this would result in an unpleasant or unhealthy living environment or exacerbate concentrations of deprivation (see also Policy SCS).

Table 22 Dwelling Space Standards

Dwelling Space Standards. **This table reflects the Nationally Described Space Standard.**					
Number of bed-rooms	Number of bed spaces	Minimum GIA (square metres)			Built in storage (sq metres)
		1 storey dwelling	2 storey dwelling	3 storey dwelling	
1b	1p	39 (37*)			1
	2p	50	58		1.5
2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4

	8p	125	132	138	

*Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39 sq. metres to 37 sq. metres, as shown bracketed.

The Gross Internal Area of a dwelling is defined as the total floorspace measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. GIA should be measured and denoted in square metres.

11.17. The above also applies to shared housing (HMOs) which are also covered by Policy H10. In the case of shared housing, some allowance may be made for communal areas that are available for residents. Regard will be had to creating a mix of accommodation types and sizes. Proposals that result in an over-emphasis of one accommodation type, such as such as small one-bedroom apartments, are likely to harm the living environment and intensify concentrations of deprivation, and will be resisted (See Policy SCS).

11.18. Support will be given to the provision of accessible and adaptable homes that are capable of adaptation to meet the changing needs of residents.

11.19. New homes often result from the conversion of existing buildings, many of which are in conservation areas. In such instances the council will seek the removal of incongruous features and, where feasible the restoration of a buildings' original character. Where the removal of such features is argued to make development unviable, the council will require an independent viability assessment and will require appropriate aesthetic improvements to render the development acceptable in design terms.

11.20. New dwellings will be expected to strike an appropriate balance between making good use of land, whilst avoiding town cramming or harm to neighbours' amenities. As a general guideline, a minimum density of 40 dwellings per hectare will be sought on greenfield sites. However, in some instances landscape or ecology considerations may dictate lower densities.

Policy DE4: Building heights and urban form

The height of new buildings should be appropriate to the location, character and the setting of the development, whilst having regard to the need to make best use of urban sites.

New development should have regard to the prevailing height (the most commonly occurring height) within the character area in which it is located, unless there are sound urban design or socio-economic benefits to deviate from this approach.

The introduction of new tall buildings above the prevailing height will be supported where they:

i) **Achieve town centre regeneration or other socio-economic benefits. There is an expectation that tall buildings will be acceptable in town centre and harbourside/waterfront regeneration proposals, subject to the impact upon the historic environment and other considerations;**

ii) **Enhance the vitality of an area;**

iii) **Contribute to the regeneration of Torbay;**

iv) **Strengthen the character of the area;**

v) **Are appropriate in terms of their visual impact;**

vi) **Provide wider urban design benefits;**

vii) **Make a positive addition to the built form, townscape and surrounding landscape; and**

viii) **Are sensitive to and appropriate with regards to the impacts upon long-distance views and key vistas.**

Community and Corporate Plan – Pride in Place

Explanation

11.21. Tall buildings will not in themselves achieve Torbay's housing need targets. Regard will be had to the historic environment, street widths and creating liveable spaces. In practice, higher densities can often be achieved through terraced housing and residential blocks that avoid the need for excessive highway dominated schemes. Nevertheless, Torbay's built form is largely established and constrained by existing development and topography. A great deal of Torbay's built-up area is conservation area or contains listed buildings or other designated heritage assets.

11.22. The Building Safety Act 2022 introduces additional fire and safety requirements for buildings taller than 18m or 7 storeys (in practice 18m usually equates to buildings of 4 to 5 storeys), including requiring an additional stairwell for residential buildings. Even before these regulations came into force, there had been concerns raised by the development industry about the viability of taller residential buildings in Torbay other than in key waterfront locations.

11.23. However, the Local Plan places a great emphasis on urban regeneration, especially in town centres, harbourside and waterfront areas. Given Torbay's shortage of developable land, taller buildings may play a role in helping boost numbers and achieving regeneration. There are areas of the Bay that may be suitable for tall buildings, such as town centres, regeneration areas and transport interchanges where they can support the vitality of these places and emphasise the importance of their role in the character and function of Torbay.

11.24. Torbay Council's Building Heights Strategy in 2010 provides guidance on the most appropriate locations for tall buildings and also the appropriate height for building throughout the Bay. This will be updated in the light of new guidance, including the NPPF, Historic England's Tall Buildings Advice Note: Tall Buildings: Historic England Advice Note 4 and findings of studies such as the Town Centre Regeneration Visions.

11.25. The term 'tall buildings' in the Torbay context is defined as buildings that are significantly higher than the prevailing height and/or have a significant impact on the skyline.

11.26. Tall buildings can deliver regenerative benefits, contribute to the reuse of brownfield land and reduce development pressure on greenfield sites. If well designed and built in suitable locations, tall buildings can form architectural and visual landmarks, create visually dynamic skylines and help define the area.

11.27. The 2010 Strategy identified that Torbay has a number of sensitivities to tall buildings, including conservation areas, special landscape character and prospect views which are important in defining the area's special qualities. In considering building heights, decision makers should balance the need to respect the character and urban form of the surroundings for new development, with the importance of urban regeneration or brownfield urban sites.

11.28. Where tall buildings are proposed, supporting evidence should be provided as part of a Design and Access Statement. For tall buildings, additional graphical illustration, and additional material such as 3D modelling and 'fly-throughs' should be provided to help assess their impact.

Policy DE5: Extensions and standalone additions to buildings

Extensions, and standalone additions to buildings will be supported where:

i) the plot is large enough to accommodate the proposed extension or addition without resulting in a cramped or over-developed site, or the loss of important trees or hedgerows;

ii) **the extension or addition would not dominate or have other adverse effects on the character or appearance of the original property or any neighbouring properties, or on the street scene in general;**

iii) **the extension or addition would not cause harm to the amenity of nearby properties, e.g. through overlooking, overbearing impact, loss of light or privacy or water run-off;**

iv) **the extension would not result in the loss of parking, including garage space, where no suitable alternative exists to serve the property; and**

v) **highway safety would not be impaired.**

vi) **All proposals should achieve a net reduction in water run-off to impermeable surfaces and shared sewers.**

Community and Corporate Plan – Pride in Place

Explanation

11.29. The majority of extensions and additions are relatively small in scale, and many do not require planning permission. However, they can cause problems for adjoining properties due to loss of privacy or overbearing impact.

11.30. It is also important that extensions respect the character of the original building and the surrounding area and should therefore be of an appropriate scale or design. Resultant loss of off-street parking provision can also lead to loss of residential amenities for neighbouring properties.

11.31. Torbay is a Critical Drainage Area. The effect of urban creed is a major source of run-off into shared sewers and cause of Combined Sewer Outfalls. Cumulative increases in water run-off should be minimised as far as possible, for example by draining storm water into soakaways. The impact of “urban creep” (i.e. building over gardens etc) as identified by the Torbay Hydraulic Modelling of Sewer Capacity in Torbay study (AECOM 2014) and Water Cycle Study (2025 forthcoming) is identified as having a greater impact on sewer capacity than the effect of new greenfield development. Accordingly measures to minimise surface water running into shared sewers will be sought. This could include permeable surfaces, increased planting, water butts, as well as promoting water efficiency measures in the home. See also Policy ER3 Water Management.

11.32. Many house extensions or additions do not require planning permission; in many situations they may be permitted development under the Town and Country Planning General Development Order. However, permitted development rights are complicated and

affected by many factors. In some cases, normal permitted development rights have been taken away by planning condition or legal agreement. Permitted development rights relate largely to dwelling houses and therefore other types of property, such as flats and commercial properties, require planning permission for many alterations and extensions.

11.33. For the above reasons, it is usually advisable to contact the council before any work is undertaken.

Policy DE6: Advertisements

Advertisements will not be permitted where:

i) they would harm visual or aural amenity; or

ii) they would undermine highway or public safety.

Community and Corporate Plan – Pride in Place

Explanation

11.34. Properly managed and well-designed advertising can add enormously to the colour and vitality of commercial areas, but in the wrong place it can appear out of place and distasteful or even offensive. The land use and visual character of an area are crucial in determining the appropriate level of advertising. Most advertisements appear in the context of buildings and it is important that they fit in with the character of any buildings to which they relate.

11.35. Large advertisement hoardings can have a powerful impact on the street scene. The council is concerned to control them carefully to ensure their effect is minimal and not detrimental to the surrounding area. In sensitive situations, hoardings may need to incorporate other design features to soften their impact. Smaller advertisement signs may be acceptable in appropriate situations subject to the criteria set out in this Policy.

11.36. Proposals for hoardings which contribute to the environmental improvement of unsightly sites will be supported in principle on a temporary basis, subject to the criteria set out above and to their removal when the site has been developed.

11.37. Applicants should have regard to the location of Areas of Special Control of Advertisements in Torbay.

11.38. As part of assessing impacts on amenity and public safety, the Council will have regard to those impacts through the lens of public health and wellbeing. This may include

consideration of impacts on children and young people, mental and physical health, cumulative effects, distraction and safety, and impacts on tranquillity and aural amenity.

Chapter 12. Responsible resource use - Waste and Minerals



Figure 23 - Responsible Resource Use

Strategic Policy WS: Waste spatial strategy

Development should minimise the production of waste and increase its reuse and promote the movement of waste up the Waste Hierarchy; adopting circular economy principles and the proximity principle at all stages of the development cycle.

Waste management facilities that can provide an increase recycling, treatment and reprocessing of waste to ensure sufficient capacity exists for the sustainable management of Torbay's waste (including waste water) will be supported. Facilities should promote the movement of waste up the Waste Hierarchy.

Waste management sites should be restored at the earliest opportunity to the highest possible standard to sustainable after-uses that benefit the community economically, socially and environmentally.

Where possible, after-uses should conserve and improve local landscape character and provide opportunities for biodiversity.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.1. As a Waste Planning Authority (WPA) and Waste Collection Authority (WCA) the council needs to maximise the 'value' of resources that we manage from households, in terms of realising the social, environmental and economic opportunities. As a Waste Disposal Authority (WDA) we also need to assess current and future infrastructure operational requirements which will also help to meet the Waste Hierarchy and government targets. As Waste Planning Authority (WPA) we will therefore seek to minimise waste from all development, promote reuse, recycling, and resource efficiency and support waste facilities in sustainable locations.

Policy W1: Waste hierarchy and sustainable waste management

All development should seek to minimise the generation of waste, having regard to the waste hierarchy,[1] adopting circular economy principles and the proximity principle at all stages of the development cycle:

i) **Prevention: Using less material in design, manufacture and re-use. Using less hazardous material and other measures to minimise waste generation.**

ii) **Preparing for Reuse: Checking, cleaning, repairing, refurbishing, whole items or spare parts**

iii) **Recycling Increase recycling and composting through the kerbside collection regime and ensuring adequate existing recycling facilities in Torbay as well as the improvement or development of new facilities where appropriate. Explore opportunities for storage, re-use and collection facilities. Provision of waste audit statements demonstrating accordance with the waste hierarchy for major developments.**

iv) **Recovery: Maximise the recovery of residual waste, through a partnership approach with other Devon Authorities for the use of the site in Plymouth for 'energy from waste recovery'.**

v) **Disposal: Minimise the amount of residual waste which is disposed of and minimise the exporting of waste for disposal to Devon and beyond.**

Development proposals will be expected to provide a scheme of sustainable waste management, proportionate to the scale and nature of the proposal. As a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated. Residential units should be provided with adequate space within the curtilage for waste and accessible kerbside recycling bins and boxes as a site acceptability matter. Planning contributions may be required to enable the provision of additional waste management facilities or equipment where these are needed to support development.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.2. The government has introduced legal requirements to drive waste up the hierarchy including the following:

- plans must be in place detailing measures to ensure 65 per cent of municipal waste, including household waste and household like waste from commercial and industrial sources, is recycled by 2035.
- the volume of residual waste per person which is not reused or recycled must be halved by 2042 from 2019 levels.
- by 2050, avoidable waste must be eliminated by recycling or reusing any waste which possibly can be reused or recycled.
- the Separation of Waste (England) Regulations 2025, require for a core set of materials to be collected and managed by local authorities. From March 2027, flexible plastics have to be collected from all households

12.3. The Local Plan therefore seeks to influence/reduce waste arising from all forms of development. In accordance with the Waste Hierarchy, the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling All recycling and non-recycling waste for Torbay is managed by SWISco (a wholly owned TBC company) at the Waste Transfer Station (approx. 65,000 tonnes per annum). Recycling is sorted and baled or bulked ready for onward transport to facilities. Where possible facilities within Devon are sought, however due to limited availability there is a need for materials to be transported beyond Devon.

12.4. All non-recycling waste, apart from hazardous waste such as asbestos, is transported to the combined heat and power energy from waste facility in Plymouth. This facility was commissioned by the South West Devon Waste Partnership (Devon County Council, Plymouth City Council and Torbay Council), to divert non-recyclable waste away from landfills. In 2025/26 Torbay Council disposed of 34,800 tonnes of household waste at the EFW site in Plymouth.



Figure 24 - The Waste Hierarchy

[1] The Waste Hierarchy diagram is a copy of the version in Appendix A National Planning Policy for Waste (2014). The full definition of each level of the waste hierarchy is set out in Article 3 of the revised Waste Framework Directive (2008/98/EC); see also the Waste Management Plan for England.

Policy W2: Waste reduction and waste audit for major and significant waste generating developments

All development should be designed in accordance with circular economy principles to minimise waste generation and maximise reuse and recycling of materials by:

- **retaining and repurposing existing structures where feasible;**
- **allow for ease of adaptability, redevelopment and refurbishment; and,**
- **optimise sustainable construction methods which include the use of recycled and recyclable materials and techniques which minimise waste and allow for ease of deconstruction and reuse of building components.**

Major development proposals must be supported by a Waste Audit demonstrating how construction, demolition, excavation and operational waste will be minimised and managed in accordance with the waste hierarchy. This should include:

i) **measures to prevent, reuse and recycle waste;**

ii) **provision for on-site waste storage and segregation;**

iii) **efficient use of materials and reduction of raw material consumption;**

iv) **measures to minimise pollution from waste; and**

v) **consideration of how the proximity principle has been applied to the management of waste.**

Where appropriate, the audit should also consider opportunities to reduce waste transport impacts, including the use of sustainable transport modes where feasible and viable.

The audit should be proportionate to the scale of the proposal, number of visitors and likely waste (including operational waste) generation.

Proposals for waste disposal sites must incorporate a satisfactory scheme for the reclamation of the site to an appropriate after-use, progressively wherever possible, and at the earliest possible opportunity, and progressively during site operation where possible. Adequate contingency measures should be included to manage any systems failures.

All relevant proposals should be accompanied by a recycling and waste management strategy which considers the above matters and demonstrates the ability to meet local authority waste management targets where applicable.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.5. Policy W2 requires a Waste Audit to be carried out to assess and manage the impact of major development and uses that can be reasonably expected to generate significant levels of waste Environment Agency waste permits will also need to be secured where applicable.

12.6. The Waste Audit should demonstrate that waste will be minimised as far as possible in both construction and operational phases and managed in an appropriate manner in accordance with the waste hierarchy. The Waste Audit and Five Year Waste Management Plan should include details relating to the minimisation of the use of raw materials, the nature and volumes of waste generated and how waste has been minimised and segregated (i.e. sorting, storage, recovery and recycling facilities). Other measures should also be included to manage waste that cannot be incorporated within the new development, or that arises once it is operational. For residential and commercial development the provision of reduction and/or recycling infrastructure should be identified and support for community composting schemes demonstrated where appropriate. Before granting planning permission, additional waste management measures may also be required to ensure movement up the waste hierarchy. The Council's Waste and Resource Strategy refresh will provide opportunities to enhance opportunities for reuse/repair capability.

Strategic Policy W3: Safeguarding waste management facilities

Existing, allocated or permitted waste management sites (for the re-use, recycling and composting, transfer, treatment, recovery or disposal of waste) will be protected unless it can be demonstrated that there is no longer a need for the facility or equivalent or enhanced replacement capacity will be provided prior to the loss of the site. Development proposals within or in the vicinity of (typically within 250m), waste management sites that would prevent or prejudice the use of such sites for those purposes will not be permitted unless it can be demonstrated that any potential impacts can be effectively mitigated to ensure that the operation of the waste management facility is not adversely affected.

The improvement and expansion of existing waste management facilities will be supported where this would enhance their efficiency, capacity, or environmental performance, including the Torbay Household Waste Recycling Centre (HWRC) and Waste Transfer Station at Yalberton, Paignton. The use of Yalberton Tor Quarry for Construction, Demolition and Engineering Waste, or other waste management purposes, will be protected.

Explanation

12.7. The Waste Planning Authority must demonstrate sufficient waste management capacity and allocate sufficient provision of waste management sites to meet Torbay's need. A Waste Site Assessment was carried out in 2013, which identified very limited scope for deliverable major new waste management facilities in Torbay

12.8. Waste Collection Authority duties are managed by SWISCo on behalf of Torbay Council in line with the waste hierarchy. Upcoming requirements driven by simpler recycling, Extended Producer Responsibility (EPR), flexible plastics, persistent organic pollutants (POPs), food collections for both household and businesses and other central government directives demand additional space that cannot be accommodated within the existing footprint the Household Waste Recycling Centre (HWRC) at Tor Park Road. Additional expansion land for improved facilities are needed. The continued enhancement of existing waste management sites including the Torbay HWRC and Waste Transfer Station at Yalberton to accommodate additional facilities will be supported, to ensure sufficient capacity to serve Torbay to 2045. The need for enhanced/expanded HWRC is acknowledged and an additional local Household Waste Recycling Centres elsewhere in Torbay during the Plan period will be kept under review. This is a key infrastructure requirement to serve additional Local Plan growth and a stepped growth trajectory should provide for phased improvements. The impact of all operations must be minimised and sites restored where appropriate in accordance with Policy W4. Yalberton Tor Quarry has previously operated as a Construction, Demolition and Engineering Waste (CDEW) facility in Torbay. It's future use will need to be assessed against the need for continuing as a CDEW facility or as another waste management facility.

12.9. It is essential that waste management facilities (whether proposed or existing) are safeguarded from any development proposals in close proximity to them which may prevent or prejudice their operation. This Policy should also be applied to waste management sites with planning permission. The Council's Waste and Resource Strategy refresh will provide opportunities to enhance opportunities to move waste up the Hierarchy including facilities for increasing reuse/repair capability.

Policy W4: Proposals for new waste management facilities

Preference will be given to proposals for (non-hazardous) waste management facilities that are in accordance with the waste hierarchy and located on previously

developed land. Individual sites should be well-related to the transport network (including rail and water), to centres of population and sources of waste, and be compatible with neighbouring land uses.

Waste management development will be supported where they would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) upon human health, amenity, (including noise levels, odour, air quality, dust, litter, light pollution and vibration) land stability, the quality and quantity of surface waterbodies, groundwater, capacity of existing drainage systems, hydrogeological) and flood risk and features of, environmental (including landscape, historic and geological environment) and biodiversity importance. Policies for the protection of these features are set out elsewhere in the Plan.

Development of facilities for the management of special types of waste (including clinical or hazardous waste) should serve a defined local need and particular consideration will be given to any health, environmental and amenity impacts.

The immediate and wider impact of facilities on the surrounding environment should be minimised through high quality design solutions, with the use of sympathetic materials and colour schemes, and effective methods of landscaping and screening. Specific site management issues should be carefully addressed including amenity, litter, vermin and birds, the impact of odours, lighting, noise, vibration, hours of operation, access and transport movements.

All proposals for waste management facilities must assess the potential for non-HGV transportation of materials to and from the facilities, principally by rail (or water) and take up these sustainable transport opportunities where available. Proposals should be satisfactory in terms of access where anticipated HGV movements, taking into account cumulative impacts and any mitigation measures proposed (including safety, highway network, air quality). Supporting Transport Statements/Assessments should demonstrate sufficient parking, access, routes, safeguarding of other road users and sustainable transport measures.

Where appropriate, provision for restoration and after use will be required.

Development proposals at, or within 250m of an allocated waste management site that would prevent or prejudice the use of such sites for those purposes will not be permitted unless conflicts can be satisfactorily mitigated.

The use of Yalberton Tor Quarry for Construction, Demolition and Engineering Waste, or other waste management purposes, will be supported.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.10. Policy W4 sets out criteria for new waste management facilities. Such proposals must safeguard residential and other amenity and minimise impact on the road network.

12.11. The Local Plan continues to identify Yalberton and Yalberton Tor Quarry for Waste Management purposes. Most waste management facilities are expected to be in this area. It allows consideration of proposals to support the existing material recycling facility (MRF) including provision for waste and recycling collection vehicles. The Plan also seeks to ensure that Yalberton Road is not sterilised from waste related activities by allowing residential development to encroach too close to it e.g. between Berry Acres and Yalberton Road.

Strategic Policy W5: Waste water disposal and infrastructure capacity

The Council will support the provision, upgrading and expansion of wastewater treatment and sewerage infrastructure where such proposals aim to improve the quality of discharged water or reduce the environmental impact of the operation of the waste water treatment facility.

All development proposals will be required to demonstrate that they can be delivered and operated without giving rise to unacceptable impacts on water treatment and disposal, or deterioration in the service received by residents and businesses. In considering minor development proposals, the council will have regard to the in-combination impact of such developments and their effect on local capacity or flows or adversely affect the integrity of designated sites..

Proposals for housing developments, particularly on new greenfield sites and Future Growth Areas, (having regard to the advice of the relevant statutory bodies) will only be permitted where it can be demonstrated that::

- **i) Waste water treatment works or other sewerage infrastructure serving these developments have sufficient capacity to accommodate the additional development, without increasing the risk of overflows of untreated sewage into the environment; or**
- **ii) There would be no increase in the levels of pollutants or spills (see definition below) likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine Special Area of Conservation, due to insufficient capacity within the combined sewer system and/or of treatment works; or**

iii) **The proposal would not otherwise increase the risk of overflows of untreated sewage into the environment.**

Appropriate measures to reduce the impact of development on the sewerage system, such as natural or sustainable drainage and water conservation measures, will be required, proportionate to the scale and nature of development.

In addition, development of previously developed land must be in accordance with the hierarchy set out in Policy ER2 to ensure that development schemes do not exacerbate sewer flooding and Combined Sewer Outfall (CSO) spills. This will apply in particular, to development that discharges into Hope's Nose CSO in Torquay.

A Health Impact Assessment will be required for new or extended waste water treatment facilities. Existing and permitted waste water infrastructure (including Brokenbury Quarry) will be protected; new development should not compromise their operational efficiency, necessary upgrades or expansion or introduce sensitive uses the could lead to conflict.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.12. Waste water treatment facilities are essential infrastructure, necessary to protect human health and water quality.

12.13. In exceptional cases, the council will may consider the use of natural sewage treatment methods (including reedbeds) and alongside sustainable drainage measures. This will help meet Water Framework Directive objectives, which the council will ensure are not undermined by development.

Strategic Policy MS: Sustainable minerals strategy

The Council will support a sustainable minerals strategy that:

i) **supports the transition to a low carbon economy, including through increasing the use of secondary and recycled aggregates and reducing reliance on land-won materials where practicable;**

ii) **safeguards economically important mineral resources, including building stone, and associated transportation and processing infrastructure from unnecessary sterilisation;**

iii) **ensures that mineral development incorporates appropriate measures to adapt to and mitigate climate change;**

iv) **protects amenity and minimises adverse environmental impacts;**

v) **delivers high-quality restoration and after-use, conserving and enhancing landscape character, historic assets, and geodiversity, including the significance of the UNESCO Geopark; and**

vi) **maintains a steady and adequate supply of minerals in accordance with identified needs and the evidence base**

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.14. The spatial vision outlines an ambition for sustainable resource management for minerals development in the plan area. It seeks to manage mineral safeguarding, extraction and possessing according to the principles of sustainable development. Policy GE1 provides the policy context for Geodiversity and the English Riviera UNESCO Global Geopark

Policy M1: Minerals extraction and environmental safeguards

The process of identifying, appraising, designing and implementing proposals for new or disused sites for minerals extraction will be subject to the following criteria:

i) **The need for the mineral, taking account of aggregate landbanks for the region;**

ii) **Likely effects on designated sites of environmental and historic importance, geodiversity or biodiversity (policies GE1, NC1 and HE1 refer);**

iii) **The sustainability of the impact on the surface water flow regime and groundwater sources under current and future climate change scenarios;**

iv) **Compatibility with surrounding land uses, including historic character and landscapes, and in particular protected landscapes such as National Landscape;**

v) **Proximity to local communities and the need to maintain and enhance the local landscape character and setting of settlements;**

vi) **Proximity to primary end use markets and ease of access by road or alternative transport modes;**

vii) **The ability for a site or sites to deliver significant contributions to habitat creation and priority species as well as geodiversity gains where applicable;**

viii) **The provision of Pollution Prevention Plans, including a method statement for management of all potentially polluting activities; and**

ix) **There are no unacceptable impacts on human health, noise-sensitive properties and aviation safety; noise, dust and particle emissions or vibrations should be controlled, mitigated or removed at source.**

Extensions to existing/disused sites will be given priority over new sites, subject to environmental acceptability. The cumulative effects of activities and sites will also be considered. Proposals for the extraction of building stone that demonstrate a local need for the mineral (such as the repair of heritage assets) will be supported, subject to the above criteria and other relevant Policy requirements of this Plan. An acceptable programme of progressive working throughout its life, early restoration and after-use must be submitted.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.15. The NPPF requires Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates. Torbay Council is meeting this requirement by cooperating in the preparation of a Devon Local Aggregate Assessment with the other Mineral Planning Authorities in the County and Region. As part of this work, it has been established that the potential aggregate resources within Torbay are limited to limestone, for which Devon has a landbank equivalent to 50 years.

12.16. Torbay is adequately served by two existing limestone quarries in South Devon (Stoneycombe at Kingskerswell and Linhay Hill at Ashburton), each of which has sufficient reserves to last beyond the Plan period. Consequently, it is not considered necessary for Torbay to make provision for further land-won aggregate resources in the Plan period.

12.17. Limestone aggregate was available from Yalberton Tor Quarry (previously the only active quarry in Torbay) but this site now has planning approval for the operation of recycling aggregates, at which point its extraction permission was revoked.

12.18. The extraction of building stone within the Devon area is very limited and non-existent in Torbay. Previous quarrying at Berry Head in Brixham has had a large impact on the Head's appearance, and significant quarrying here would conflict with the area's landscape and biodiversity designations. However, the Strategic Stone Study (a Devon-wide study identifying the significant stone types used in the past and their potential current sources) indicates that there is a need for a range of building stone which is not available at present. The protection of locally important building stone is addressed in Policy M2 below. Proposals for extraction would be considered in the context of Policy M1.

Policy M2: Maximising the Use of secondary and recycled aggregates

The council will support developments that promote and maximise the use of secondary and recycled aggregates. Sites for the reception, processing and distribution of secondary and recycled aggregates will be supported, subject to meeting other Policy requirements of this Plan, near to the source of raw materials in the following locations:

i) Industrial areas and previously developed land;

ii) Within existing, proposed or suitable former minerals developments; and

iii) Co-located with existing or proposed waste management facilities.

Proposals will be assessed against relevant environmental and amenity criteria set out in Policy M1 where applicable to the nature of the development. Development that would prejudice the operation or potential expansion of existing or permitted secondary and recycled aggregate facilities will not be permitted.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.19. In order to secure their long-term conservation and make best use of mineral resources, the NPPF states that MPAs should safeguard the potential for the production of secondary and recycled minerals. Producing recycled aggregate helps to reduce demand for primary aggregates. The council will seek to safeguard existing and any proposed minerals recycling facilities, for the reception and processing of construction and demolition wastes. The main source of alternative aggregates arises from construction, demolition and excavated waste (often referred to as CDE waste). Policies W1, W4 also seek to reduce the amount of raw materials in construction, minimise waste production and to maximise the use of secondary and recycled aggregates.

12.20. Yalberton Tor Quarry ceased mineral extraction when it gained planning approval for the operation of recycling aggregates the site is currently vacant (however see Policy W4 above which identifies it for waste use). Policy TA1 encourages the consideration of alternative modes of transport to move aggregates. The jointly prepared annual Devon-wide Local Aggregate Assessment includes an assessment of all aggregate supply including secondary and recycled sources. Although secondary aggregates (which in Devon are derived from china clay waste and ball clay waste, or potentially incinerator

bottom ash) are unlikely to be generated in Torbay, any facility for their processing would be considered in the context of this Policy. Policy NC1 and GE1 may also be relevant for existing or disused quarry sites.

Policy M3: Preserving and safeguarding of limestone resources and key local building stone

The council will seek to safeguard important mineral resources and sites, which may include currently disused quarries. The use of local building stone in new development and for restoration purposes (particularly of heritage assets) will be encouraged. The redevelopment of buildings constructed in local stone should ensure the re-use or salvage of such material. Any non-mineral development proposal on or in the vicinity of an important mineral resource, including a Mineral Safeguarding Area (shown on the Policies Map), will only be permitted where it can demonstrate (through a Mineral Resource Assessment) that it will not cause unnecessary sterilisation or prejudice the future extraction of important minerals or building stone on these sites.

Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.21. Minerals are a finite resource. The NPPF requires that proven mineral resources should be protected by designation as Mineral Safeguarding and Mineral Consultation Areas to avoid being needlessly sterilised by non-mineral development.

12.22. In order to allow flexibility in demand and ensure long-term supply, Devon County Council (Torbay's neighbouring MPA) has identified the need for safeguarding of aggregate and mineral resources for future generations, some of which lie adjacent to Torbay's boundary. In consultation with Devon County Council and consistent with this approach, Torbay has identified an area of Devonian Limestone as a resource which lies largely in the south of Torbay from the River Dart valley at Galmpton across the northern part of the Brixham Peninsula from Churston to Berry Head. The entire area of Torbay including the marine environment is also covered by the highest level of international recognition through the UNESCO Global Geopark designation. This designation integrates the geology, biodiversity, history, heritage, culture and the communities of the area. Please refer to Policies NC1 and GE1 as mineral sites are also likely to be valued for their geodiversity, wildlife and habitat.

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12.23. A Mineral Safeguarding Area (MSA) is shown on the Policies Map. Its identification has been based on the known location of the resource (British Geological Survey records) but aligned to field boundaries predominantly in the undeveloped area to prevent unnecessary sterilisation of the mineral resource. The MSA does not state the quality of the resource or presume that the resource will be worked, nor does it preclude all development. However, dependent on the scale and location of any proposed development, a Mineral Resource Assessment may be required of the likely effect on the mineral resource beneath or adjacent to the development site to demonstrate no unnecessary sterilisation. This assessment may include an assessment of the degree to which the resource exists; the feasibility of extraction (mineral resource is not of economic value or is not viable to extract) or if the mineral resource can be extracted prior to development taking place; and the development would not prejudice the operation or future expansion of existing or permitted mineral sites..

12.24. Traditional stone forms a strong element underpinning the character of many of Torbay's individual buildings and conservation areas. The use of local materials, building methods and details helps to enhance local distinctiveness, avoid the carbon footprint of importation and may be a more appropriate for use where traditional architecture and the use of local materials are prevalent Imported stone does not often reflect this local distinctiveness and can detract from the stone in older buildings, harming the character of the area. It is therefore necessary to protect key local stone types both now and in the future, for the ongoing maintenance and restoration of some of our most important historic buildings, the preservation and enhancement of conservation areas and the maintenance of local distinctiveness. It is envisaged that access for small-scale, limited extraction for key local stone (to meet a specific need) may be required, subject to environmental and amenity impact.

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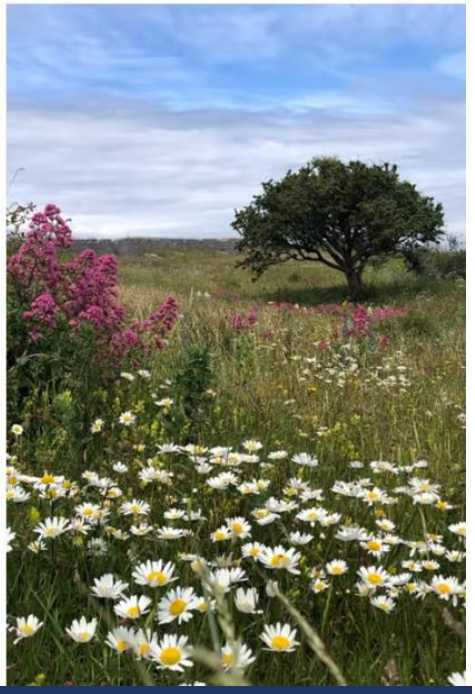
TORBAY COUNCIL







Sustainability Appraisal

Torbay Local Plan 2025 - 2045: A Landscape to Thrive

Regulation 19 Plan: August 2026

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Non-Technical Summary

This Sustainability Appraisal (SA) explains how the Torbay Local Plan (2025–2045) will affect the environment, economy, and communities of Torbay. It checks whether the plan's proposals are good for people and nature and helps make sure that decisions are made with sustainability in mind.

Torbay faces big challenges and opportunities. The area is known for its beautiful coastline, unique wildlife, and vibrant communities, but also has pockets of deprivation and pressure on housing, infrastructure, and the environment. The Local Plan sets out how Torbay will grow and change up to 2045, including where new homes, jobs, and services will go, and how the area will respond to climate change. The SA ensures that:

- Growth is balanced with the need to protect the environment and quality of life.
- The plan supports regeneration, affordable housing, and economic opportunity, while safeguarding Torbay's unique landscapes and habitats.

The SA process ran alongside the preparation of the Local Plan. It involved:

- Reviewing evidence about Torbay's environment, economy, and communities.
- Consulting with the public, statutory bodies, and stakeholders.
- Assessing the effects of different options for growth and development.
- Recommending changes to policies to improve sustainability.

The SA uses 13 sustainability objectives, covering climate change, housing, health, economy, biodiversity, landscape, heritage, transport, and more. Each policy and proposal in the plan was checked against these objectives.

Key Findings

1. Climate Change and Environment: The plan puts climate change at the heart of its strategy, aiming for net zero carbon development, climate resilience, and protection of nature. Most growth is focused on urban regeneration and previously developed land, reducing pressure on greenfield sites and sensitive landscapes. Policies support renewable energy, sustainable transport, green infrastructure, and biodiversity net gain.

Overall effect: Major positive for climate action and environmental protection, but ongoing risks from coastal change, flooding, and extreme weather remain.

2. Housing and Social Inclusion: The plan aims to deliver about 400 new homes per year less than the government's assessed need of over 900 per year. This approach balances growth with environmental limits, but means not all housing needs will be met, and affordability pressures may continue. Policies support affordable housing, specialist housing, and regeneration of town centres.

Overall effect: Mixed positive for regeneration and urban renewal, but negative for fully meeting housing needs and affordability.

3. Health, Wellbeing, and Quality of Life: The plan promotes healthy, inclusive communities, with improved access to services, green spaces, and active travel. Urban regeneration and investment in community facilities are expected to boost wellbeing. However, limited housing delivery may restrict progress on social inclusion and health inequalities.

Overall effect: Positive but moderated by housing constraints.

4. Economic Growth and Regeneration: The plan supports economic growth through new homes, jobs, town centre renewal, tourism, and infrastructure improvements. Focus on brownfield redevelopment and urban regeneration is expected to attract investment and create jobs.

Overall effect: Major positive for economic resilience and prosperity.

5. Heritage and Landscape: The plan protects Torbay's historic environment, landscapes, and green spaces. Development is directed away from the most sensitive areas, and policies require high-quality design and heritage protection.

Overall effect: Positive, with some risks if growth is not carefully managed.

6. Biodiversity and Green Infrastructure: Strong policies protect and enhance biodiversity, including internationally important habitats like the South Hams SAC and Lyme Bay and Torbay SAC. Development is steered away from sensitive sites, and green infrastructure is prioritised.

Overall effect: Major positive, provided policies are fully implemented.

7. Transport and Infrastructure: The plan works with the Devon and Torbay Local Transport Plan to promote sustainable travel, reduce car dependency, and improve public transport and active travel. Growth is concentrated in accessible locations, reducing the need for long car journeys.

Overall effect: Minor positive overall, with some localised congestion risks.

8. Resource Use, Waste, and Water: Policies promote responsible resource use, waste minimisation, and sustainable water management. The relatively modest growth target reduces pressure on infrastructure compared to higher-growth scenarios.

Overall effect: Neutral to minor positive, depending on infrastructure investment.

9. Greenfield Land and Agriculture: Most development is on brownfield land, but some greenfield and agricultural land will be lost. The lower housing target reduces the scale of loss compared to higher-growth options.

Overall effect: Minor adverse, but less than under higher-growth strategies.

Cumulative Effects and Trade-Offs

The plan delivers strong environmental, climate, regeneration, and wellbeing benefits. The main trade-off is between protecting the environment and meeting all housing needs. Lower housing delivery means less pressure on nature and infrastructure, but ongoing challenges for affordability and social inclusion. The plan's overall effect is assessed as positive, but with a significant unresolved weakness around housing provision.

The Council will monitor the effects of the plan using a range of indicators. The monitoring framework will be reviewed and refined after the plan is adopted, focusing on significant positive and negative effects and areas of uncertainty.

This SA Report is open for consultation alongside the Regulation 19 Local Plan. Feedback from the public and statutory consultees will be considered before the plan is submitted for examination.

1. Introduction

This Sustainability Appraisal supports the Regulation 19 Torbay Local Plan by assessing the likely environmental, social and economic effects of the Plan, including reasonable alternatives considered during earlier plan-making stages. Overall, the Plan performs strongly in relation to climate change, regeneration, biodiversity, landscape, heritage, health and sustainable transport, reflecting its regeneration-led strategy and extensive environmental safeguards. The appraisal concludes that the Plan provides a broadly positive and sustainable framework for guiding development across Torbay. While the proposed housing delivery of approximately 400 dwellings per annum is below the Government's standard method figure of over 900 dwellings per annum, the Plan seeks to balance housing provision with Torbay's significant environmental, physical and infrastructure constraints. The appraisal recognises that this level of housing delivery may limit the extent to which housing needs and affordability challenges can be addressed; however, this must be considered alongside the wider sustainability benefits and environmental protections embedded within the Plan.

Background

The Sustainability Appraisal (SA) incorporates the requirements of Strategic Environmental Assessment (SEA) under the Environmental Assessment of Plans and Programmes Regulations 2004[1] and is required for Local Plans under the Planning and Compulsory Purchase Act 2004[2]. Its purpose is to ensure that environmental, social and economic considerations are integrated into plan-making and that the likely significant effects of the Local Plan and reasonable alternatives are assessed in a transparent and systematic way.

The SA has been undertaken alongside the preparation of the Torbay Local Plan, informing the development of the spatial strategy, policies and site allocations. The assessment considers the likely effects of the Plan against a sustainability framework reflecting relevant environmental, social and economic priorities and draws on a comprehensive evidence base.

The SA should be read alongside the Regulation 19 Torbay Local Plan and the accompanying Habitats Regulations Assessment (HRA). Together, these documents provide an integrated assessment of the Plan's likely effects and support the delivery of sustainable development across

[1] Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (legislation.gov.uk)

[2] The Environmental Assessment of Plans and Programmes Regulations 2004 (legislation.gov.uk)

Torbay. This report sets out the appraisal methodology, findings, reasonable alternatives considered, and proposed monitoring measures.

The Torbay Local Plan

Torbay Council is preparing a Local Plan update which, once adopted, will replace the existing Local Plan. The new Local Plan will set the planning framework for Torbay between 2025 and 2045, setting out policies and proposals to address housing needs and other economic, social and environmental issues.

To date, four rounds of Regulation 18 consultation have taken place, each supported by a Sustainability Appraisal exploring reasonable alternatives. These include:

- A call for evidence - March 2021
- Growth Options consultation - January 2022
- Housing Site Options consultation - October 2022
- Draft Torbay Local Plan, Regulation 18 – November 2025

Feedback from these stages has informed the preparation of the current Regulation 19 consultation.

The Plan Area

Torbay is one of nine unitary authorities in the Southwest of England, encompassing the coastal towns of Torquay, Paignton, and Brixham, which curve around a sheltered bay on Devon's south coast (Figure 1). Torbay is about 60% urban, the surrounding area features a diverse landscape of small farms, orchards, caravan parks, industrial estates, and seasonal tourist accommodation.

As of 2025, Torbay's estimated resident population was 141,000[3], with numbers rising significantly during peak tourist seasons. Torbay contains deep pockets of deprivation and is the most deprived Local Authority in the Southwest measured by the 2025 Indices of Multiple Deprivation.

Torquay serves as a gateway for exploring the wider region and attracts holidaymakers staying both within and beyond its boundaries due to its rich mix of natural beauty and developed

[3] **Population overview of Torbay**

attractions. The area also hosts one of the UK's leading fishing ports in Brixham, alongside a concentration of light industry and service-based businesses, particularly around Paignton.



Figure 1: Torbay Local Plan Area

Linkages to other Assessments

The Sustainability Appraisal process also provides an opportunity to consider other key assessments, including the Habitats Regulations Assessment (HRA), Health Impact Assessment (HIA), and Equality Impact Assessment (EqIA). The following sections outline the purpose of each and explain how they relate to and complement the SA process.

Habitats Regulations Assessment

The Habitats Regulations Assessment (HRA) is a legal requirement under the Habitats Directive (92/43/EEC)[4]. Land use plans may need to undergo HRA to evaluate their potential effects on European Sites. The assessment determines whether a plan would adversely impact the integrity of these sites, either alone or in combination with other plans or projects, based on their conservation objectives.

The HRA for the Torbay Local Plan has been prepared alongside the Local Plan and is published concurrently as a supporting evidence document. Within Torbay's boundaries, there are two designated European Sites: The South Hams Special Area of Conservation (SAC) and the Lyme Bay and Torbay Marine SAC. In addition, four further European Sites fall within a 20 km buffer of Torbay and have therefore been considered as part of the assessment where relevant.

Equality Impact Assessment

As a public-sector organisation, Torbay Council is legally required under the Equality Act 2010[5] and the Public Sector Equality Duty[6] (PSED) to undertake an Equality Impact Assessment (EqIA). This assessment ensures that the policies, proposals, and objectives within the Local Plan do not result in unlawful discrimination whether direct or indirect against individuals or groups with protected characteristics.

Beyond avoiding discrimination, the Council also has a statutory duty to advance equality of opportunity and foster good relations between people who share protected characteristics (such as age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity, and marriage and civil partnership) and those who do not.

[4] **Directive - 92/43 - EN - Habitats Directive - EUR-Lex**
[5] **Equality Act 2010 (c. 15)**
[6] **Public sector equality duty - GOV.UK**

Torbay Council is currently in the process of preparing an EqIA for the emerging Local Plan. This assessment will examine how different groups may be affected by the plan's policies and proposals and identify opportunities to mitigate any negative impacts or enhance positive outcomes. By embedding equality considerations into the plan-making process, the Council aims to ensure that the Local Plan supports inclusive growth and contributes to a fairer, more equitable Torbay for all residents.

Health Impact Assessment

The National Planning Policy Framework highlights the relationship between planning and health. National Planning Practice Guidance advises local planning authorities to consider health and wellbeing, including health infrastructure, in both Local Plans and planning decisions. Health Impact Assessment is a useful tool for identifying and evaluating the potential health effects of a plan and can help inform decision-making. Public Health England's guidance on Health Impact Assessment in spatial planning provides practical advice on integrating HIA with Sustainability Appraisal and Strategic Environmental Assessment. The findings from the HIA will help shape the current and future versions of the Local Plan.

Consultation

Consultation is a vital part of the planning process. The Council's approach to engaging with the community on planning matters is outlined in the Statement of Community Involvement. **Appendix A** provides detailed account of the feedback received from previous consultation stages of the SA and explains how it has been taken into consideration.

This SA Report is now open for consultation alongside the Regulation 19 Local Plan. Statutory consultees: Historic England, the Environment Agency, and Natural England, as well as the wider public are invited to share their views during the consultation period, which runs from Thursday 13th August 2026 to Thursday 24th September 2026.

Consultation Questions

1. Do you agree that all the reasonable alternatives have been identified?

2. Do you agree with the potential significant effects identified in the assessment?

3. Do you agree with the proposed mitigation?

How to comment

Please comment online no later than 24th September 2026 via **https://www.torbay.gov.uk/council/consultations/**

The Structure of the Report

Following this introductory section, the report is organised into nine further sections. Section 2 explains the SA methodology. Section 3 summarises previous appraisal stages and the assessment of reasonable alternatives. Section 4 explains how changes between the Regulation 18 and Regulation 19 Local Plan have been scoped to identify where further appraisal is required. Sections 5 and 6 summarise the appraisal of the spatial strategy, area policies, strategic policies and development management policies, with detailed matrices provided in the appendices. Section 7 assesses cumulative effects across the Plan as a whole. Section 8 sets out the approach to monitoring. Section 9 identifies the next steps in the SA process. Section 10 lists the appendices that accompany the report.

2. Methodology

Sustainability Appraisal is a structured process carried out during the development of a plan or strategy. Its purpose is to evaluate how well emerging policies and proposals support sustainable development. It provides an opportunity to explore how the plan can enhance environmental, social, and economic outcomes, while also identifying and mitigating any potential negative impacts. This ensures that the chosen proposals are the most suitable when compared to reasonable alternatives.

The SA process consists of five key stages:

- Stage A: Establishes the context, baseline, and scope.
- Stage B: Develops and refines options and assesses their effects.
- Stage C: Involves preparing the SA Report.
- Stage D: Covers consultation on the SA Report.
- Stage E: Monitors the significant effects of implementing Local Plan policies.

The SA runs alongside the Local Plan preparation, integrating at every stage. A simplified version of the methodology is shown in Figure 2. This document represents Stage C, with the current consultation forming Stage D.

Each part of the Local Plan has been assessed against the SA Framework, which was developed during the scoping stage. Policies and proposals were evaluated using a set of symbols to indicate the level of impact. Most assessments are qualitative, showing expected trends and, where possible, describing the impact's duration, magnitude, and geographical scale. The symbols are colour-coded to reflect the nature of the effect:

Major Positive	++	Major Negative	--
Minor Positive	+	Minor Negative	-
Neutral	~	Uncertain	?

The SA uses 13 sustainability objectives to assess the likely effects of each policy or proposal. These objectives were agreed upon during the scoping stage and reflect both the National Planning Policy Framework (NPPF) and local conditions in Torbay. All three aspects of sustainability social, economic, and environmental are treated equally. Applying different

weightings would risk prioritising one aspect over others, which would conflict with the NPPF's balanced approach to sustainable development.

The appraisal is proportionate to the strategic nature of the Local Plan and is based on the evidence available at this stage of plan preparation. Some effects remain uncertain because their significance will depend on detailed site design, phasing, infrastructure delivery, mitigation measures and future project-level assessment. Where uncertainty remains, this is identified in the appraisal and will be addressed through further evidence, development management processes, Habitats Regulations Assessment where required, infrastructure planning and monitoring following adoption.

Finally, the SEA Directive ensures that environmental considerations are properly addressed during the preparation and adoption of strategic plans. Table 1 outlines the SEA Directive requirements and shows how each has been met within the SA process.

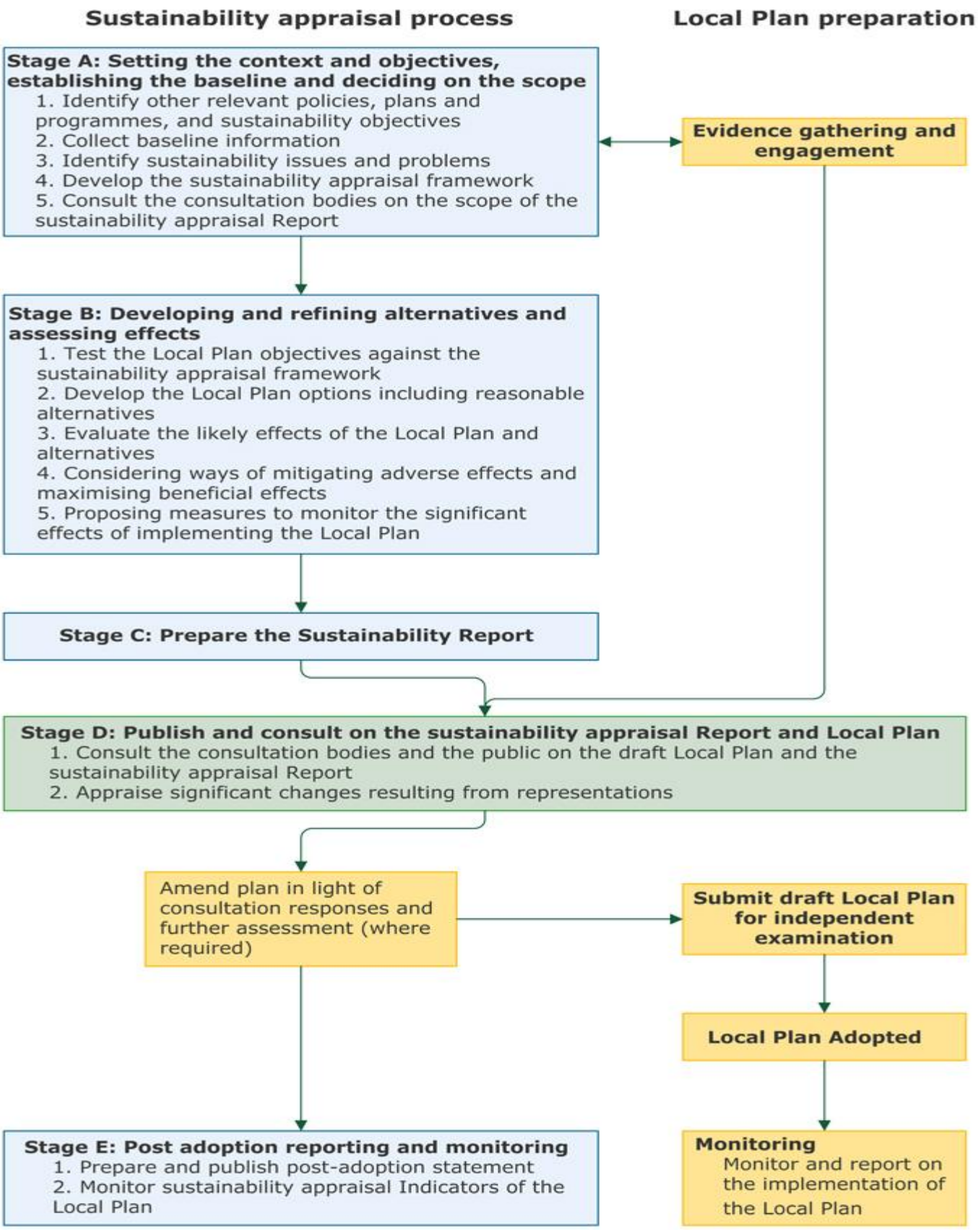

Figure 2 Sustainability Appraisal Key Stages[7]

[7] http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/

Table 1 The Strategic Environmental Assessment Directive Requirements Checklist

SEA Requirement	Where the requirement has been met
Preparation of an environmental report in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and geographical scope of the plan or programme, are identified, described and evaluated (Art. 5(1)). The information to be given (subject to Art. 5(2) and 5(3)) is in Annex 1 of the Strategic Environmental Assessment Directive	This Report
a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes;	The Scoping Report
b) The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;	The Baseline Report in the Scoping Report
c) The environment characteristics of areas likely to be significantly affected	The Scoping Report
d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;	The Scoping Report
e) The environmental protection objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;	The Scoping Report
f) The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscapes and the interrelationship between the above factors. (Footnote: These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects);	Sections 5 and 6 of this Report and Appendices C - F

g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;	Sections 5 and 6 of this Report and Appendices C - F
h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;	Section 3 of this Report. Sustainability Appraisal: Assessing Reasonable Alternatives March 2021, January 2022 and October 2022
i) a description of measures envisaged concerning monitoring in accordance with Article 10;	The Scoping Report and Section 8 of this Report
j) a non-technical summary of the information provided under the above headings.	A non-technical summary is part of this report
The report shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in the process to avoid duplication of the assessment (Art. 5(2)). Art. 5(3) of the Strategic Environmental Assessment Directive sets out that relevant information available on environmental effects of the plans and programmes obtained at other levels of decision-making or through other Community legislation may be useful for providing the information referred to in Annex 1 of that Directive.	This Report.
Consultation: •authorities with environmental responsibility, when deciding on the scope and level of detail of information to be included in environmental report (Art. 5(4)).	The draft Scoping Report was sent to the statutory consultees (Environment Agency, Natural England, and English Heritage) and other selected bodies.
•authorities with environmental responsibility and the public shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and accompanying environmental report before the adoption of the plan or programme (Art. 6 (1), 6 (2)).	All iterations of the SA, including this version, have been subject to consultation.
•other EU Member States, where the implementation of the plan or programme is likely to have significant effects on the environment of that country (Art. (7)).	N/A

Taking the environmental report and the results of the consultations into account in decision-making (Art. (8)).	All iterations of the SA, including this version.
Provision of information on the decision: When the plan or programme is adopted, the public and any countries consulted shall be informed and the following made available to those so informed: •the plan or programme adopted. •a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8, and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and •the measures decided concerning monitoring (Art. 9 and 10).	A sustainability statement will be published containing this information when the Local Plan is adopted.
Monitoring of significant environmental effects of the plans or programmes implementation (Art. 10).	Ongoing, through the Authority's Monitoring Report.
Quality assurance: environmental reports should be of a sufficient standard to meet the requirements of the Strategic Environmental Assessment Directive (Art. 12).	Completion of this self-assessment.

3. Summary of Previous Stages

Scoping Report

The Sustainability Appraisal Scoping Report marks the initial stage of the SA process. It outlines the purpose and scope of the appraisal, introduces the sustainability framework, and identifies key sustainability issues relevant to Torbay. The full Scoping Report is available to view on the Council's website[8].

Assessing Alternatives

Four rounds of Regulation 18 consultation have taken place, each supported by Sustainability Appraisal work considering reasonable alternatives at the relevant stage of plan preparation. These stages included strategic growth options, broad spatial choices, site options and the Regulation 18 draft Local Plan. Together, they provide the audit trail explaining how alternatives were identified, appraised and refined before the Regulation 19 Plan was prepared.

Sustainability Appraisal: Assessing Reasonable Alternatives[9] (March 2021)

The Sustainability Appraisal was developed to support the Torbay Local Plan Update: Issues and Options and Call for Evidence document.

Three strategic growth options were identified and assessed against the SA objectives and compared with one another. These options are broad in scope and do not specify the exact locations for new housing, limiting the ability to assess cumulative impacts at this stage.

- Option 1: Standard methodology – 586 dwellings per year
- Option 2: Business as usual – 363 dwellings per year, based on past trends
- Option 3: 2018 Household Projections – 700 dwellings per year

Overall, Option 1 performs best in the Sustainability Appraisal. It provides a balanced level of growth that broadly aligns with the existing Local Plan target and the Government's standard method, while supporting economic growth, housing delivery, reduced inequality, community infrastructure and more sustainable travel patterns. It still has negative environmental effects,

[8] https://www.torbay.gov.uk/media/15949/sustainability-appraisal-scoping-report.pdf
[9] https://www.torbay.gov.uk/evidence-base-and-monitoring-2025-2045

particularly around climate change, resource use, waste, biodiversity and land take, but these are generally less severe than Option 3.

Option 2 has the lowest environmental pressure because it involves the least housing growth and may reduce impacts on biodiversity, greenfield land, soil resources and landscape. However, it performs poorly against key social and economic objectives. It would deliver fewer homes, including affordable homes, and could worsen housing inequality, poverty and out-commuting. It is therefore less able to meet identified housing needs or support long-term growth aspirations.

Option 3 performs strongest on housing delivery, especially in terms of meeting future housing demand and potentially increasing affordable housing. It may also support economic growth through population growth and new skills. However, it has the greatest environmental risks, including higher energy use, increased flood risk from more hard surfaces, greater pressure on waste and natural resources, potential impacts on biodiversity, heritage, landscape and soil, and a greater likelihood of development in less accessible or more sensitive locations.

In summary, the appraisal suggests that Option 1 is the most balanced and sustainable option overall, Option 2 is environmentally less demanding but socially and economically weaker, and Option 3 delivers the most housing but creates the highest environmental and infrastructure risks.

Sustainability Appraisal: Assessing Reasonable Alternatives (January 2022)

Five growth options have been developed as part of the Issues and Options stage of the Local Plan Update (Regulation 18 of the Local Planning Regulations 2012)[10], drawing on the Housing and Employment Land Availability Assessment (HELAA). These options explore different approaches to guiding new housing and infrastructure development across Torbay:

- Option 1: Existing allocations with densified urban clusters (190–250 dwellings/year)
- Option 2: Limited additional greenfield development – “Business as usual” (250–300 dwellings/year)
- Option 3: Option 2 plus one or two urban extensions (320–380 dwellings/year)
- Option 4: All HELAA sites not explicitly rejected (470–500 dwellings/year)
- Option 5: Meeting full housing need based on the government’s standard method (600 dwellings/year)

[10] **sa-of-issues-and-options.pdf**

Options 1 and 2 would fall short of meeting identified housing needs, likely worsening affordability challenges. Option 3 offers a more balanced approach, combining development with sustainability, though environmental impacts would need careful mitigation.

Options 4 and 5 involve distributing growth across a wider range of settlements, which could lead to more extensive adverse impacts some of which may be difficult to mitigate.

Delivering large numbers of new homes is often most effective through planned, larger-scale developments such as new settlements or significant extensions to existing towns and villages provided they are well located, thoughtfully designed, and supported by appropriate infrastructure. This approach offers the opportunity to create vibrant, sustainable communities from the outset.

Sustainability Appraisal: Assessing Reasonable Alternatives (October 2022)

The Regulation 18 “Issues and Options” consultation sets out more detailed proposals on where housing growth should be located and updates housing policies. The Sustainability Appraisal[11] assesses alternative Future Growth Areas (FGAs) alongside revised housing policies and Neighbourhood Plan Area policies.

The document explains the purpose and legal basis of Sustainability Appraisal/Strategic Environmental Assessment, then reviews several alternative growth locations across Torbay. It identifies Edginswell, Collaton St Mary, and West of Yalberton/Long Road and Berry Acres as areas that could support housing growth, subject to mitigation and further evidence, particularly around agricultural land, landscape, biodiversity, heritage and infrastructure. Other areas, including Stantor Barton, Great Hill/Maidencombe, Land south of Churscombe Cross/Windmill Hill, and Broadsands/Churston/Galmpton, are generally less favoured due to greater landscape, environmental or deliverability constraints.

Overall, the appraisal finds that many Local Plan policies would deliver positive effects for housing delivery, affordable housing, economic growth, regeneration, equalities, sustainable transport and health. However, it also highlights recurring potential adverse effects relating to greenfield land loss, best and most versatile agricultural land, biodiversity including South Hams SAC greater horseshoe bats, landscape sensitivity, heritage assets, flood risk, climate change, waste and infrastructure capacity. The report repeatedly recommends strengthening Local Plan policies and requiring further evidence such as Heritage Impact Assessments, agricultural land studies,

[11] **https://www.torbay.gov.uk/evidence-base-and-monitoring/2025-2045**

Habitats Regulations Assessment, landscape mitigation, flood risk measures and infrastructure planning.

Sustainability Appraisal of Greenfield Clusters

The Sustainability Appraisal of Greenfield Site Options was prepared in support of the Regulation 18 stage of the Torbay Local Plan. Its purpose was to assess alternative site options and help inform consideration of which sites could be taken forward through the plan-making process. The appraisal considered the likely environmental, social and economic effects of potential greenfield development sites across Torbay, alongside possible mitigation measures.

The assessment considered site-specific issues including flood risk, agricultural land loss, landscape sensitivity, impacts on protected habitats and opportunities for biodiversity net gain.

Housing capacity varied across the site options, with the appraisal helping to compare their relative contribution to housing delivery, affordable housing and access to services.

The appraisal also considered potential effects on landscape character, the historic environment, transport and accessibility, identifying where design-sensitive development, sustainable travel improvements and archaeological mitigation may be required.

Sustainability Appraisal of Draft Torbay Local Plan, Regulation 18 – November 2025

The Sustainability Appraisal Report for the Torbay Local Plan 2025–2040[12], prepared to support the Regulation 18 Plan. It assesses how the emerging Local Plan performs against environmental, social and economic sustainability objectives, while also incorporating the requirements of Strategic Environmental Assessment (SEA).

The report explains the SA methodology, summarises earlier appraisal stages and consultation work, and assesses the sustainability effects of the Local Plan's spatial strategy, area policies, strategic policies and development management policies. Overall, the Local Plan is found to support sustainable growth through urban regeneration, housing delivery, town centre renewal, climate resilience, biodiversity protection, green infrastructure, sustainable transport, heritage conservation, and community wellbeing. However, the appraisal identifies recurring risks that require mitigation, including impacts from greenfield development, biodiversity and habitat

[12] **https://www.torbay.gov.uk/evidence-base-and-monitoring/2025-2045**

pressures, construction-related air and noise effects, waste management, flood risk, landscape sensitivity, traffic impacts, and the need to reduce car dependency.

The report concludes that the Local Plan can deliver balanced sustainability benefits if supported by robust mitigation, including biodiversity net gain, sustainable drainage, low-carbon design, circular economy measures, stronger sustainable transport provision, heritage and landscape safeguards, and ongoing monitoring. The final monitoring framework will focus on residual significant negative and uncertain effects and will be refined following consultation and further evidence gathering.

The key sustainability risks identified in the SA are:

- Greenfield development impacts – Future Growth Areas and edge-of-settlement sites may affect landscape character, agricultural land, biodiversity, settlement gaps and local infrastructure capacity.
- Biodiversity and protected habitats – Development could place pressure on sensitive habitats and species, including European sites, Greater Horseshoe Bats, Cirl Buntings, marine habitats and local ecological networks.
- Climate change and carbon emissions – New housing, employment and transport-related growth may increase operational and embodied carbon unless low-carbon design, renewable energy and sustainable construction standards are secured.
- Flood risk and coastal change – Waterfront regeneration, coastal development and areas affected by surface water flooding require robust flood resilience, drainage and coastal adaptation measures.
- Transport and car dependency – Growth areas may increase traffic, congestion, air pollution and reliance on private cars unless supported by strong public transport, walking, cycling and shared mobility infrastructure.
- Construction-related effects – Short-term impacts on air quality, noise, amenity, waste generation and disturbance to communities and wildlife are recurring risks across many policies.
- Waste and resource use – Several policies identify the need for stronger waste minimisation, circular economy measures, recycling infrastructure and responsible materials use.

- Heritage and townscape sensitivity – Regeneration, taller buildings, waterfront development and changes to historic areas could affect conservation areas, listed buildings, archaeology and local character if not carefully managed.
- Landscape and visual impacts – Development near the South Devon National Landscape, undeveloped coast, green corridors and valued landscapes could harm visual quality and rural character.
- Infrastructure delivery risks – Housing and employment growth depends on timely delivery of transport, drainage, health, education, green infrastructure and community facilities.
- Health and equality risks – Without careful implementation, development could worsen inequalities, reduce access to green space or services, or place pressure on health and social care infrastructure.
- Uncertain cumulative effects – The combined impacts of multiple allocations, especially around Paignton, Brixham, Collaton St Mary, Long Road/Yalberton and Inglewood, require coordinated monitoring and mitigation.

4. Scoping the need for further assessment of the Local Plan Policies

Most policies are carried forward from Reg 18 to Reg 19 with minor wording, title or clarity amendments only. Several new or substantially restructured policies have been introduced, including SDT1 Torquay Town Centre, H1b Densification around Urban Sustainable Transport Corridors, H1c Housing within the Settlement Boundary, and TC11 Managing the cumulative health impacts of ‘health reducing’ uses in centres.

Housing policies have been restructured, particularly around town centre regeneration, densification, settlement boundary housing and allocated sites. Some policies have been retitled or reframed, including H4 from minimum density to achieving optimal density, TAS to Transport Vision and Hierarchy, TA1 and TA2 to focus more clearly on transport impacts and delivery, and CERS and CER1–CER4 to strengthen climate-resilient and net zero carbon development wording.

Community and health policies have been broadened, with SC1 reframed as public health and wellbeing, SC2 as sport, leisure and recreation for healthy living, and SC3 expanded to include open space and recreation alongside food growing. Tourism policy TO5 has been expanded to include refurbishment and upgrading of existing holiday parks, as well as extensions and new holiday parks.

Some policies have changed status, such as ER1 being reclassified from Strategic Policy to Policy, L1 from Strategic Policy to Policy, and GE1 from Policy to Strategic Policy. Environmental, heritage, design, waste and minerals policies are generally retained, with mainly minor wording, terminology or emphasis changes rather than substantial policy change.

Appendix B provides details of the changes made to Regulation 18 Local Plan policies, assesses the significance of those changes, and determines whether further Sustainability Appraisal assessment is required.

5. Sustainability Appraisal of Local Plan Spatial Strategy and Area Policies

The Local Plan establishes Torbay's overarching growth strategy and is supported by broad area-based strategies for Torquay, Paignton, Brixham, and the Broadsands-Churston-Galmpton (BCG) villages. Each of these areas is accompanied by more detailed policies that set out specific development principles, land-use priorities, and infrastructure requirements to guide sustainable growth and protect environmental and community assets.

This section provides a concise summary of the sustainability appraisal for the policies, highlighting the key findings and their implications for the Local Plan. It offers an overview of how the proposed strategies align with environmental, social, and economic objectives. For detailed assessment, please refer to **Appendix C**.

Strategic Policy SS1: Torbay Growth Strategy - Prioritising our communities through improved health, housing, place making and opportunities for all

Strategic Policy SS1: Torbay Growth Strategy demonstrates strong alignment with sustainability objectives, particularly in promoting low-carbon development, safeguarding biodiversity, prioritising brownfield regeneration, and supporting inclusive economic growth. The policy addresses housing needs, health and wellbeing, and community safety while encouraging investment in town centres and employment opportunities. However, areas requiring further attention include waste minimisation, air and noise quality during construction, and reducing car dependency in growth areas. Mitigation measures such as biodiversity net gain, robust design standards, and enhanced sustainable transport infrastructure will be essential to ensure the policy delivers balanced environmental, social, and economic benefits across Torbay.

Strategic Policy SDT1: Torquay – A strategy for sustainable growth

Strategic Policy SDT1 aligns well with sustainability objectives by prioritising regeneration of town centre and harbourside sites, safeguarding priority species, and maintaining a strategic green gap. The policy supports mixed-use development, brownfield regeneration, and high-quality design, while protecting the historic character of Torquay Harbour Conservation Area. It promotes economic growth through employment space and housing delivery, and safeguards Torbay

Hospital's regional role. Key areas for improvement include explicit measures for waste minimisation, managing construction impacts on air and noise quality, and reducing car dependency in gateway developments. Mitigation should focus on biodiversity net gain, circular economy principles, sustainable transport infrastructure, and heritage impact assessments to ensure balanced environmental, social, and economic outcomes.

Strategic Policy SDT2: Torquay Town Centre - the Heart of the English Riviera

Strategic Policy SDT2 is assessed as having mainly positive sustainability effects, particularly through town centre regeneration, improved public realm, heritage-led place-making, sustainable travel, economic growth, efficient use of brownfield and underused land, and better access to homes, jobs, services and community facilities. The main risks relate to the Marine SAC and MCZ, construction impacts, waste generation, air/noise quality, surface water and potential effects on heritage and townscape character; these can be managed through low-carbon design, sustainable drainage, biodiversity net gain, construction and waste management, heritage impact assessment, high-quality design, active travel improvements and inclusive public realm measures.

Strategic Policy SDT3: Torquay Gateway – A sustainable growth hub for homes, jobs and nature

Strategic Policy SDT3 demonstrates strong alignment with sustainability objectives by promoting a landscape-led design, integrated green infrastructure, and a commitment to 10% biodiversity net gain. The policy supports mixed-use development, affordable housing, and employment space, alongside major sustainable transport improvements such as a new train station and park-and-ride facility. It safeguards priority habitats for Greater Horseshoe Bats and Cirl Buntings, maintains the strategic green gap, and conserves the setting of Edginswell Hall and Village. Key areas requiring attention include explicit waste minimisation measures, managing construction impacts on air and noise quality, and ensuring effective delivery of biodiversity and transport commitments. Mitigation should focus on enforcing habitat safeguards, circular economy principles, robust design standards, and health impact assessments to achieve balanced environmental, social, and economic outcomes.

Strategic Policy SDT4: Newton Road to Torre Gateway – A regeneration corridor for homes, jobs, health and connectivity

Strategic Policy SDT4 aligns well with sustainability objectives by focusing on brownfield regeneration, safeguarding Torbay Hospital as a key healthcare facility, and improving sustainable transport connectivity through enhanced active travel routes and new rail stations. The policy supports modernisation of employment space, provision of affordable housing, and water-sensitive urban design to manage flood risk. While the policy promotes health and wellbeing and economic growth, areas requiring attention include explicit waste minimisation measures, biodiversity net gain commitments, and mitigation of construction-related air and noise impacts. Recommended actions include enforcing circular economy principles, integrating biodiversity enhancements, applying robust design standards, and conducting health and heritage impact assessments to ensure balanced environmental, social, and economic outcomes.

Strategic Policy SDP1: Paignton – A strategy for sustainable growth

Strategic Policy SDP1 aligns strongly with sustainability objectives by promoting mixed-use regeneration of town centre, harbour, and waterfront sites, supported by green infrastructure and flood resilience measures such as a new sea wall. The policy safeguards priority species and habitats, encourages brownfield redevelopment, and integrates climate-safe housing design. It also supports economic growth through tourism, leisure, and employment hubs, while delivering 3,400 new homes and improving transport connectivity along the Western Corridor. Key areas for improvement include explicit waste minimisation measures, managing construction-related air and noise impacts, and ensuring biodiversity net gain delivery. Recommended actions include enforcing circular economy principles, robust design standards, and health impact assessments to achieve balanced environmental, social, and economic outcomes.

Strategic Policy SDP2: Revitalising Paignton Town Centre and Waterfront - A destination for living, tourism and leisure

Strategic Policy SDP2 strongly aligns with sustainability objectives by promoting regeneration that enhances economic vitality, public realm quality, and sustainable transport connectivity through the Paignton Gateway hub. The policy addresses climate resilience with flood protection measures, including a new sea wall, and requires development to be safe from flooding throughout its lifetime. It supports tourism and residential-led regeneration while respecting historic character and improving urban design. Key areas for improvement include explicit waste minimisation measures, biodiversity net gain commitments during waterfront works, and mitigation of construction-related air and noise impacts. Recommended actions include enforcing circular economy principles, robust design standards, and health impact assessments to ensure balanced environmental, social, and economic outcomes.

Strategic Policy SDP3: Preston – A thriving district centre and Regeneration Hub for living and community

Strategic Policy SDP3 aligns well with sustainability objectives by promoting brownfield regeneration, safeguarding the district centre's role, and supporting improved active travel and public transport connectivity. The policy encourages taller buildings to optimise land use, enhances public open spaces, and integrates sustainable drainage and water-sensitive urban design to strengthen climate resilience. Key areas for improvement include explicit waste minimisation measures, biodiversity net gain commitments, and mitigation of construction-related air and noise impacts. Recommended actions include enforcing circular economy principles, robust design standards, and health and heritage impact assessments to ensure balanced environmental, social, and economic outcomes.

Strategic Policy SDP4: Collaton St Mary – Sustainable growth in a connected village

Strategic Policy SDP4 demonstrates strong alignment with sustainability objectives by prioritising climate resilience, green infrastructure, and sustainable transport improvements along the A385 corridor. The policy supports delivery of 600 homes (including 30% affordable), self-build plots, and a traveller pitch, alongside improved community facilities and drainage infrastructure. It commits to achieving 10% biodiversity net gain and safeguarding habitats for Greater Horseshoe Bats and Cirl Buntings through dark corridors and habitat protection. Key areas for improvement include explicit waste minimisation measures, managing construction-related air and noise impacts, and ensuring effective delivery of biodiversity and transport commitments. Recommended actions include enforcing circular economy principles, robust design standards, and health and heritage impact assessments to achieve balanced environmental, social, and economic outcomes.

Strategic Policy SDP5: Long Road, Yalberton - Sustainable living and employment neighbourhood

Strategic Policy SDP5 aligns strongly with sustainability objectives by promoting mixed-use development that combines housing, employment, and green infrastructure. The policy supports delivery of 650 homes (including 30% affordable), self-build plots, and a traveller pitch, alongside safeguarding employment land and waste facilities (However, residential growth could be constrained due to capacity issues in the HWRC and the need to expand into Yalberton Quary). It

commits to achieving 10% biodiversity net gain and protecting habitats for Greater Horseshoe Bats and Cirl Buntings through dark corridors and strategic landscaping. Climate resilience is addressed through green infrastructure and sustainable transport improvements along the Western Corridor. Key areas for improvement include explicit waste minimisation measures during construction, managing air and noise impacts, and ensuring effective delivery of biodiversity and transport commitments. Recommended actions include enforcing circular economy principles, robust design standards, and health and heritage impact assessments to achieve balanced environmental, social, and economic outcomes.

Policy SDP6: Clennon Valley - Active leisure and nature hub

Strategic Policy SDP6 strongly aligns with sustainability objectives by promoting a landscape-led approach that enhances green infrastructure, biodiversity, and active travel connections. The policy safeguards the integrity of the strategic green corridor and important wildlife sites, including the South Hams SAC and Marine SAC, while supporting flood alleviation and sustainable drainage measures to improve climate resilience. It also strengthens the leisure and tourism offer, improving public access and connectivity between key destinations. Key areas for improvement include explicit waste minimisation measures, managing construction-related air and noise impacts, and ensuring heritage considerations for nearby assets. Recommended actions include enforcing circular economy principles, robust design standards, and health impact assessments to ensure balanced environmental, social, and economic outcomes.

Strategic Policy SDB1: Brixham – A strategy for sustainable growth

Policy SDB1 seeks to deliver limited, sustainable development that regenerates the town centre, supports maritime industries, and provides housing and employment opportunities while safeguarding the South Devon National Landscape and Berry Head SAC. The policy aligns strongly with economic and social sustainability objectives by promoting local jobs, tourism, and community facilities, and moderately with environmental objectives through landscape and biodiversity protection, though harbour works pose risks requiring strict mitigation. Key measures include low-carbon design, flood resilience, biodiversity net gain, and improved sustainable transport. Overall, SDB1 offers a balanced approach to growth, delivering community and economic benefits.

Strategic Policy SDB2: Revitalising Brixham’s Town Centre, Harbour and Waterfront - A destination for living, maritime activity and tourism

Policy SDB2 promotes mixed-use regeneration to provide retail, employment, leisure, and residential facilities, supporting Brixham's role as a vibrant maritime destination. It aligns strongly with economic and social sustainability objectives by diversifying the economy and improving public realm, while environmental objectives are addressed through flood resilience and habitat protection. Key risks relate to potential impacts on marine habitats and construction effects, requiring robust mitigation measures such as biodiversity net gain and sustainable drainage systems.

Strategic Policy SDB3: Berry Head to Sharkham Point - Coastal conservation and recreation management

Policy SDB3 focuses on protecting the most environmentally sensitive area of Torbay, prioritising landscape and biodiversity conservation while managing tourism and recreation pressures. It strongly aligns with environmental objectives, offering significant benefits for habitat protection and scenic quality, while economic and housing objectives are neutral due to strict development limits. Key mitigation measures include biodiversity net gain, sustainable visitor management, and provision of a range of greenspace options.

Strategic Policy SDBCG1: Broadsands, Churston and Galmpton Villages - Sustainable living and landscape protection strategy

Policy SDBCG1 sets out a strategy for sustainable living and landscape protection across the Broadsands, Churston, and Galmpton Villages area. It focuses on delivering housing and a school site at Inglewood while safeguarding rural character, landscape, and ecological integrity through strategic buffers and green infrastructure. It strongly aligns with environmental objectives and supports social needs through housing and education provision, while economic impacts are moderate and transport challenges remain. Key mitigation measures include biodiversity net gain, sustainable drainage, and improved active travel infrastructure.

Strategic Policy SDBCG2 Land at Inglewood and its environs north of Windy Corner

Policy SDBCG2 focuses on delivering housing, affordable homes, a school, employment land, and green infrastructure north of Windy Corner, while maintaining landscape buffers and ecological protections. It strongly supports biodiversity net gain and active travel, contributing to climate resilience and wellbeing. However, risks include potential carbon emissions from new housing,

traffic congestion, reliance on greenfield sites, and limited attention to waste management and historic environment. To address these, the policy should enforce low-carbon building standards, integrate renewable energy, enhance public transport and cycling infrastructure, prioritise brownfield development where feasible, and include waste and heritage safeguards. Overall, SDBCG2 aligns well with sustainability objectives but requires targeted measures to mitigate environmental and social risks.

Policy SDBCG3: Rural villages south of Windy Corner – Landscape, ecology and settlement gap protection zone

Policy SDBCG3 focuses on protecting the rural villages south of Windy Corner by conserving the South Devon National Landscape, safeguarding ecological corridors, and maintaining settlement gaps while allowing limited, landscape-led development to meet Brixham's local needs. It includes provisions for around 80 dwellings, modest employment land, a park-and-ride facility, and a dog-friendly greenspace options to reduce recreational pressure on Berry Head. The policy mandates 10% biodiversity net gain, strict bat habitat protection, and mitigation of recreational impacts on sensitive sites. Overall, SDBCG3 prioritizes environmental integrity and rural character while enabling small-scale development and improved sustainable transport options.

6. Sustainability Appraisal of Local Plan Strategic Policies and Development Management Policies

The Local Plan sets out a comprehensive framework for guiding development in Torbay. It includes overarching strategic policies that establish the vision and long-term objectives for sustainable growth, alongside detailed development management policies that provide criteria for assessing planning applications and ensuring high-quality outcomes. These policies cover key areas such as housing, design, infrastructure, environmental protection, and community wellbeing.

This section provides a concise summary of the sustainability appraisal for the policies, highlighting the key findings and their implications for the Local Plan. It offers an overview of how the proposed strategies align with environmental, social, and economic objectives. **Appendix D** contains the detailed assessment.

Housing and Regeneration Policies

Strategic Policy HS: Overall Housing Strategy and Presumption in Favour of Urban Regeneration

Policy HS is a cornerstone of Torbay's sustainable development strategy. It strongly aligns with nearly all sustainability objectives by prioritising urban regeneration over greenfield expansion, delivering inclusive, climate-resilient housing, revitalising town centres and supporting economic growth and promoting active travel and high-quality design.

The policy's emphasis on mixed communities, affordable housing, and reuse of land and buildings ensures that growth is both socially and environmentally responsible. Its effectiveness will depend on effective partnerships with developers and communities, strong design and environmental standards and monitoring of housing delivery and social outcomes. With robust implementation, Policy HS can lead Torbay toward a more vibrant, equitable, and sustainable future.

Strategic Policy H1a: Town Centre Regeneration Areas

Strategic Policy H1a is assessed as having mixed but broadly positive sustainability effects. The policy supports regeneration and remodelling of town centre and adjoining areas in Torquay,

Paignton and Brixham, with a strong emphasis on brownfield development, mixed-use schemes, high-quality design, climate resilience, heritage protection, urban densification and new housing provision. The increased housing expectations for major sites, including 800 dwellings in Torquay, 500 dwellings in Paignton and 50 dwellings in Brixham, strengthen positive effects for housing delivery, efficient land use, town centre vitality, sustainable travel and access to services. However, the higher level of town centre growth also increases pressure on wastewater infrastructure, surface water management, combined sewers, construction impacts, recreation pressure and water quality pathways affecting the Lyme Bay and Torbay Marine SAC and Torbay MCZ. The policy's requirement that proposals must not increase water draining into combined sewers is therefore critical. Overall, the assessment identifies significant positive effects for housing, regeneration, sustainable transport, townscape and efficient land use, but negative effects for water quality and biodiversity.

H1b: Densification around Urban Sustainable Transport Corridors (revised Policy H3)

Policy H1b supports urban densification and redevelopment within sustainable transport corridors, focused on the Torre Gateway and Preston areas identified in Policies SDT3 and SDP3. The policy is likely to have significant positive effects for housing delivery, efficient use of previously developed land, sustainable travel, regeneration and access to services because it directs higher-density housing to locations close to transport hubs, including Torre station and the proposed Edginswell station. It also supports economic objectives by protecting employment space unless redevelopment delivers a net employment or wider economic benefit. Potential adverse effects relate mainly to construction impacts, pressure on water and wastewater infrastructure, townscape and heritage sensitivity, local amenity, waste generation and the need to ensure good design, open space, biodiversity enhancement and infrastructure capacity. These effects can be managed through masterplanning, site-specific design and heritage assessment, sustainable drainage, transport planning, biodiversity net gain, construction management and careful consideration of employment impacts.

Policy H1c: Housing in elsewhere within the Settlement Boundary Built Up Area

Policy H1c is expected to have significant positive effects on housing delivery and the efficient use of land through the promotion of urban and brownfield development within the settlement boundary. Positive effects are also anticipated for economic growth, health and wellbeing, social

inclusion and sustainable transport. Potential adverse effects relating to biodiversity, heritage, flood risk and local environmental quality are likely to be mitigated through the application of other Local Plan policies relating to design, climate resilience, ecology, heritage conservation and Habitats Regulations Assessment. Overall, the policy is considered to make a positive contribution towards sustainable development objectives in Torbay.

Strategic Policy H2: Future Growth Areas

Policy H2 has strong potential to support Torbay's sustainability goals, especially in housing and economic growth. However, its effectiveness depends on robust masterplanning, environmental safeguards, and infrastructure investment. Each site should be assessed individually to ensure alignment.

- Torquay Gateway (Edginswell): Strategic location with potential for sustainable transport links. Mitigate landscape and biodiversity impacts.
- Great Parks (Paignton): Smaller scale opportunity for community-led design. Ensure integration with existing infrastructure.
- Collaton St Mary: Large site requires careful phasing and infrastructure planning. High biodiversity sensitivity.
- Long Road / White Rock / Inglewood and BCG villages: Potential cumulative impacts due to scale. Coordinate across developments to manage traffic, landscape, and service provision.

Strategic Policy H3: Other Local Plan Allocated Sites (outside the built-up area in the Adopted Torbay Local Plan 2012-30)

Policy H3 supports many of Torbay's sustainability objectives, particularly in housing provision, land efficiency, and economic inclusion. Its effectiveness depends on ensuring high-quality design, appropriate density, and strong delivery of affordable housing. Environmental and transport-related risks can be mitigated through careful site planning and infrastructure investment. Appendix E contains the sustainability appraisals for individual housing sites.

Policy H4: Achieving Optimal density

Policy H4 aligns well with Torbay's sustainability objectives, particularly in promoting efficient land use, reducing car dependency, and supporting housing delivery. The key to effectiveness lies in design quality, site selection, and integration of green and transport infrastructure to ensure that higher densities enhance rather than compromise sustainability.

Policy H5: Conversion of Buildings into Flats

Policy H5 supports many sustainability objectives, especially around efficient land use, heritage conservation, and climate mitigation. However, its effectiveness depends on maintaining housing quality, avoiding over-concentration of small units, and ensuring conversions are well-integrated into the community.

Policy H6: Loss of Homes

Policy H6 is cautiously aligned with sustainability objectives, particularly in protecting heritage, improving accommodation standards, and avoiding unjustified housing loss. Its effectiveness depends on rigorous justification, safeguards against housing undersupply, and ensuring social and environmental benefits are clearly demonstrated.

Strategic Policy H7: Affordable Housing

Policy H7 is strongly aligned with Torbay's sustainability objectives, particularly in addressing housing need, reducing inequality, and supporting economic and social wellbeing. Its effectiveness depends on robust viability testing, tenure mix enforcement, and design quality to ensure affordable housing is well-integrated and sustainable.

Policy H8: Affordable Housing Exceptions Sites in the Countryside

Policy H8 supports several key sustainability objectives, especially around housing need, economic inclusion, and community wellbeing. However, it poses risks to environmental quality, landscape character, and sustainable transport. These can be mitigated through careful site selection, robust assessments, and sustainable design standards.

Policy H9: Self-build Housing in Future Growth Areas

Policy H9 supports sustainable housing by enabling self-build plots within Future Growth Areas. It aligns well with Torbay's sustainability objectives, particularly in promoting housing diversity and affordability, local economic growth and community empowerment. However, risks include

inconsistent environmental standards and limited transport integration. These can be mitigated by setting minimum energy and design standards, requiring ecological assessments and active travel links.

Overall, Policy H9 contributes positively to a more inclusive and sustainable housing strategy when supported by strong planning controls.

Policy H10: Houses in Multiple Occupation (HMOs)

Policy H10 is a balanced approach to managing HMOs in Torbay. It supports affordable housing provision, efficient use of existing buildings and sustainable transport and infrastructure integration. However, it also introduces risks related to neighbourhood amenity, health and safety and over-concentration in deprived areas. The policy's criteria-based approach including location, density limits, supervision, and exclusion from tourism zones provides a strong framework for mitigating these risks. With robust enforcement and monitoring, Policy H10 can contribute positively to Torbay's sustainability goals.

Strategic Policy H11: Specialist Housing for People in Need of Care or Support

Policy H11 strongly supports Torbay's sustainability objectives, particularly in health and wellbeing, social inclusion and equity and efficient land use and community integration. The policy is especially important given Torbay's demographic profile, which includes a significantly ageing population, highlighting the need for accessible, inclusive, and adaptable housing solutions that support independent living and community cohesion.

The policy promotes accessible housing design (M4(2) standard), support for care-experienced youth and disabled residents and local connection prioritisation to manage demand and reduce strain on services. It also includes mechanisms to secure financial contributions where developments may increase pressure on local health and social care services and ensure appropriate location and design for specialist housing.

With robust implementation, Policy H11 can significantly enhance the quality of life for vulnerable residents while contributing to a more inclusive, resilient, and sustainable built environment in Torbay.

Policy H12: Proposals Involving the Loss of Care Accommodation

Policy H12 supports Torbay's sustainability goals by encouraging the reuse and restoration of underutilized care buildings, promoting high-quality residential and employment redevelopment and improving visual amenity and land efficiency. However, the policy must be carefully implemented to avoid loss of essential care services and negative impacts on vulnerable populations.

Its effectiveness depends on robust evidence of surplus care capacity, sensitive restoration and design and balanced redevelopment that meets local housing and employment needs. With appropriate safeguards, Policy H12 can contribute to a more attractive, efficient, and inclusive urban environment while maintaining support for those in need of care.

Policy H13: Sites for Travellers

Policy H13 makes a meaningful contribution to Torbay's sustainability goals by supporting inclusive housing provision for travelling communities, promoting peaceful coexistence and integration and encouraging proximity to essential services and sustainable transport. However, its effectiveness depends on careful site selection to avoid environmental and community conflicts, provision of essential infrastructure (water, waste, sanitation) and effective management and community engagement.

The policy's criteria-based approach ensures that proposals are assessed holistically, balancing the needs of travelling communities with environmental protection and neighbourhood amenity. With strong implementation, Policy H13 can foster a more inclusive and sustainable Torbay.

Building a Prosperous and Inclusive Torbay - Unlocking Opportunity for All

Part 1: Economy Policies

Strategic Policy ES: Economic Growth – Torbay Employment and Innovation Strategy

Policy ES aligns well with the objective of supporting sustainable economic growth and reducing income inequality through job creation and regeneration. However, it presents potential challenges to environmental sustainability, particularly in terms of climate change, pollution, and biodiversity. These can be mitigated through careful site selection, sustainable design, and integration of green

infrastructure. The policy would benefit from stronger links to sustainable transport, land reuse, and health outcomes to ensure a more balanced contribution to Torbay's sustainability goals.

Strategic Policy E1: Strategic Employment Land Allocation

Policy E1 supports economic growth and employment provision, contributing positively to income inequality and business development. However, it presents potential environmental challenges, particularly in relation to climate change, pollution, and biodiversity. Mitigation measures such as sustainable design, environmental assessments, and integration with transport and housing planning are recommended to ensure alignment with Torbay's sustainability objectives. **Appendix F** contains the detailed assessment.

Policy E2: Employment Area Renewal and Modernisation

Policy E2 aligns well with sustainability objectives by promoting efficient land use, economic growth, and environmental improvements through refurbishment. It supports job retention and productivity while minimising the need for new development. Potential risks to biodiversity and transport sustainability can be mitigated through thoughtful design and planning. The policy contributes positively to Torbay's sustainability goals.

Strategic Policy E3: Supporting a Sustainable Marine and Coastal Economy

Policy E3 provides strong support for the marine economy and aligns with several sustainability objectives, particularly in promoting economic growth, coastal safety, and social inclusion. However, it presents potential environmental risks, especially to biodiversity and environmental quality. These risks can be mitigated through rigorous environmental assessments, sustainable design, and integration with broader planning frameworks such as the South Marine Plan. Overall, the policy contributes positively to Torbay's sustainability goals when implemented with appropriate safeguards.

Policy E4: Safeguarding Strategic Employment Land

Policy E4 plays a critical role in safeguarding Torbay's employment land, especially sites of strategic importance to key economic sectors. Its alignment with sustainability objectives is generally positive, particularly in supporting economic growth, income equality, and biodiversity protection by resisting unnecessary loss of employment space.

However, the policy may present mixed impacts on land efficiency, housing delivery, and urban regeneration flexibility, depending on how strictly employment land is protected. Additionally, the scope of permitted development rights and the range of Class E commercial use significantly reduce planning control over much of the employment land, potentially limiting strategic oversight and adaptability.

Mitigation measures such as coordinated planning, adaptive reuse, and financial contributions help balance competing sustainability priorities, ensuring that any loss of employment space is justified and offset.

Policy E5: Education and Local Employment Partnerships

Policy E5 supports the development of skills and employment pathways through local education and training initiatives. It promotes Employment and Skills Plans for major developments and encourages links with local institutions such as South Devon College. The policy aligns well with sustainability objectives related to economic growth, income inequality, and health and wellbeing. While it has limited direct environmental impact, it offers opportunities to integrate sustainability themes into education and training programs.

Part 2: Tourism Policies

Strategic Policy TOS: Sustainable Tourism and Cultural Investment Strategy

Policy TOS promotes sustainable tourism by modernising facilities, protecting key assets, and encouraging investment in accessible areas. It aligns well with the sustainability objectives by supporting economic growth, biodiversity, and cultural heritage, while improving health and wellbeing. Mitigation measures include ensuring developments avoid ecological harm, enforcing environmental standards, and balancing tourism with housing and community needs.

Policy TO1: Supporting Tourism and Leisure Infrastructure (Proposals for new and safeguarding of existing tourism and leisure facilities)

Policy TO1 supports the improvement and safeguarding of tourism and leisure facilities in Torbay, with a focus on all-weather attractions and environmentally sensitive development. It aligns with many sustainability objectives, particularly in promoting economic growth, protecting biodiversity,

and enhancing health and wellbeing. However, careful planning and mitigation are needed to address potential environmental impacts and ensure inclusive benefits.

Strategic Policy TO2: Core Tourism Investment Areas (as shown on the Policies Map)

Policy TO2 supports the retention and enhancement of Core Tourism Investment Areas (CTIAs), focusing on preserving the holiday character and promoting tourism-related development. While this approach strengthens the tourism economy and protects key assets, it may pose challenges for flexibility in land use and environmental sensitivity. The policy aligns with several sustainability objectives, particularly in economic growth, heritage protection, and community safety, but requires careful mitigation to address biodiversity, and housing concerns.

Strategic Policy TO3: Redevelopment and Reuse of Holiday Accommodation Outside Core Tourism Investment Areas and Tourism Regeneration Areas (as shown on the Policies Map)

Policy TO3 supports the change of use or redevelopment of tourism accommodation outside designated Core Tourism Investment Areas (CTIAs) and Tourism Regeneration Areas, provided it does not undermine the holiday character of Torbay and contributes to regeneration. It promotes high-quality housing and discourages incompatible uses such as HMOs. The policy aligns with several sustainability objectives, particularly in improving the built environment, supporting regeneration, and protecting community character. However, careful planning is needed to mitigate potential environmental and social impacts.

Policy TO4: Flexible Use of Holiday Apartments and Accommodation (excluding holiday parks)

Policy TO4 addresses the use and conversion of self-contained holiday apartments, with a focus on preserving tourism use within Core Tourism Investment Areas (CTIAs) and allowing more flexibility outside of them. The policy supports regeneration and improvement of the built environment while discouraging incompatible uses that may undermine the tourism character of Torbay. It aligns with several sustainability objectives, particularly in promoting land efficiency, economic growth, and safe communities. However, careful consideration is needed to mitigate potential environmental and social impacts.

Policy TO5: Refurbishment or Upgrading of Existing Holiday Parks and Proposals for extensions or new Holiday Parks

Policy TO5 supports the development and enhancement of holiday parks, recognising their importance to Torbay's tourism economy. The policy encourages modernisation while ensuring environmental protection, transport safety, and community amenity. It aligns with sustainability objectives by promoting tourism-led regeneration and requiring safeguards to mitigate potential impacts on sensitive landscapes and biodiversity.

Policy TO6: Change of Use or Redevelopment of Existing Holiday Parks to Non-Tourism Uses

Policy TO6 addresses the change of use or redevelopment of existing holiday parks to non-tourism uses. It supports redevelopment only when the site is not in a prime tourism location and does not significantly impact Torbay's tourism offer. The policy emphasises restoration of sites to nature or open countryside in sensitive areas, aligning with sustainability goals such as landscape protection, biodiversity, and responsible land use. It also promotes accessibility and discourages development that conflicts with environmental and community objectives.

Policy TO7: Tourism Investment and Monitoring Contributions

Policy TO7 supports the use of planning contributions to mitigate the impact of tourism-related development, including the loss of tourism facilities and employment, and to fund monitoring of tourism occupancy and compliance. This approach aligns with sustainability objectives by promoting responsible development, protecting environmental assets, and ensuring economic resilience. Contributions are proportionate to the net impact of proposals and may support infrastructure, environmental mitigation, and employment regeneration.

Part 3: Town Centres Policies

Strategic Policy TCS: Town Centre Renewal and Retail Strategy

Policy TCS promotes a town centre-first approach to retail and mixed-use development in Torbay, focusing on regeneration, investment, and diversification of uses in Torquay, Paignton, and Brixham. It supports sustainable growth by enhancing vitality, encouraging residential development, and preserving heritage assets. The strategy aligns well with sustainability

objectives, particularly in promoting economic growth, reducing car dependency, and improving community wellbeing. However, careful planning is needed to mitigate potential environmental impacts and ensure inclusive development.

Strategic Policy TC1: Town Centre Hierarchy

Policy TC1 establishes a town centre hierarchy that supports retail, leisure, and other main town centre uses in appropriate locations based on their role and scale. It promotes a sequential approach to development, prioritising town centres followed by district and local centres. This strategy aligns well with sustainability objectives by encouraging regeneration, reducing urban sprawl, and supporting local communities. However, careful planning and mitigation are needed to address potential environmental and social impacts.

Policy TC2: Development in Town Centres

Policy TC2 supports the regeneration and enhancement of Torquay, Paignton, and Brixham town centres through appropriate retail and town centre developments. It aligns well with sustainability objectives by promoting vitality, improving accessibility, and encouraging environmental improvements. The policy also supports cultural and tourism appeal, active frontages, and safety, contributing to a more inclusive and resilient urban environment.

Policy TC3: District Centres

Policy TC3 supports the development and enhancement of District Centres in Torbay, including St Marychurch, Preston, The Willows, and Devonshire Park. The policy promotes appropriate scale development that sustains local services and facilities, while regulating major proposals to avoid adverse impacts on town centres. It aligns sustainability objectives by encouraging local accessibility, economic vitality, and environmental considerations, though careful planning is needed to mitigate potential impacts on town centre investment and landscape character.

Policy TC4: Supporting Local Centres

Policy TC4 supports the development of retail and other main town centre uses within Local Centres where they are of an appropriate scale and contribute to local needs. It promotes accessibility and requires impact assessments for larger proposals. The policy aligns with sustainability objectives by encouraging local service provision, reducing travel demand, and protecting town centre vitality. However, careful planning is needed to mitigate potential environmental and social impacts.

Policy TC5: Managing Retail Outside Designated Centres

Policy TC5 addresses proposals for retail and other main town centre uses in neighbourhood centres and out-of-centre locations. It applies a sequential and impact test to ensure that such developments do not undermine the vitality and viability of designated town centres. The policy supports development that improves accessibility and social inclusion, while protecting regeneration efforts in core areas. It also provides flexibility for tourism-related uses in Core Tourism Investment Areas without requiring sequential or impact tests. Overall, TC5 aligns with sustainability objectives by promoting balanced growth, protecting town centre vitality, and encouraging accessible and inclusive development.

Policy TC6: Supporting Access to Local Retail Service

Policy TC6 supports the introduction of new corner shops, village shops, and facilities serving isolated communities to enhance the sustainability of local areas. By limiting the scale to 280 sq m gross external area, it ensures that such developments remain appropriate to local needs. This policy aligns well with sustainability objectives by promoting local access to goods and services, reducing travel demand, and supporting community cohesion. However, careful consideration is needed to avoid environmental impacts and ensure accessibility.

Policy TC7: Change of Use Away from Main Town Centre Uses in Town, District or Local Centres

Policy TC7 supports the retention of active commercial frontages and main town centre uses in designated centres, while allowing residential and other uses where they do not undermine the vitality and viability of the centre. It aligns with sustainability objectives by promoting regeneration, maintaining community services, and encouraging mixed-use development. However, careful consideration is needed to avoid fragmentation of commercial areas and ensure compatibility with existing uses.

Policy TC8: Change of Use Away from Main Town Centre Uses Outside Town, District or Local Centres

Policy TC8 supports the retention of local convenience stores and essential services in neighbourhood and out-of-centre locations, while allowing change of use where alternative provision exists or continued operation is unviable. This approach contributes to sustainability by

promoting local access to services, reducing car dependency, and supporting community cohesion. However, careful consideration is needed to avoid loss of vital amenities and ensure restored buildings contribute positively to the built environment.

Policy TC9: Town Centre Regeneration Contributions

Policy TC9 supports the mitigation of less-than-significant adverse impacts on town centres through contributions to regeneration projects. This approach aligns with sustainability objectives by promoting economic resilience, enhancing urban environments, and supporting inclusive growth. It ensures that developments contributing to town centre decline also support their revitalisation, balancing growth with sustainability.

Policy TC10: Safe and Welcoming Town Centres for All

Policy TC10 supports the creation of safe, inclusive, and vibrant town centres, harbourside, and waterfront areas in Torbay. It promotes development that enhances the daytime and nighttime economy while addressing concerns related to crime, anti-social behaviour, and residential amenities. The policy aligns well with sustainability objectives by fostering social inclusion, improving public safety, and encouraging environmental improvements. However, careful management and mitigation measures are necessary to balance economic activity with community wellbeing.

Policy TC11: Managing the cumulative health impacts of ‘health reducing’ uses in centres

Policy TC11 is expected to have a significant positive effect on SA Objective (Health and Wellbeing), which is its principal purpose. It is also likely to generate positive effects for social inclusion, community safety, environmental quality, town centre vitality and local character through managing the cumulative concentration of uses associated with poor health outcomes. No significant adverse environmental effects are identified. A minor mixed effect is possible for economic objectives because some commercial operators may face restrictions, although this is likely to be outweighed by benefits arising from maintaining more diverse, vibrant and resilient centres. Overall, the policy is considered to make a positive contribution to sustainable development, particularly through supporting healthier places and reducing health inequalities.

Thriving communities - Wellbeing, safety and belonging

Strategic Policy SCS: Sustainable and Inclusive Communities Strategy

Policy SCS aligns well with most sustainability objectives, particularly in areas of social inclusion, economic regeneration, and community cohesion. It is expected to significantly improve health and wellbeing by promoting high-quality environments and ensuring access to open spaces and recreational facilities key to reducing health inequalities and encouraging active lifestyles. The policy aims to reduce disparities between neighbourhoods by supporting safe, accessible, and well-connected communities, which can help lower crime and fear of crime.

Strategic Policy SC1: Public Health and wellbeing

Policy SC1 performs particularly well in relation to social and health outcomes. It is expected to have a positive impact on public health by improving access to health facilities, promoting healthy living, and requiring Health Impact Assessments (HIA) for developments that could potentially to give rise to significant health impacts. These measures are likely to reduce health inequalities and support healthier lifestyles.

The policy also contributes to minimising pollution, further enhancing health outcomes. By requiring well-located and well-designed developments including sport, play, and open spaces it supports the delivery of social infrastructure and fosters stronger, more vibrant communities.

Overall, SC1 is a well-rounded policy with strong alignment to public health and social sustainability, and moderate alignment to environmental goals.

Strategic Policy SC2: Sport, Leisure and Recreation for Healthy Living

Policy SC2 has a strong positive impact on health-related objectives, including health equity and active lifestyles. It improves access to health services and facilities, promotes healthy living, and requires Health Impact Assessments for developments that could potentially to give rise to significant health impacts.

The policy also supports better air quality, reduced car travel, and lower greenhouse gas emissions, contributing to climate resilience and improved access to services. Its emphasis on sport and leisure facilities benefits both residents and tourists, positively impacting the local tourism industry.

Strategic Policy SC3: Education Infrastructure and Inclusive Learning Strategy

Policy SC3 demonstrates strong alignment with sustainability objectives related to education, social inclusion, and economic development. It supports improved access to quality education, promotes strategic site planning, and contributes to community wellbeing.

Policy SC4: Sustainable Food Production and Land Protection

Policy SC4 demonstrates strong alignment with sustainability objectives related to health, social equity, and environmental quality. It promotes local food production, protects valuable agricultural land, and encourages integration of edible landscaping and growing spaces in residential developments. However, it could be strengthened by clearer links to waste management practices and climate adaptation strategies. Overall, SC4 is a well-rounded policy that supports sustainable communities through food resilience and inclusive access to healthy food.

Policy SC5: Community Facilities, Infrastructure Provision and Developer Contributions

Policy SC5 demonstrates strong alignment with sustainability objectives related to health and wellbeing, social inclusion, and sustainable transport. It supports the provision of accessible and inclusive community facilities that enhance quality of life and reduce inequalities. Areas for improvement include climate resilience and land use. Overall, SC5 is a well-rounded policy that contributes positively to sustainable community development.

Policy SC6: Cemetery and memorial provision strategy

Policy SC6 demonstrates strong alignment with sustainability objectives related to environmental protection, landscape quality, and health and wellbeing. It promotes respectful and tranquil burial environments while safeguarding biodiversity, heritage, and residential amenity. The policy also supports accessibility and avoids development in sensitive zones.
Overall, policy SC6 is a well-balanced policy with moderate environmental and social sustainability benefits.

Moving Torbay: Sustainable Travel and Inclusive Access

Strategic Policy STA: Transport Vision and Hierarchy

Policy STA Transport Vision and Hierarchy is assessed as having predominantly positive sustainability effects because it establishes a clear transport vision based on integrated, accessible and inclusive transport, the transport hierarchy, improved travel choice, sustainable connectivity and support for net zero carbon. The policy strongly supports active travel, public transport, digital connectivity and strategic transport improvements, with benefits for climate change mitigation, air quality, health, inclusion, accessibility, economic resilience and sustainable growth. Potential adverse or uncertain effects relate mainly to the construction and land-take impacts of transport infrastructure, possible effects on biodiversity, landscape, heritage, water quality, noise and resource use, and the need to ensure that highway capacity improvements do not reinforce car dependency. These risks can be managed through scheme-level environmental assessment, HRA and MCZ assessment where relevant, biodiversity net gain, sustainable drainage, construction management, heritage and landscape appraisal, prioritisation of the transport hierarchy, and monitoring of modal shift and accessibility outcomes.

Policy TA1: Assessing and mitigating the impact on the transport network

Policy TA1: Reducing the Impact of Transport is assessed as having mainly positive sustainability effects because it supports the transport hierarchy by seeking to reduce adverse transport impacts from new development, promote safe and inclusive access, manage traffic generation, encourage sustainable and active travel, and secure necessary transport infrastructure or mitigation. The policy is particularly positive for climate change, air quality, sustainable travel, health and wellbeing, accessibility, economic efficiency and social inclusion. Potential adverse or uncertain effects relate to the delivery of new or improved transport infrastructure, including construction impacts, land-take, biodiversity and landscape effects, heritage setting impacts, surface water run-off, noise and resource use. These risks can be managed through robust transport assessment, travel plans, prioritisation of walking, wheeling, cycling and public transport, construction management, sustainable drainage, biodiversity net gain, HRA and MCZ assessment where relevant, heritage and landscape appraisal, and monitoring of traffic, air quality and modal shift outcomes.

Policy TA2: Delivery of a Safe, Effective and Inclusive Transport System

Policy TA2: Delivery of a safe, effective and inclusive transport system is assessed as having predominantly positive sustainability effects because it supports a transport network that is safe, inclusive, reliable, accessible and capable of supporting sustainable growth. The policy complements the transport hierarchy by encouraging development to contribute to safer streets, inclusive access, public transport reliability, active travel, road safety and effective movement of people and goods. It is particularly positive for climate change, sustainable travel, health and wellbeing, social inclusion, safety and economic resilience. Potential adverse or uncertain effects relate mainly to the construction and operation of transport infrastructure, including land-take, biodiversity disturbance, landscape and townscape effects, heritage setting impacts, water quality, noise, air quality and material use. These effects can be managed through scheme-level transport assessment, road safety audits, inclusive design, travel plans, construction management, SuDS, biodiversity net gain, HRA and MCZ assessment where relevant, heritage and landscape appraisal, and monitoring of accessibility, safety and modal shift outcomes.

Policy TA3: Development Layout, Access and Connectivity Standards

Policy TA3 strongly supports the sustainability objectives by promoting safe, inclusive, and multi-modal transport infrastructure that connects developments to wider networks. It contributes to climate action, public health, and economic growth while maintaining local character and safety. Key strengths include strong emphasis on active travel and public transport, safety and accessibility for all users, and integration with strategic plans. Opportunities for enhancement include strengthening links to waste reduction and biodiversity protection, expanding monitoring of environmental and social outcomes, and ensuring affordability and equity in transport provision.

Policy TA4: Parking and Shared Transport Provision

Policy TA4 offers a balanced approach to parking provision, supporting sustainability through EV infrastructure, shared transport, and cycle parking, while also recognising the need for adequate parking in new developments. However, the policy risks reinforcing car dependency if not carefully implemented.

Key strengths include inclusion of EV charging, cycle parking, and shared transport, design standards to reduce visual impact and support public space quality, and flexibility for different development types and users. Opportunities for enhancement include reducing reliance on private car parking through lower ratios and better active travel links, promoting compact, permeable, and ecologically sensitive parking design, and ensuring shared transport is affordable, accessible, and well-integrated building for the future: Resilient and smart infrastructure and Developer Contributions.

Building for the future - Resilient and smart infrastructure and developer contributions

Strategic Policy INS: Sustainable Infrastructure

Policy INS demonstrates strong alignment with the majority of sustainability objectives, particularly in areas of climate resilience, biodiversity, active travel, and health equity. It supports environmentally friendly infrastructure and promotes inclusive, safe, and connected communities. While some objectives such as waste management and land reuse are less directly addressed, they present opportunities for enhancement through implementation strategies.

Overall, Policy INS provides a comprehensive framework that supports sustainable growth in Torbay, with opportunities for enhancement through targeted implementation strategies and ongoing monitoring.

Strategic Policy IN1: Prioritisation of Planning Obligations

Policy IN1 demonstrates a strong alignment with sustainability objectives related to climate resilience, ecological protection, active travel, affordable housing, and health equity. It prioritises critical infrastructure and healthy environments, ensuring that development is supported by necessary services. While some objectives such as waste management and land reuse are less emphasised, they offer opportunities for enhancement through implementation. Overall, Policy IN1 provides a structured and equitable framework for securing planning obligations that contribute to sustainable development in Torbay.

Policy IN2: High-Quality Communications and Digital Connectivity

Policy IN2 supports the expansion of high-quality digital infrastructure, which has strong positive implications for economic growth, education, and access to services. It also contributes to climate mitigation through reduced travel demand. However, there are potential risks to biodiversity, landscape character, and waste generation from physical installations. Mitigation measures include sensitive siting, use of existing structures, and recycling of redundant equipment. The policy is broadly aligned with sustainability objectives, provided that environmental and visual impacts are carefully managed.

Climate Change: Our Sustainable and Resilient Future

Strategic Policy CERS: Climate Resilient, Net Zero Carbon Developments

Strategic Policy CERS aligns strongly with Torbay's sustainability objectives. It promotes climate adaptation, energy efficiency, biodiversity net gain, and sustainable transport. The policy is particularly effective in addressing climate change, health and wellbeing, and environmental quality. While some objectives such as historic environment and land reuse are less directly addressed, they can be supported through complementary planning measures.

Policy CER1: Net Zero Carbon Development Standards

Policy CER1 sets rigorous standards for achieving net zero carbon development in Torbay. It mandates significant carbon reductions for both residential and non-domestic buildings, promotes renewable energy, and requires high energy efficiency through fabric-first design and integration with energy networks. The policy aligns strongly with climate-related sustainability objectives and supports economic growth, health, and wellbeing. While some objectives like historic environment and land reuse are less directly addressed, they can be supported through complementary planning and design strategies.

Policy CER2: Embodied Carbon Reduction and Assessment

Policy CER2 addresses the growing importance of embodied carbon in the built environment. It requires all developments especially major ones, to assess and reduce embodied carbon emissions through design, material selection, and reuse strategies. The policy supports sustainability objectives related to climate change, resource efficiency, and land use. It encourages refurbishment over demolition, promotes circular economy principles, and aligns national standards for carbon assessment. While it does not set specific targets, its emphasis on reducing emissions through planning and design contributes meaningfully to Torbay's net zero goals.

Policy CER3: Heritage Assets and Climate Adaptation

Policy CER3 supports the sensitive adaptation and reuse of heritage assets to improve their resilience to climate change. It aligns well with sustainability objectives related to climate change, historic environment, and efficient land use. By encouraging the retention and retrofit of historic buildings, the policy helps reduce embodied carbon and supports Torbay's net zero ambitions. It

also promotes cultural continuity and community identity while enabling energy efficiency improvements in heritage contexts. The policy takes a balanced approach, ensuring that adaptation does not compromise the significance of heritage assets.

Policy CER4: Renewable and Low Carbon Energy Generation

Policy CER4 strongly supports Torbay's transition to a net zero carbon future by promoting renewable and low carbon energy generation, including community-led projects and enabling infrastructure. It aligns well with sustainability objectives related to climate change, energy efficiency, economic growth, and health. The policy is flexible, acknowledging Torbay's physical constraints while encouraging innovation and community involvement. It also supports smart energy systems and heat networks, which are essential for decarbonising heating in urban areas. The policy's emphasis on avoiding harm to amenities and the natural, historic, and built environment ensures a balanced approach to clean energy development.

Strategic Policy ER1: Flood Risk and Safe Development

Strategic Policy ER1 aligns strongly with sustainability objectives related to climate resilience, water management, and safe development. It mandates that all development be safe from flooding for its lifetime, promotes the use of Sustainable Drainage Systems (SuDS) and Water Sensitive Urban Design (WSUD), and encourages restoration of natural catchments. The policy supports biodiversity, public safety, and efficient land use, while discouraging development in high-risk flood zones. It also requires detailed flood risk assessments and contributions to flood protection infrastructure. Overall, ER1 contributes positively to Torbay's long-term sustainability and climate adaptation goals.

Strategic Policy ER2: Drainage Hierarchy

Strategic Policy ER2 promotes sustainable water management by prioritising natural drainage solutions and minimising surface water runoff. It aligns strongly with climate resilience and environmental protection objectives, particularly through the use of permeable surfaces, nature-based drainage systems, and strict controls on discharges to combined sewers. The policy also supports biodiversity and water quality protection, especially in relation to Lyme Bay and Torbay Marine SAC. While not all sustainability objectives are directly addressed, the policy contributes positively to climate adaptation, land use efficiency, and public health.

Strategic Policy ER3: Water Management

Policy ER3 provides a robust framework for sustainable water management in Torbay. It promotes water-sensitive urban design, water efficiency, pollution prevention, and protection of aquatic ecosystems. The policy aligns strongly with climate resilience, environmental protection, and public health objectives. It supports the Water Framework Directive and responds to local infrastructure constraints and water scarcity risks. ER3 encourages innovative solutions such as rainwater harvesting, greywater recycling, and natural sewage treatment, contributing significantly to Torbay's goal of creating a sustainable future.

Policy ER4: Sustainable Drainage Systems and Water Sensitive Urban Design

Policy ER4 promotes the integration of Sustainable Drainage Systems (SuDS) and Water Sensitive Urban Design (WSUD) into all development proposals. The policy aligns strongly with sustainability objectives related to climate resilience, biodiversity, water quality, and public health. By prioritising above-ground, biodiverse, and multifunctional drainage solutions, ER4 supports flood mitigation, habitat creation, and improved urban amenities. The policy also encourages retrofitting WSUD in urban regeneration projects, further enhancing its contribution to sustainable development.

Policy ER5: Contaminated Land and Site Remediation

Policy ER5 addresses the safe reuse of contaminated land, supporting public health, environmental protection, and brownfield regeneration. It aligns well with sustainability objectives by requiring site investigations, remediation strategies, and precautionary measures to manage risks. The policy promotes the efficient use of land and supports regeneration projects that deliver wider public benefits such as affordable housing and employment. While not all objectives are directly addressed, ER5 contributes positively to climate resilience, land use efficiency, and community wellbeing.

Policy ER6: Ground Stability and Risk Management

Policy ER6 addresses the risks associated with ground instability, particularly in coastal and inland areas affected by natural movement and climate change. It supports sustainability objectives related to public safety, environmental protection, and efficient land use. By requiring geotechnical investigations and remedial measures, the policy ensures that development proceeds safely and responsibly. While not all objectives are directly addressed, ER6 contributes positively to climate resilience, safe communities, and sustainable development.

Policy ER7: Coastal Change Management Areas

Policy ER7 aims to reduce risks associated with coastal erosion and flooding by restricting inappropriate development in vulnerable coastal areas. It supports sustainability objectives related to climate resilience, public safety, environmental protection, and efficient land use. By prohibiting permanent residential development in Coastal Change Management Areas (CCMAs) and allowing only specific, low-risk or temporary uses, the policy helps safeguard communities, infrastructure, and natural habitats. It also promotes alignment with Shoreline Management Plans and encourages adaptive design in response to climate change.

Our natural places: Protecting and Enhancing Torbay's Countryside, Landscape and Natural Environment

Strategic Policy LS: Landscape Strategy

The Landscape Strategy (Policy LS) demonstrates strong alignment with sustainability objectives, particularly in areas such as landscape character, biodiversity, climate resilience, and public health. Neutral impacts are observed in areas like waste management and land reuse. Overall, the policy supports environmental quality, community wellbeing, and strategic landscape protection.

Strategic Policy L1: Protecting our Countryside Area and the Rural Economy

Policy L1 Countryside Area and the Rural Economy demonstrate strong alignment with environmental goals, particularly in protecting habitats, landscapes, and limiting urban sprawl. It supports modest rural development, renewable energy, and local economic growth while safeguarding the character and biodiversity of Torbay's countryside. Some areas, such as transport and waste, show neutral impacts. Overall, Policy L1 contributes positively to sustainable development and rural resilience.

Policy L2: National Landscape (Previous Area of Outstanding Natural Beauty)

Policy L2 provides strong protection for the South Devon National Landscape (SDNL). It aligns well with sustainability objectives related to landscape quality, biodiversity, climate resilience, and

public wellbeing. The policy's emphasis on avoiding major development unless in exceptional circumstances supports long-term environmental stewardship and scenic preservation.

Policy L3: Coastal Landscape

Policy L3 demonstrates strong alignment with environmental and landscape protection goals, particularly in conserving the undeveloped coast and managing coastal change. It supports sustainable tourism and economic development where appropriate, while safeguarding biodiversity, visual quality, and public access. Some objectives, such as transport and housing, show neutral or mixed impacts, indicating areas for further enhancement. Overall, Policy L3 contributes positively to sustainable coastal management and environmental resilience.

Policy L4: Valued Landscapes

Policy L4 provides targeted protection for locally valued landscapes, including the South Devon National Landscape and undeveloped coast. It aligns strongly with sustainability objectives related to landscape quality, biodiversity, climate resilience, and public wellbeing. The policy requires sensitive design and mitigation of visual impacts, supporting long-term conservation and community benefits.

Policy L5: Urban Landscape Protection Areas (ULPAs)

Policy L5 supports Torbay's sustainability objectives by protecting Urban Landscape Protection Areas (ULPAs) from inappropriate development. These areas contribute significantly to climate resilience, biodiversity, public health, and urban character. The policy ensures that development within ULPAs must enhance their landscape value and contribute positively to the urban environment.

Key strengths include climate mitigation, ecological enhancement, improved air and noise quality, and support for active travel and wellbeing. While the policy may limit development opportunities, it enhances urban liveability and long-term sustainability. Strategic planning and inclusive design are essential to maximise the benefits of ULPAs for all communities.

Policy L6: Local Green Spaces (LGSs)

Policy L6 strongly supports Torbay's sustainability objectives by safeguarding Local Green Spaces (LGSs) from inappropriate development. These spaces play a vital role in climate resilience, biodiversity conservation, public health, and community wellbeing. The policy ensures that any

development proposals must clearly demonstrate exceptional justification and avoid adverse impacts on the function and character of LGSs.

Key strengths include climate mitigation, ecological protection, enhancement of landscape character, and promotion of active lifestyles. While the policy may limit development opportunities, it contributes significantly to long-term sustainability and quality of life. Strategic planning and community engagement are essential to balance development needs with green space preservation.

Strategic Policy THS: Trees and Hedgerows

Policy THS demonstrates strong alignment with environmental and social goals, particularly in areas such as climate change mitigation, biodiversity conservation, and public health. While some objectives are indirectly addressed or neutral, appropriate mitigation measures can enhance the policy's overall sustainability impact.

Policy TH1: Trees, Hedgerows and Natural Landscape Features

Policy TH1 demonstrates a strong alignment with Torbay's sustainability objectives, particularly in areas related to climate resilience, biodiversity, landscape quality, and health and wellbeing. It promotes the retention and protection of natural features and integrates them into development design, ensuring long-term sustainability and community benefit.

Key strengths include protection of ancient and veteran trees, hedgerows, and woodland; integration with SuDS and climate resilience strategies; emphasis on native species and long-term management; and support for placemaking and community safety. Mitigation measures include careful species selection and prioritising planting in underserved areas.

Policy TH2: Mitigating for Loss of Trees, Hedgerows and Woodland

Policy TH2 supports sustainability by requiring compensatory planting when trees, hedgerows, or woodland are lost due to development. It aligns strongly with environmental and social objectives, particularly those related to climate change, biodiversity, landscape quality, and public health.

Strategic Policy NCS1: Biodiversity Strategy and Nature Recovery Network

Policy NCS1 strongly supports sustainability through its emphasis on biodiversity conservation, ecosystem services, and nature recovery. It aligns particularly well with objectives related to climate change mitigation, environmental quality, habitat protection, landscape enhancement, and health and wellbeing. While some objectives such as waste reduction, historic environment, housing, and economic growth are not directly addressed, the policy contributes indirectly through improved green infrastructure and ecological resilience.

The policy's use of the mitigation hierarchy, promotion of net biodiversity gain, and integration with local strategies (e.g. LNRS, NRN, Green Infrastructure Strategy) ensures a robust framework for sustainable development. It encourages long-term land management and public access to nature, which further supports community wellbeing and environmental stewardship.

Strategic Policy NCS2: Strategic Habitats Regulations Assessment

The policy is designed to ensure that development does not adversely affect the integrity of protected habitats and species, in line with the Conservation of Habitats and Species Regulations 2017. It requires rigorous evidence and assessment procedures, including Habitats Regulations Assessment (HRA), to safeguard European sites integrity. The policy aligns strongly with environmental sustainability goals, particularly in habitat protection, landscape conservation, and climate resilience. While some objectives such as waste, transport, and housing show neutral or mixed impacts, the overall contribution of Policy NCS2 to sustainable development is positive.

Policy NC1: Biodiversity and Ecology

Policy NC1 provides a robust framework for protecting biodiversity at international, national, regional, and local levels. It strongly supports sustainability objectives related to habitat conservation, landscape quality, and health and wellbeing. The policy's emphasis on avoiding harm, rigorous assessment, and early compensation planning aligns well with the mitigation hierarchy and ecological best practices.

While some objectives such as waste reduction, housing, and transport are not directly addressed, the policy contributes indirectly through ecosystem services and green infrastructure. Its integration with Natural England's advisory services and requirement for biodiversity value assessments ensures a proactive and evidence-based approach to ecological protection.

Policy NC2: Species of principal importance

Policy NC2 demonstrates strong alignment with sustainability objectives, particularly in conserving biodiversity, enhancing habitats, and supporting ecological resilience. While some objectives are indirectly supported or neutral, the policy's emphasis on habitat enhancement, species protection, and integration of biodiversity features into development contributes positively to environmental, social, and economic sustainability. Mitigation measures are recommended to maximise benefits and ensure equitable and effective implementation.

Policy NC3: Biodiversity Net Gain

Policy NC3 establishes a clear requirement for 10% Biodiversity Net Gain on development sites, supporting key sustainability objectives. It prioritises on-site delivery but allows off-site provision where more beneficial, aligning with local strategies. The policy protects irreplaceable habitats and encourages nature-based solutions, contributing to climate resilience, landscape quality, and public wellbeing.

Policy NC4: Light Pollution

Policy NC4 demonstrates strong alignment with Torbay's sustainability objectives, particularly in areas concerning environmental protection, landscape character, and public health. The policy's emphasis on minimising unnecessary artificial lighting, controlling light spill and glare, and protecting sensitive ecological and heritage areas contributes positively to climate action, biodiversity conservation, and the enhancement of visual and historic environments.

Some objectives, such as waste reduction, land reuse, and economic growth, are less directly impacted but can benefit through thoughtful implementation and complementary measures.

Overall, Policy NC4 is a well-integrated approach to managing light pollution in a way that supports Torbay's broader sustainability goals. Mitigation measures such as ecological lighting assessments, use of energy-efficient fixtures, and context-sensitive design are essential to maximise its effectiveness.

Strategic Policy GE1: Geodiversity and the English Riviera UNESCO Global Geopark

Policy GE1 provides strong protection for Torbay's geodiversity, including designated geosites within the UNESCO Global Geopark. It aligns well with sustainability objectives related to geodiversity, climate resilience, heritage, economic growth, and public wellbeing. The policy

promotes conservation, public access, and education, supporting long-term stewardship and sustainable tourism.

Strategic Policy GIS: Green and Blue Infrastructure Strategy

The Green and Blue Infrastructure Strategy demonstrates strong alignment with environmental and social sustainability objectives. It provides significant benefits in areas such as climate change mitigation, biodiversity, landscape quality, and public health. Neutral impacts are observed in areas like waste management, land reuse, and poverty reduction, which present opportunities for enhancement through targeted measures.

Our Shared History: Protecting and Enhancing Torbay's Heritage and Identity

Strategic Policy HES: Historic Environment Strategy

Policy HES demonstrates strong alignment with sustainability objectives related to heritage conservation, land reuse, economic regeneration, and community wellbeing. It provides a robust framework for protecting and enhancing Torbay's historic environment while allowing for sensitive adaptation and development. Opportunities exist to further integrate heritage with climate adaptation, biodiversity, and inclusive access.

Policy HE1: Designated Heritage Assets (Conservation Areas, Listed Buildings Structures and Gardens, Scheduled Monuments)

Policy HE1 demonstrates strong alignment with sustainability objectives related to the historic environment, landscape character, and reuse of buildings. It supports the conservation and adaptive reuse of designated heritage assets, contributing to cultural identity, economic growth, and wellbeing. While some objectives such as climate change and transport are less directly addressed, they present opportunities for enhancement through implementation strategies. Overall, Policy HE1 provides a robust framework for protecting Torbay's heritage while supporting sustainable development.

Policy HE2: Conservation Areas Protection and Enhancement

Policy HE2 demonstrates strong alignment with sustainability objectives related to the conservation of the historic environment, landscape character, and reuse of existing buildings. It supports the preservation and enhancement of Conservation Areas while allowing for sensitive adaptation to climate change and modern needs. The policy contributes positively to economic regeneration, health and wellbeing, and community identity. While some objectives such as waste management and air quality are less directly addressed, they can be supported through implementation strategies. Overall, the policy provides a robust framework for sustainable heritage-led development in Torbay.

Policy HE3: Non-Designated Heritage Assets

Policy HE3 demonstrates strong alignment with sustainability objectives related to the conservation and adaptive reuse of heritage assets. It supports climate resilience, waste reduction, economic regeneration, and the enhancement of local character. While some objectives such as biodiversity and transport are less directly addressed, they present opportunities for enhancement through implementation strategies. Overall, the policy provides a flexible and supportive framework for sustainable heritage management in Torbay.

Policy HE4: Schedules of Redevelopment of Heritage Assets

Policy HE4 demonstrates strong alignment with sustainability objectives related to heritage conservation, reuse of buildings, and urban regeneration. It promotes the responsible redevelopment of heritage assets, ensuring that demolition is only permitted with a clear plan for redevelopment. The policy supports the reuse of period materials, contributing to waste reduction and climate resilience. While some objectives such as transport and pollution control are less directly addressed, they can be enhanced through implementation strategies. Overall, Policy HE4 provides a balanced framework for sustainable redevelopment in Torbay.

Policy HE5: Investigation and Preservation of Archaeology and Historic Artefacts

Policy HE5 demonstrates strong alignment with sustainability objectives related to historic environment conservation, resource efficiency, and cultural identity. It supports the preservation and investigation of archaeological and palaeontological remains, ensuring their significance is considered in development decisions. The policy contributes positively to mental wellbeing, community pride, and reuse of materials. While objectives such as climate change, biodiversity, and transport are less directly addressed, they offer opportunities for enhancement through

implementation strategies such as green infrastructure, active travel access, and ecological coordination. Overall, Policy HE5 provides a robust framework for sustainable heritage management in Torbay.

Designed with quality Taking pride in Torbay's place-making

Strategic Policy DES: Design and placemaking

Policy DES aligns well with sustainability objectives. It promotes efficient land use, high-quality and inclusive design, protection of environmental and heritage assets, and economic regeneration. To strengthen its sustainability impact, implementation should ensure green infrastructure is integrated into high-density areas and monitor design quality and affordability.

Policy DE1: Design quality and assessment

Policy DE1 demonstrates strong alignment with sustainability objectives across environmental, social, and economic dimensions. Key strengths include protection of heritage and landscape, promotion of safe and inclusive communities, and support for high-quality design. To enhance its sustainability impact, the following considerations are recommended: integration of green infrastructure and monitoring of design quality and affordability.

Policy DE2: Building for a Healthy Life

Policy DE2 aligns strongly with sustainability objectives by promoting high-quality, inclusive, and health-focused urban design. Its use of the Building for a Healthy Life (BHL12) framework supports:

- Environmental sustainability through efficient land use, reduced pollution, and enhanced biodiversity.
- Social sustainability by improving living conditions, safety, accessibility, and wellbeing.
- Economic sustainability via support for regeneration and attractive, functional neighbourhoods.

To maximise its impact, developments should integrate green infrastructure, ensure affordability, and promote active travel and community engagement throughout the design process.

Policy DE3: Development amenity and living standards

Policy DE3 aligns strongly with the sustainability objectives. It promotes high standards of residential amenities, protects environmental and social wellbeing, and supports efficient and inclusive development. Key strengths include emphasis on privacy, light, outlook, adequate space, and protection of existing community uses. To maximise its sustainability impact, implementation should ensure flexibility in historic building conversions, monitor density and amenity provision, and promote integration of green infrastructure and active travel options.

Policy DE4: Building heights and urban form

Policy DE4 supports sustainable urban regeneration through appropriate building heights, particularly in town centres and waterfront areas. It aligns with several sustainability objectives, especially efficient land use, economic growth, sustainable travel and health and wellbeing. However, it also presents potential risks to historic environment, landscape and townscape and environmental quality. Mitigation measures such as heritage impact assessments, green infrastructure, and inclusive design standards are recommended to ensure balanced and sustainable outcomes.

Policy DE5: Extensions and standalone additions to buildings

Policy DE5 aligns well with sustainability objectives, particularly in promoting environmental quality, character-sensitive design, and residential amenity. Its emphasis on water runoff reduction and protection of privacy and light contributes to climate resilience and wellbeing. Mitigation measures should focus on enhancing biodiversity, promoting sustainable travel, and ensuring responsible construction practices.

Policy DE6: Advertisements

Policy DE6 promotes sustainability by regulating advertisements to safeguard visual and aural amenities and ensure public safety. It enhances environmental quality by reducing visual clutter and light pollution, preserves landscape and townscape character through context-sensitive design, protects the historic environment by maintaining heritage settings, supports health and wellbeing by fostering a pleasant public realm, and contributes to safe communities by preventing signage that could obstruct views or distract road users.

While its impact on climate change, biodiversity, and social equity is limited, mitigation strategies such as using energy-efficient materials, avoiding sensitive locations, and ensuring equitable access can enhance its sustainability contribution.

Responsible resource use: Waste and Minerals

Strategic Policy WS: Waste spatial strategy

Policy WS aligns strongly with Torbay's sustainability objectives by promoting responsible waste management practices. It encourages minimising waste production, increasing reuse and recycling, and restoring waste sites to sustainable after-uses. The policy supports climate change mitigation, environmental protection, biodiversity and landscape enhancement, economic growth and efficient land use.

While some objectives (e.g. travel behaviour, housing provision) are indirectly supported, the policy contributes positively to public health, community wellbeing, and sustainable development. Mitigation measures such as environmental monitoring, community engagement, and integration with transport and biodiversity strategies can further enhance its effectiveness.

Policy W1: Waste hierarchy and sustainable waste management

Policy W1 strongly aligns with sustainability objectives related to waste minimisation, climate change mitigation, and economic development. It promotes the full spectrum of the waste hierarchy, encouraging prevention, reuse, recycling, recovery, and minimised disposal. The policy supports environmental protection, public health, and efficient land use. While some objectives are indirectly impacted, appropriate mitigation measures can enhance positive outcomes. Overall, Policy W1 contributes significantly to Torbay's sustainable development goals.

Policy W2: Waste reduction and waste audit for major and significant waste generating developments

Policy W2 aligns strongly with sustainability objectives by embedding circular economic principles into development planning. It promotes waste minimisation, reuse, and recycling, and requires comprehensive waste audits and management plans. The policy supports environmental protection, economic growth, and public health, with indirect benefits to social equity. Effective implementation and monitoring will be key to realising these benefits.

Strategic Policy W3: Safeguarding waste management facilities

Policy W3 aligns well with sustainability objectives by safeguarding existing waste management infrastructure, which is critical for maintaining recycling, treatment, and disposal capabilities. It

supports climate action, economic stability, and environmental protection. Mitigation measures should focus on enhancing facility performance, ensuring compatibility with surrounding land uses, and integrating restoration and community benefits where applicable.

Policy W4: Proposals for new waste management facilities

Policy W4 demonstrates strong alignment with sustainability objectives, particularly in promoting sustainable waste management, minimising environmental impacts, and supporting economic and community benefits. Key considerations include ensuring high-quality design, effective site management, and integration of sustainable transport and restoration practices. The policy supports Torbay's long-term goals for environmental protection, climate resilience, and sustainable development. However, capacity issues in the HWRC has to be addressed during the plan period.

Strategic Policy W5: Waste-water disposal and infrastructure capacity

Policy W5 demonstrates strong alignment with sustainability objectives related to environmental protection, public health, and infrastructure resilience. It supports improvements in wastewater treatment and ensures development does not compromise service capacity or water quality. The policy encourages sustainable drainage and restoration practices, contributing positively to climate change mitigation, biodiversity, and land use efficiency. While some objectives are indirectly addressed, the overall impact of the policy is beneficial to Torbay's long-term sustainability goals.

Strategic Policy MS: Sustainable minerals strategy

Policy MS aligns well with sustainability objectives by promoting a low carbon economy, encouraging the use of recycled aggregates, and protecting economic mineral resources. It supports environmental protection through restoration and conservation of geodiversity, while also contributing to economic growth and community wellbeing. Mitigation measures should focus on environmental monitoring, sustainable transport, and community engagement to ensure balanced and sustainable mineral development.

Policy M1: Minerals extraction and environmental safeguards

Policy M1 generally aligns with sustainability objectives by promoting responsible mineral extraction, restoration, and reuse of resources. However, potential environmental and health impacts must be carefully managed through planning controls, pollution prevention, and restoration strategies. The policy supports economic growth and geodiversity while requiring safeguards to protect landscapes, communities, and ecosystems.

Policy M2: Maximising the Use of secondary and recycled aggregates

Policy M2 aligns well with sustainability objectives, particularly in promoting recycling, reducing environmental impacts, and supporting economic growth. It encourages the use of previously developed land and co-location with existing facilities, which enhances land efficiency and reduces landscape disruption. While some objectives are indirectly impacted, the overall contribution of the policy to sustainable development is positive. Mitigation measures should focus on environmental standards, community engagement, and integration with transport and employment strategies.

Policy M3: Preserving and safeguarding of limestone resources and key local building stone

Policy M3 aligns well with sustainability objectives related to resource efficiency, heritage conservation, and local distinctiveness. It promotes the reuse of local building stone, reducing waste and carbon emissions, while safeguarding important mineral resources for future generations. The policy supports economic growth through local industry and contributes positively to environmental and cultural sustainability. Mitigation measures should focus on ensuring environmental safeguards, promoting traditional skills, and integrating reuse practices in development proposals.

7. Cumulative Impact of the Local Plan Policies

The Regulation 19 Torbay Local Plan establishes an integrated framework for accommodating housing, employment, infrastructure and regeneration growth while addressing climate change, environmental protection, health and wellbeing, and economic prosperity. The cumulative effects of the Plan arise not from individual policies in isolation, but from the interaction of the Plan's spatial strategy, development management policies, infrastructure requirements, environmental safeguards and site allocations operating together across the plan period to 2045. The assessment below considers the likely cumulative effects of the Local Plan policies as a whole.

Climate Change Mitigation and Adaptation

The Regulation 19 Local Plan places climate change at the heart of its spatial strategy and seeks to deliver growth within environmental limits while supporting the transition to a low-carbon and climate-resilient future. The Plan's climate change, transport, green infrastructure, biodiversity, resource management, regeneration and infrastructure policies work together to create a comprehensive framework for both climate change mitigation and adaptation. The Plan explicitly prioritises addressing climate change alongside housing delivery, regeneration and economic growth.

When considered cumulatively, the interaction between these policy areas is expected to generate significant positive effects by reducing greenhouse gas emissions, increasing resilience to climate-related risks and improving environmental sustainability across Torbay.

The most significant positive cumulative effects are likely to arise from:

- The regeneration-led spatial strategy, which prioritises development within existing urban areas and previously developed land, reducing the need for extensive greenfield expansion and supporting more sustainable patterns of development.
- The integration of the Devon and Torbay Local Transport Plan 4, which promotes decarbonisation, active travel, public transport improvements and reduced dependence on private vehicles.

- Green infrastructure, landscape and biodiversity policies that strengthen ecosystem resilience, support carbon sequestration, reduce urban heat island effects and contribute to natural climate adaptation.
- Protection of woodlands, trees, hedgerows, valued landscapes and ecological networks that provide important climate regulation and adaptation functions.
- Sustainable resource management measures within the Waste and Minerals chapter that encourage waste minimisation, recycling, reuse and more efficient use of resources, supporting the transition towards a circular economy.
- Sustainable drainage, flood risk management and infrastructure planning measures that improve resilience to increased rainfall intensity, flooding and other climate-related hazards.

The Plan's relatively modest housing target of approximately 400 dwellings per annum also has implications for climate change. Compared with a higher-growth strategy delivering in excess of 900 dwellings per annum, the Regulation 19 strategy is likely to generate lower overall levels of construction activity, energy consumption, transport demand, water consumption and associated carbon emissions. This may reduce the scale of climate-related environmental pressures arising from development over the plan period.

However, this position presents an important sustainability trade-off. While lower growth may reduce development-related emissions and environmental pressures, the lower housing delivery rate may also limit opportunities for large-scale delivery of highly energy-efficient modern homes that perform significantly better than much of Torbay's existing housing stock. The extent to which carbon reductions are realised will therefore depend on the environmental performance of both new development and the existing built environment.

There are also residual climate risks that remain regardless of growth levels. Torbay's coastal location means it will continue to be vulnerable to:

- Extreme weather events.
- Coastal change and storm impacts.
- Flooding.
- Heat stress.
- Infrastructure disruption associated with climate change.

The cumulative effectiveness of the Local Plan therefore depends upon the successful implementation of adaptation measures, resilient infrastructure delivery, green infrastructure enhancement and sustainable transport investment throughout the plan period.

CSO challenge

Likely Significance: Major Positive (long-term and permanent).

SA Conclusion

The cumulative effect of the Regulation 19 Local Plan on climate change mitigation and adaptation is assessed as Major Positive. The Plan integrates climate objectives across development, transport, green infrastructure, biodiversity, resource management and regeneration policies, creating a comprehensive framework for reducing emissions and increasing resilience to climate change. The regeneration-led spatial strategy, support for sustainable transport through the Devon and Torbay Local Transport Plan 4, protection of natural capital assets and promotion of resource efficiency are expected to generate substantial long-term benefits. While climate-related risks will remain and the lower housing target presents some sustainability trade-offs, the overall cumulative effect is strongly positive and represents one of the Plan's most significant sustainability strengths.

Housing Delivery and Social Inclusion

The Regulation 19 Local Plan seeks to deliver an average of approximately 400 dwellings per annum, whereas the Government's standard method identifies a housing need of over 900 dwellings per annum for Torbay. This results in a substantial shortfall between objectively assessed housing need and planned housing provision.

While the Plan will still deliver significant housing growth over the plan period and provide benefits through affordable housing policies, regeneration initiatives, specialist accommodation and the efficient use of urban land, the cumulative effects are likely to be mixed rather than wholly positive.

The interaction of housing, regeneration and affordable housing policies is expected to generate the following positive cumulative effects:

- Delivery of additional homes and affordable housing.
- Regeneration of previously developed urban land.
- Increased housing choice across the Bay.

- Support for labour force retention and economic activity.
- Improved access to services through a predominantly urban spatial strategy.

However, the scale of planned housing delivery may not be sufficient to fully address identified housing needs, resulting in several potential cumulative adverse effects:

- Continued affordability pressures due to an imbalance between housing supply and demand.
- Reduced ability to meet the needs of younger households, key workers and lower-income groups.
- Ongoing pressures within the private rented sector.
- Potential increases in overcrowding and concealed households.
- Constraints on economic growth arising from labour shortages and workforce accommodation issues.
- Increased displacement of housing need to neighbouring authorities or unmet need being carried forward over time.
- Reduced capacity to address existing housing backlogs and homelessness pressures.

From a Sustainability Appraisal perspective, the cumulative effects are therefore less beneficial than would be expected from a Plan that fully met identified housing need. Whilst the Plan performs positively against objectives relating to urban regeneration, brownfield redevelopment and sustainable location of growth, its lower housing delivery target may limit the extent to which social inclusion and housing needs objectives can be achieved.

Furthermore, there is a cumulative interaction between housing under-delivery and other sustainability objectives. For example, insufficient housing supply may undermine economic growth objectives by constraining labour availability, while also exacerbating social inequalities through worsening housing affordability. Conversely, the reduced housing target may lessen cumulative pressures on internationally designated habitats, transport infrastructure, water resources, landscape character and greenfield land compared with a higher growth strategy.

Likely significance: Mixed positive and negative effects

SA Conclusion

The Regulation 19 Local Plan is likely to generate positive effects through the delivery of new homes, affordable housing provision and urban regeneration. However, because planned housing delivery of approximately 400 dwellings per annum falls substantially below the Government standard method assessment of housing need, which exceeds 900 dwellings per annum, the cumulative effect is unlikely to fully meet identified housing needs across Torbay. When assessed against the SA objective of meeting housing needs and promoting social inclusion, the overall effect is therefore mixed, combining positive regeneration and housing delivery benefits with significant adverse implications for affordability, unmet need and social inclusion. This represents one of the principal negative cumulative sustainability effects arising from the Plan's overall strategy.

Health, Wellbeing and Quality of Life

The Regulation 19 Local Plan contains a strong emphasis on creating healthy, inclusive and sustainable communities through urban regeneration, improved access to services, protection and enhancement of green infrastructure, active travel provision, climate resilience measures and investment in community facilities. The Plan's overarching vision seeks to promote a healthy, happy and prosperous Torbay whilst supporting sustainable growth within environmental limits. Development is directed towards existing urban areas where residents can more easily access employment, education, healthcare, public transport and local services.

When considered cumulatively, the interaction of the housing, regeneration, transport, climate change, green infrastructure, design and community infrastructure policies is expected to generate a range of positive health and wellbeing outcomes.

These include:

- Improved access to healthcare, education, employment and community facilities through the concentration of growth within existing settlements.
- Increased opportunities for walking, cycling and other forms of active travel supported by the Devon and Torbay Local Transport Plan 4.
- Enhanced access to parks, green spaces, the countryside and coastal environments through green infrastructure and landscape policies.
- Improved environmental quality through urban regeneration, public realm improvements and investment in town centres.

- Greater community cohesion and social interaction supported by well-connected neighbourhoods and community infrastructure.
- Reduced exposure to climate-related health risks through climate adaptation, green infrastructure and sustainable design measures.

The Plan's landscape, biodiversity and green infrastructure policies are also likely to generate significant health benefits. The Landscape Character Assessment and associated evidence highlight the importance of maintaining access to high-quality natural environments, valued landscapes and blue-green infrastructure networks, which contribute positively to physical activity, mental wellbeing and overall quality of life.

However, the assessment also identifies an important cumulative sustainability issue relating to housing provision and affordability. The Regulation 19 Local Plan proposes delivery of approximately 400 dwellings per annum, substantially below the Government's standard method assessment of housing need. While the Plan will provide new homes and affordable housing opportunities, it may not fully address existing housing pressures over the plan period.

As discussed under the Housing Delivery and Social Inclusion assessment, continued affordability pressures may result in:

- Difficulties accessing suitable housing.
- Increased housing insecurity for some households.
- Continued pressure on affordable housing services.
- Reduced opportunities for younger households and key workers.
- Potential adverse effects on social inclusion and wellbeing.

These effects have important implications for health and quality of life because access to secure, affordable and suitable housing is a key determinant of health outcomes. Consequently, the positive wellbeing benefits arising from regeneration, improved environments and infrastructure are partially moderated by the likely continuation of housing affordability challenges.

Conversely, the lower housing target reduces some environmental and infrastructure pressures that could otherwise affect health and wellbeing, including traffic congestion, loss of green space, recreational pressure on sensitive sites and demand on public services. The Plan therefore presents a sustainability trade-off between limiting environmental impacts and fully meeting housing needs.

Likely Significance: Positive (long-term).

SA Conclusion

The cumulative effect of the Regulation 19 Local Plan on health, wellbeing and quality of life is assessed as Positive. The Plan is expected to deliver substantial benefits through urban regeneration, improved access to services, active travel infrastructure, environmental enhancement, climate resilience and green infrastructure provision. These measures should support healthier lifestyles, improved wellbeing and stronger communities across Torbay. However, the positive effects are moderated by the Plan's relatively low housing delivery target, which may limit progress in addressing housing affordability and social inclusion issues. As a result, while the overall cumulative effect remains positive, it is less significant than would be expected from a strategy that more fully met identified housing needs.

Economic Growth and Regeneration

The Regulation 19 Local Plan seeks to support economic growth through housing delivery, employment development, town centre regeneration, tourism investment, infrastructure improvements and the reuse of previously developed land. When considered cumulatively, these policies are expected to generate significant positive effects for economic performance, investment, employment creation and urban renewal. The Plan's emphasis on regeneration-led growth is particularly important in supporting the continued revitalisation of Torquay, Paignton and Brixham town centres whilst reducing pressure for extensive greenfield expansion.

The cumulative effect of employment allocations, mixed-use redevelopment opportunities, infrastructure investment and tourism-related development is expected to strengthen Torbay's economic resilience and competitiveness. Regeneration initiatives have the potential to attract inward investment, increase visitor spending, support business growth, enhance the vitality and viability of centres, and improve access to employment opportunities. The concentration of development within existing urban areas also supports more efficient use of infrastructure and services, contributing to sustainable patterns of growth.

The Plan's focus on brownfield redevelopment and urban regeneration can deliver wider socio-economic benefits through the renewal of underused land, enhancement of the public realm, improved accessibility and the creation of more attractive places to live, work and visit. In combination with housing delivery and transport improvements, these measures are expected to support labour market growth and increase the attractiveness of Torbay as a location for investment and enterprise.

However, cumulative redevelopment pressures associated with housing growth, employment provision and infrastructure improvements may create challenges in balancing economic objectives with environmental and community considerations. This includes potential pressure on local infrastructure, townscape character and environmental assets if growth is not carefully planned and managed. Nevertheless, the Local Plan contains a comprehensive framework of spatial, environmental and design policies intended to ensure that economic growth is delivered in a sustainable manner.

Likely Significance: Major Positive (long-term).

SA Conclusion

The cumulative effect of the Regulation 19 Local Plan on economic growth and regeneration is assessed as Major Positive. The combination of housing delivery, employment development, town centre regeneration, tourism investment, infrastructure improvements and brownfield redevelopment is expected to support economic prosperity, job creation and urban renewal across Torbay. The Plan promotes sustainable economic growth whilst helping to strengthen the vitality of existing communities and centres. Overall, the cumulative effects are expected to generate substantial long-term economic benefits for Torbay.

Heritage Assets

The Regulation 19 Local Plan has the potential to generate both positive and adverse cumulative effects on heritage assets through the combined influence of housing development, employment growth, regeneration schemes, infrastructure projects and tourism-related investment. Torbay's historic environment, including conservation areas, listed buildings, scheduled monuments, registered parks and gardens, archaeological remains and historic townscapes, forms an important part of its identity, sense of place and cultural significance.

The Torbay Heritage Impact Assessment identifies that cumulative growth and regeneration pressures have the potential to adversely affect heritage assets where development results in:

- Harm to the setting of designated heritage assets.
- Erosion of historic townscape character.
- Loss of locally distinctive buildings and features.
- Incremental impacts on conservation areas.

- Adverse effects on important views, skylines and historic landscape character.
- Cumulative changes affecting the significance of heritage assets.

These risks are particularly relevant within historic urban areas where multiple developments may occur over the Plan period. While the effects of individual schemes may be limited, the cumulative impact of repeated change could gradually erode elements of historic character and significance if development is not appropriately designed and managed.

Balanced against these risks are a number of important positive effects arising from regeneration and investment. Development can contribute to the conservation and enhancement of heritage assets by:

- Bringing vacant or underused historic buildings back into active use.
- Securing investment in historic town centres.
- Enhancing the appearance of degraded urban environments.
- Supporting heritage-led regeneration and tourism.
- Improving public realm quality and historic streetscapes.
- Reinforcing local distinctiveness and cultural identity.

The Heritage Impact Assessment concludes that where development is informed by high-quality design, responds appropriately to local character and incorporates suitable mitigation measures, regeneration can conserve and enhance heritage significance whilst supporting broader economic and community objectives. Heritage assets can therefore act as catalysts for regeneration, tourism growth and place-making.

The cumulative interaction between regeneration policies, heritage policies, design requirements and tourism objectives is expected to generate positive synergies by helping to secure the long-term conservation and sustainable use of the historic environment. However, some residual risk remains where development pressures associated with housing and employment delivery may create tensions with heritage conservation objectives, particularly within sensitive historic settings.

The significance of potential adverse effects is reduced by the Local Plan's heritage protection framework, design policies and the recommendations of the Heritage Impact Assessment, which seek to ensure that development conserves and where appropriate enhances the significance of heritage assets and their settings.

Likely Significance: Positive overall, with the potential for localised adverse effects on heritage assets where mitigation and sensitive design are not effectively implemented.

SA Conclusion

The cumulative effect of the Regulation 19 Local Plan on heritage assets is assessed as Positive overall. Whilst cumulative redevelopment and growth pressures have the potential to adversely affect the significance, setting and character of heritage assets in some locations, the Local Plan provides a robust framework for heritage protection, conservation and place-sensitive design. The Heritage Impact Assessment demonstrates that heritage assets can play a central role in supporting regeneration, tourism and local distinctiveness. Consequently, provided that the Plan's heritage, design and mitigation measures are fully implemented, the overall cumulative effect is expected to be positive, with heritage conservation and enhancement supporting the long-term sustainability and attractiveness of Torbay.

Biodiversity Enhancement, Landscape and Green/blue Infrastructure

The cumulative effects of the Regulation 19 Local Plan on biodiversity and green infrastructure are assessed in the context of the Local Plan's environmental policies and the Council's landscape and ecology evidence base, including the Landscape Character Assessment[13], Landscape Sensitivity Assessment[14], Review of Valued Landscapes[15], Habitats Regulations Assessment (HRA), the South Hams SAC Greater Horseshoe Bat Evidence Study[16], and associated ecological evidence. Collectively, these studies emphasise the importance of applying a landscape and ecology avoidance-led approach, whereby development should first avoid the most sensitive landscapes, habitats, ecological networks and designated nature conservation sites before considering mitigation or compensation measures.

A key consideration is the presence of two internationally designated Special Areas of Conservation (SACs): South Hams SAC and Lyme Bay and Torbay SAC. These sites are afforded the highest level of protection under the Habitats Regulations due to their exceptional ecological importance. South Hams SAC is designated principally for Greater Horseshoe Bats and European dry heath, while Lyme Bay and Torbay SAC protects important marine habitats and reef systems.

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[13] **Torbay Landscape Character Assesment 2025.pdf**
[14] **landscapesensitivityreportpotentialfuturegrowthareastorbaypublishedjuly2025.pdf**
[15] **ValuedLandscapesReportTorbayJuly2025.pdf**
[16] **south-hams-sac-ghb-torbay-policy-brief-key-findings.pdf**

Their presence has significantly influenced the Plan's spatial strategy and development framework.

The ecological evidence[17] identifies critical bat sustenance zones, commuting routes, flyways and landscape features that support the integrity of South Hams SAC and recreation pressure on Berry Head[18] while also recognising the need to avoid impacts on the marine SAC from activities that could affect water quality, increase recreational pressure or cause coastal disturbance. As a result, development proposals are required to retain habitat connectivity, safeguard dark corridors, provide appropriate buffers and green infrastructure, and avoid adverse effects on designated sites. In some cases, these requirements may limit development capacity or necessitate changes to site design.

Development proposed through the Local Plan has the potential to result in indirect adverse effects on the Torbay Marine Conservation Zone (MCZ) through increased nutrient and sediment inputs to the marine environment. However, the Plan includes measures relating to wastewater infrastructure, sustainable drainage, water quality and biodiversity protection that are expected to minimise these effects.

The Plan's focus on urban regeneration, redevelopment of previously developed land and growth within the existing urban area helps reduce pressure on sensitive countryside, valued landscapes, strategic gaps and ecological networks when compared with more dispersed greenfield-based growth scenarios. The evidence base also highlights the importance of conserving landscape character, maintaining settlement separation, and protecting hedgerows, woodlands and other key environmental assets.

Taken together, the biodiversity, landscape, green infrastructure, climate resilience and design policies are expected to generate a number of positive cumulative outcomes, including:

- Protection and enhancement of ecological networks and habitat connectivity.
- Protection of the integrity of the South Hams SAC and Lyme Bay and Torbay SAC.
- Retention and enhancement of green infrastructure within urban areas.
- Protection of woodlands, trees, hedgerows and other key landscape features.

[17] **sac-greaterhorseshoebats.pdf**
[18] **berry-head-visitor-survey-report-final-aug24.pdf**

- Increased opportunities for habitat restoration and biodiversity enhancement associated with new development.
- Improved ecosystem resilience to climate change through green infrastructure provision and nature recovery measures.
- Enhanced public access to natural green spaces while maintaining landscape quality and local distinctiveness.
- Long-term protection of strategic bat commuting routes, sustenance zones and ecological corridors identified through the Council's ecological evidence base.

Notwithstanding these benefits, parts of Torbay remain highly sensitive to development due to their ecological, landscape and conservation value. Inappropriate development could result in habitat fragmentation, loss of connectivity, disturbance to protected species, degradation of valued landscapes, increased recreational pressure on designated sites and erosion of countryside character. However, the likelihood and significance of such effects are substantially reduced through the Plan's urban-focused growth strategy, relatively modest housing requirement, evidence-led site selection process, ecological safeguards and HRA requirements.

From a Sustainability Appraisal perspective, the avoidance-led approach is particularly important, as preventing impacts in the first instance generally delivers more effective biodiversity outcomes than relying solely on mitigation measures. While environmental constraints may limit development opportunities in some locations, they help direct growth towards more sustainable and less sensitive areas, reducing the potential for cumulative adverse effects.

Likely Significance: Major Positive (long-term), subject to continued application of the landscape and ecology avoidance hierarchy, protection of the South Hams SAC and Lyme Bay and Torbay SAC, and safeguarding of sensitive habitats, ecological networks and valued landscapes.

SA Conclusion

The cumulative effects of the Regulation 19 Local Plan on biodiversity, landscape and green infrastructure are assessed as Major Positive, subject to effective implementation of HRA recommendations, ecological evidence, landscape sensitivity principles and development management safeguards. The Plan is supported by a robust evidence base that directs growth towards regeneration opportunities while avoiding the most environmentally sensitive locations. The protection afforded to South Hams SAC and Lyme Bay, Torbay SAC and MCZ has been a

key influence on the spatial strategy, helping to steer development away from areas of greatest ecological sensitivity. Combined with policies supporting biodiversity enhancement, habitat connectivity, green infrastructure, landscape protection and climate resilience, the Plan is expected to strengthen ecological networks, improve habitat quality and increase environmental resilience over the long term. While localised adverse effects may arise from individual development proposals, these are expected to be effectively managed through policy requirements, project-level assessment, monitoring and mitigation throughout the plan period.

Transport Network Pressures

The cumulative effects of the Regulation 19 Local Plan on the transport network should be considered alongside the Devon and Torbay Local Transport Plan 4 (LTP4) 2025-2040[19], which provides the strategic framework for transport investment, accessibility improvements and mobility transition across Torbay. LTP4 aims to support sustainable growth while reducing carbon emissions, improving travel choice, enhancing network resilience, promoting healthier lifestyles and ensuring that transport infrastructure supports economic development and regeneration.

The Local Plan will inevitably increase travel demand through the delivery of new homes, employment opportunities, town centre regeneration and tourism development. Without intervention, this growth could place additional pressure on parts of the transport network, particularly along key corridors linking Torquay, Paignton and Brixham, and at junctions serving major growth areas, employment locations and town centres. Potential adverse effects include increased congestion, longer journey times, noise and disturbance, pressure on public transport capacity and localised air quality impacts.

However, the cumulative assessment indicates that the Local Plan's spatial strategy is well aligned with the objectives of LTP4. Both promote urban-focused growth, improved public transport accessibility, enhanced walking and cycling networks, reduced dependency on private vehicles, transport decarbonisation and the creation of integrated and inclusive transport systems. By directing most development towards existing urban areas and regeneration opportunities, the Plan supports shorter trip lengths and increases the potential for journeys to be undertaken by sustainable modes rather than private car.

The scale of growth proposed is also a relevant consideration. The Regulation 19 Local Plan's housing requirement of approximately 400 dwellings per annum is substantially lower than the Government's standard method figure of over 900 dwellings per annum. As a result, cumulative

[19] **Devon and Torbay Local Transport Plan 4**

transport pressures are expected to be significantly less than those associated with a higher-growth strategy and correspondingly reduce demands on highway capacity, public transport infrastructure and strategic junctions.

The implementation of LTP4, together with Local Plan transport and infrastructure policies, is expected to deliver a range of positive cumulative effects, including:

- Improved public transport connectivity, accessibility and reliability.
- Expansion of active travel networks and healthier travel choices.
- Improved access to employment, education, services and town centres.
- Support for regeneration and economic growth objectives.
- Reduced transport-related carbon emissions.
- Enhanced network resilience and journey reliability.

Notwithstanding these benefits, Torbay's constrained coastal geography, limited route choices and historic urban form mean that some parts of the transport network are already subject to congestion pressures. Consequently, additional development may continue to generate localised adverse effects, particularly where modal shift is slower than anticipated, infrastructure improvements are delayed, or seasonal tourism demand places additional strain on the network during peak periods. While sustainable transport measures are expected to reduce reliance on private vehicles over time, some congestion hotspots and strategic corridors are likely to experience residual pressure throughout the plan period.

Likely Significance: Minor Positive overall, with potential localised Minor Adverse effects at specific congestion hotspots and junctions.

SA Conclusion

The cumulative effect of the Regulation 19 Local Plan on the transport network is assessed as Minor Positive overall. Although housing, employment and tourism growth will increase travel demand, the scale of development proposed is comparatively modest and is supported by the delivery of LTP4, which promotes sustainable travel, public transport improvements, active travel infrastructure, decarbonisation and enhanced network resilience. The regeneration-led spatial strategy further reduces the need for dispersed, car-dependent development and supports more sustainable travel patterns. While localised congestion and network pressures may persist in some locations, particularly during peak periods, these effects are expected to be limited in scale and

are outweighed by the wider benefits arising from improved accessibility, connectivity and a more sustainable transport system.

Waste, Minerals, Water Resources and Wastewater Infrastructure

The cumulative effects of the Regulation 19 Local Plan on water resources and wastewater infrastructure should be considered alongside the revised Responsible Resource Use: Waste and Minerals policies, which promote sustainable resource management, the waste hierarchy, circular economy principles, efficient use of infrastructure and the reduction of environmental impacts associated with waste generation and resource consumption. The waste strategy supports increased recycling, reuse, treatment capacity and the sustainable management of resources while seeking environmental enhancements and biodiversity benefits from restored sites.

The delivery of approximately 400 dwellings per annum, together with employment development and regeneration proposals, will inevitably increase demand for:

- Potable water supplies.
- Wastewater collection and treatment infrastructure.
- Sewerage networks.
- Surface water drainage systems.
- Waste collection and resource recovery infrastructure.

In the absence of infrastructure investment, cumulative growth could create pressure on wastewater treatment capacity, sewer networks and receiving water bodies, with potential implications for water quality, ecological receptors and designated habitats. However, several aspects of the Regulation 19 strategy reduce the significance of these pressures.

Firstly, the proposed housing target is substantially below the Government's standard method assessment of housing need. Consequently, the overall increase in water demand and wastewater generation is expected to be significantly lower than under a higher-growth scenario delivering in excess of 900 dwellings per annum. This reduces the scale of infrastructure upgrades likely to be required and lessens cumulative pressure on water resources and wastewater treatment facilities.

Secondly, the Local Plan's emphasis on urban regeneration promotes more efficient use of existing infrastructure networks. Concentrating development within existing settlements can

reduce the need for extensive new utility infrastructure and facilitate more cost-effective upgrades to existing wastewater systems.

Thirdly, the revised Waste and Minerals policies contribute positively to wider resource efficiency objectives by:

- Promoting sustainable resource use.
- Encouraging waste minimisation and re-use.
- Supporting circular economy principles.
- Reducing environmental burdens associated with resource consumption.
- Supporting infrastructure that increases recycling, treatment and reprocessing capacity.
- Encouraging restoration schemes that deliver biodiversity and environmental benefits.

While these policies do not directly reduce water demand, they support a broader framework of sustainable resource management that complements water efficiency and environmental protection objectives.

The cumulative interaction between climate change policies, sustainable drainage requirements, environmental protection policies, infrastructure policies and resource management policies is expected to improve the overall resilience of Torbay's environmental infrastructure network. Nevertheless, some localised constraints may remain where wastewater infrastructure upgrades are required to accommodate development or where catchments are environmentally sensitive.

Likely Significance: Minor Adverse to Neutral, becoming Neutral to Minor Positive where planned infrastructure improvements and resource efficiency measures are successfully implemented.

SA Conclusion

The cumulative effect of the Regulation 19 Local Plan on waste, minerals, water resources and wastewater infrastructure is assessed as Neutral overall. Although growth will increase demand for water supply and wastewater treatment services, the relatively modest housing target, regeneration-led development strategy and supporting infrastructure policies substantially reduce the magnitude of potential effects compared with a higher-growth scenario. In addition, the revised Waste and Minerals policies promote sustainable resource management, waste minimisation and environmental stewardship, contributing to a more efficient and resilient infrastructure system.

Subject to timely investment in water and wastewater infrastructure identified through the Water Cycle Study[20] and infrastructure planning process, significant adverse cumulative effects are not anticipated.

Loss of Greenfield Land and Agricultural Resources

The cumulative effects relating to the loss of greenfield land and agricultural resources should be considered in the context of both the findings of the Torbay Agricultural Land Classification (ALC) Study[21] and the relatively modest level of housing growth proposed within the Regulation 19 Local Plan.

The Torbay Agricultural Land Study indicates that a significant proportion of undeveloped land within Torbay comprises Grade 3 agricultural land, including areas of Best and Most Versatile (BMV) agricultural land (Grades 1, 2 and 3a). National planning policy seeks to protect BMV land as a finite and irreplaceable resource due to its importance for food production, climate resilience and ecosystem services. Consequently, development of greenfield sites has the potential to result in permanent losses of agricultural land quality and agricultural productivity.

However, the significance of these effects is moderated by several factors within the Regulation 19 strategy.

Firstly, the Local Plan adopts a strong urban regeneration and brownfield-first approach, directing the majority of growth towards previously developed land, urban opportunity sites, town centres, estate regeneration areas and underutilised land within the built-up area. As a result, the overall quantum of greenfield land required to accommodate development is substantially lower than under alternative growth strategies seeking to meet the full standard method housing requirement.

Secondly, the proposed housing target of approximately 400 dwellings per annum, although resulting in an identified shortfall against assessed housing need, significantly reduces the amount of land required for development compared with a strategy delivering in excess of 900 dwellings per annum. Consequently, the cumulative loss of agricultural land, greenfield land and associated landscape resources is likely to be materially lower than would occur under a higher-growth scenario.

The lower housing requirement is therefore likely to:

[20] **torbay-detailed-wcs-draft_issue-131125.pdf**
[21] **tlp-bmv-finaljuly24-2.pdf**

- Reduce the extent of BMV agricultural land required for development.
- Limit the loss of agricultural productivity across the plan period.
- Reduce pressures for urban expansion into countryside areas.
- Maintain greater separation between settlements.
- Reduce landscape and countryside encroachment.
- Retain larger areas of land capable of contributing to food production, carbon storage and ecosystem service provision.

Nevertheless, some adverse cumulative effects are likely to remain. A number of housing, employment and infrastructure allocations are expected to result in the permanent loss of greenfield land, including areas identified as BMV agricultural land. These losses are irreversible and may contribute to incremental fragmentation of agricultural holdings, changes in rural character and reductions in local food production capacity.

When considered cumulatively alongside climate change, biodiversity and landscape objectives, the retention of agricultural land can generate wider environmental benefits through carbon sequestration, soil conservation, flood attenuation and habitat connectivity. The lower housing target may therefore generate indirect positive environmental effects by reducing the development pressure placed upon these resources.

Likely Significance: Minor adverse effect overall, with significant uncertainty and positive environmental trade-offs.

SA Conclusion

The cumulative effect on greenfield land and agricultural resources is assessed as Minor Adverse, which is less significant than would be expected under a higher-growth strategy. Although some irreversible loss of greenfield and Best and Most Versatile agricultural land will occur, the Regulation 19 Local Plan's emphasis on urban regeneration and its lower housing target substantially reduce the overall land take required for development. This creates an important sustainability benefit by limiting the loss of agricultural resources and landscape character, although this benefit must be balanced against the Plan's reduced ability to meet identified housing needs and improve housing affordability.

Overall Cumulative Effect of the Regulation 19 Local Plan

The cumulative effects of the Regulation 19 Local Plan are assessed as **mixed but overall positive**, arising from the interaction between policies for climate change, regeneration, economic development, transport, environmental protection, heritage conservation, resource management, housing delivery and community wellbeing. The Plan is founded on a strategy of urban regeneration, environmental stewardship and growth within environmental limits, with a strong presumption in favour of directing development towards existing urban areas and previously developed land.

The assessment identifies a number of significant cumulative sustainability benefits.

Significant Positive Effects

The strongest positive cumulative effects arise from the combined implementation of policies relating to:

- **Climate Change Mitigation and Adaptation**, through sustainable development patterns, low-carbon transport, green infrastructure, biodiversity enhancement, climate resilience measures and resource efficiency.
- **Economic Growth and Regeneration**, supported by housing delivery, employment growth, town centre investment, tourism, infrastructure improvements and the reuse of previously developed land. Heritage-led regeneration is expected to reinforce local distinctiveness and strengthen the visitor economy.
- **Biodiversity Enhancement and Green/blue Infrastructure**, through the application of landscape sensitivity evidence, ecological avoidance principles, habitat enhancement measures and protection of strategic green infrastructure networks.
- **Health, Wellbeing and Quality of Life**, resulting from improved active travel opportunities, access to green space, environmental enhancement, better community infrastructure and urban regeneration.
- **Landscape, Heritage and Environmental Protection**, supported by robust evidence relating to landscape character, valued landscapes, ecology and heritage significance. These assets contribute not only to environmental quality but also to Torbay's economic competitiveness and attractiveness as a place to live, work and visit.

A notable strength of the Plan is its alignment with the Devon and Torbay Local Transport Plan 4 and the wider evidence base. Together, these documents promote sustainable mobility, decarbonisation, healthy lifestyles, environmental resilience and more efficient use of land and infrastructure.

Reduced Environmental Pressures

The Regulation 19 strategy seeks delivery of approximately 400 dwellings per annum, which is substantially below the Government's standard method assessment of housing need. While this creates housing-related sustainability concerns, it also results in lower environmental pressures than would be expected under a strategy seeking to meet the full housing requirement.

Consequently, the Plan is likely to generate:

- Reduced loss of greenfield land and Best and Most Versatile agricultural land.
- Reduced pressure on sensitive landscapes and ecological networks.
- Lower infrastructure demands in relation to transport, water and wastewater networks.
- Reduced recreational pressure on internationally designated ecological sites.
- Lower levels of development-related carbon emissions and resource consumption.

These environmental benefits are reinforced by the Plan's emphasis on avoidance of development in highly sensitive landscape and ecological locations and by its strong regeneration-led spatial strategy.

Significant Adverse Effects and Sustainability Trade-Offs

Despite these benefits, the assessment identifies one overriding cumulative sustainability concern.

The Local Plan's proposed housing delivery rate of approximately 400 dwellings per annum falls substantially below the Government's standard method assessment of housing need, which exceeds 900 dwellings per annum. As a result, the Plan is unlikely to fully meet objectively assessed housing needs throughout the plan period.

The cumulative implications include:

- Continued housing affordability pressures.
- Reduced availability of affordable housing

- Constraints on access to housing for younger households and key workers.
- Potential labour market and economic competitiveness impacts.
- Ongoing social inclusion challenges.
- Reduced ability to address existing housing needs and housing backlogs.

These housing-related effects temper the otherwise strong sustainability performance of the Plan and represent the most significant adverse cumulative effect identified through the appraisal.

Final SA Conclusion

The Regulation 19 Local Plan is assessed as having an overall Positive cumulative effect. The Plan delivers substantial and wide-ranging environmental, climate, regeneration, biodiversity, heritage, transport and wellbeing benefits, supported by a robust evidence base and a regeneration-led spatial strategy. The lower housing growth trajectory significantly reduces cumulative environmental pressures and supports the protection of Torbay's valued landscapes, biodiversity and natural resources. However, these benefits are offset to some degree by the Plan's inability to fully meet identified housing needs, with consequential implications for affordability, social inclusion and economic resilience. Accordingly, the Plan should be regarded as environmentally strong and broadly sustainable overall, but with a significant unresolved housing-related sustainability weakness that prevents the overall cumulative effect being assessed as Major Positive.

8. Monitoring

The SEA Regulations require the monitoring of the significant environmental effects of implementing a plan. Sustainability Appraisal extends this requirement to encompass significant social and economic effects alongside environmental effects. Monitoring is an important part of the SA process, enabling the Council to identify any unforeseen adverse effects arising from the implementation of the Local Plan and, where necessary, take appropriate remedial action.

The monitoring framework set out in the SA Scoping[22] Report identifies a range of indicators that can be used to track the performance of the Local Plan against the SA objectives and to monitor likely significant effects. These indicators draw on existing data sources and monitoring arrangements wherever possible, thereby supporting a proportionate and efficient approach to monitoring.

The Government has recently published the Outcomes Framework[23] for Local Government, which includes a broad suite of indicators covering economic, social and environmental outcomes. As this framework becomes established, it may provide an additional source of data and evidence to support the ongoing monitoring of Local Plan implementation and its contribution to wider sustainability outcomes.

Following examination and adoption of the Local Plan, the monitoring framework will be reviewed and refined to focus on residual significant negative effects, significant positive effects that rely on delivery, and areas of uncertainty identified through the Sustainability Appraisal. The final monitoring framework will be presented in the SA Adoption Statement, which will be published alongside the adopted Local Plan. It will identify relevant indicators, data sources, monitoring frequency and trigger points for further investigation or corrective action where significant adverse effects, unexpected trends or delivery failures are identified.

[22] **https://www.torbay.gov.uk/evidence-base-and-monitoring-2025-2045**
[23] **Local Outcomes Framework - GOV.UK**

9. Next Steps

The Sustainability Appraisal Report will be published for consultation alongside the Regulation 19 Local Plan from 13th August 2026 to 24th September 2026. Consultation responses on the Regulation 19 Plan and this SA Report will be reviewed and considered before the Plan is submitted for examination.

A List of Appendices

The Appendices to this Report are available in a separate document. These provide the background details for the Sustainability Appraisal Report. The Appendices are available alongside this report on the consultation website Torbay Council - Consultations

1. Appendix A: Consultation Comments Received in Relation to Previous SA Documents
2. Appendix B: Scoping the Need for Further Assessment of the Local Plan Policies
3. Appendix C: Sustainability Appraisal of Spatial Strategy and Area Policies
4. Appendix D: Sustainability Appraisal of Local Plan Policies
5. Appendix E: Sustainability Appraisal of Local Plan Housing Sites Allocation
6. Appendix F: Sustainability Appraisal of Local Plan Employment Sites Allocation

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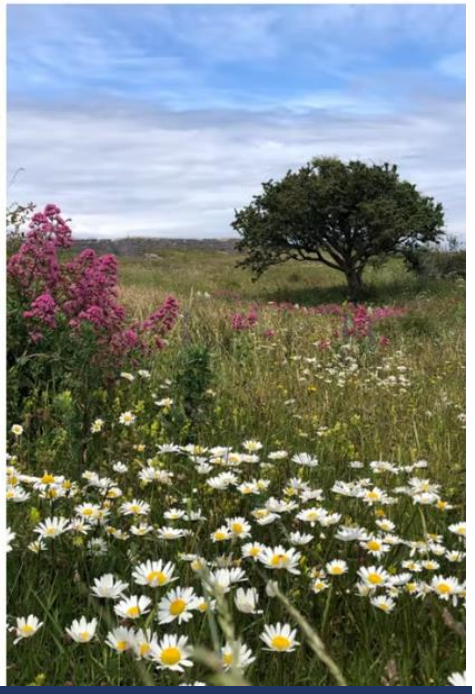

Sustainability Appraisal Addendum

Torbay Local Plan 2025 - 2045: A Landscape to Thrive

Reasonable Alternatives: Scale of Housing Growth

Regulation 22 Plan: December 2026

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Introduction

Reasonable alternatives for the scale and distribution of housing growth have been considered throughout preparation of the Torbay Local Plan 2025–2045. The March 2021 **SA Developing and Assessing Reasonable** and the January 2022 **SA Issues and Options Jan2022.docx** established the comparative Sustainability Appraisal (SA) approach used to assess alternative growth strategies.

Earlier SA work tested growth of 700 dwellings per annum. This option performed positively in relation to housing supply and the potential delivery of affordable housing, but it generated the greatest environmental and infrastructure risks. These included increased pressure on biodiversity and European sites, landscape character, greenfield and agricultural land, transport and other infrastructure, water and wastewater systems, flood risk, waste and natural resources. The assessment found that accommodating this scale of growth would be likely to require development in less accessible, more environmentally sensitive or otherwise constrained locations.

The current standard-method figure of 970 dwellings per annum is substantially higher than the 700-dwelling option already appraised. a higher figure would intensify the identified adverse effects and would further increase reliance on constrained greenfield locations and major infrastructure provision.

This addendum has been prepared following the Regulation 19 consultation, in part to respond to comments received about the consideration and appraisal of reasonable alternatives. It also takes account of updated evidence on housing need, land availability and environmental constraints. The housing-growth alternatives have therefore been revisited to ensure that the final SA identifies and evaluates a proportionate range of reasonable alternatives and clearly explains the reasons for selecting the Plan strategy in light of those alternatives and the consultation responses.

Housing Growth Alternatives

Four housing-growth alternatives have been selected to provide a proportionate range around the Regulation 19 strategy and to test the principal choices arising from the evidence. Alternative A tests growth below the Plan provision; Alternative B tests the Regulation 19 strategy of a minimum of 8,000 dwellings; Alternative C tests the full 10,919-dwelling capacity identified in the 2026 HELAA Update; and Alternative D tests the government's Local Housing Need figure of approximately 970 dwellings per year, equivalent to 19,400 dwellings over the Plan period.

These alternatives allow the SA to compare a lower-growth approach, the proposed Plan strategy, the latest assessed land-capacity scenario and full identified housing need. The 2026 HELAA Update is an assessment of site suitability, availability and achievability rather than an allocation document or statement of Council policy. Its 10,919-dwelling subtotal excludes windfall sites to avoid double counting, includes a substantial amount affected by significant constraints, and does not imply that every identified site is developable or deliverable.

Table 1 Housing growth alternative

Alternative	Housing provision 2025–2045	Approx. annual provision	Basis
A: Lower growth	Below 8,000	Below 400 dpa	Growth below the Regulation 19 strategy
B: Regulation 19 strategy	8,000	400 dpa	Proposed Plan provision
C: 2026 HELAA Update	10,919	c.546 dpa	Figure 5: 2026 HELAA Update subtotal
D: Full Local Housing Need	19,400	970 dpa	Standard Method need over the Plan period

Assessing Alternatives

The alternatives have been assessed against the SA objectives using the qualitative methodology established through the earlier reasonable-alternatives assessment:

Major Positive	Major Negative
Minor Positive	Minor Negative
Neutral	Uncertain

The appraisal considers the scale and likely spatial implications of each alternative. Scores have not been totalled to determine a preferred alternative. In particular, a significant negative has not been assigned merely because an alternative accommodates more development. The assessment considers the sensitivity of affected receptors, likely magnitude and cumulative effects, and the potential for avoidance or mitigation. Table 1 below provide a summary of assessment.

Table 2: Assessment Summary

SA objective	A <8,000	B 8,000	C 10,919	D 19,400
Climate change	Minor Negative	Minor Negative	Major Negative	Major Negative
Water, air, soil, noise and natural resources	Minor Negative	Minor Negative	Minor Negative	Minor Negative
Waste and resource use	Minor Negative	Minor Negative	Minor Negative	Minor Negative
Biodiversity, habitats and geodiversity	Minor Positive	Minor Negative	Major Negative	Major Negative
Historic environment	Minor Negative	Minor Negative	Major Negative	Major Negative
Landscape, townscape and seascape	Minor Positive	Minor Negative	Major Negative	Major Negative
Sustainable and active travel	Minor Positive	Minor Positive	Minor Negative	Minor Negative

SA objective	A <8,000	B 8,000	C 10,919	D 19,400
Sustainable economic growth	Minor Positive	Minor Positive	Major Positive	Major Positive
Poverty and income inequality	Minor Negative	Minor Negative	Minor Negative	Minor Negative
Previously developed land / efficient land use	Positive	Positive	Major Negative	Major Negative
Safe communities / fear of crime	Uncertain	Uncertain	Uncertain	Uncertain
Meeting housing needs	Minor Negative	Minor Negative	Minor Positive	Major Positive
Health and wellbeing	Minor Positive	Minor Positive	Minor Positive	Minor Positive

Alternative A: Lower growth

A lower-growth strategy would reduce pressure on greenfield land, biodiversity and landscape and allow a stronger concentration of development within the existing urban area. However, it would provide fewer homes than the Regulation 19 strategy and would therefore make a still smaller contribution towards identified housing needs. On balance, this alternative has **not been selected because its environmental advantages would be accompanied by a greater housing shortfall where the evidence supports planning for a higher level of development**.

Alternative B: 8,000 dwellings

The Regulation 19 strategy provides for a minimum of 8,000 dwellings and maintains a strong emphasis on urban regeneration. The Regulation 19 Publication Version Torbay Local Plan describes the 400 dpa provision as a minimum rather than a ceiling where sustainable urban sites become available.

This alternative does not meet the identified Local Housing Need and therefore has a negative effect against the housing objective. However, compared with higher alternatives it limits reliance upon the wider portfolio of significantly constrained sites.

Alternative B has been selected because it provides a greater contribution towards housing need than the lower-growth alternative while avoiding the degree of reliance on constrained land inherent in Alternatives C–D. The strategy does not prevent additional sustainable housing development where suitable opportunities arise.

Alternative C: 2026 HELAA Update (10,919 dwellings)

Alternative C reflects the 2026 HELAA Update shown in Figure 5 of the Housing Growth Topic Paper. Its subtotal is 10,919 dwellings: 2,260 Green, 1,830 Yellow and 6,829 Amber. Pink windfall examples (195 dwellings) are excluded from the subtotal to avoid double counting.

This assessment identifies substantial potential capacity, but most of the subtotal is in the Amber category. It therefore provides greater housing potential than the Regulation 19 strategy while increasing reliance on sites with significant constraints.

Alternative C has not been selected because the 2026 HELAA Update does not demonstrate that its full 10,919-home subtotal is deliverable; 6,829 dwellings are in the Amber category, and the additional housing potential is accompanied by greater environmental and infrastructure risks.

Alternative D: Full Local Housing Need

Alternative D is the only alternative that would provide for the full identified Local Housing Need and therefore performs most strongly against the housing objective. The Housing Growth Topic Paper records the Standard Method figure at approximately 970 dwellings per year.

However, the resulting 20 year requirement substantially exceeds the theoretical capacity identified through the Council's land-availability evidence. Accommodating this alternative would therefore require sources of development beyond those presently demonstrated through the evidence.

Alternative D has not been selected because the evidence assessed does not demonstrate sufficient suitable and realistically developable land within Torbay to accommodate this level of growth.

Conclusion and reasons for selecting the strategy

The reasonable alternatives assessment demonstrates a clear trade-off. Lower growth reduces pressure on sensitive environmental assets but makes a smaller contribution towards housing need. Higher growth increases housing and potential economic benefits but progressively depends upon a wider range of constrained land and increases environmental and infrastructure pressures.

The assessment also demonstrates that the 2026 HELAA subtotal of 10,919 dwellings should not be equated with a deliverable housing requirement. It is a HELAA capacity assessment, excludes windfall examples to avoid double counting, and includes 6,829 Amber dwellings.

Having regard to the alternatives and the environmental, social and economic effects identified through the SA, the Plan retains provision for a minimum of 8,000 dwellings. This represents a planning judgement informed by the SA and wider evidence rather than an absolute environmental or physical capacity ceiling. The strategy also allows sustainable urban opportunities to contribute additional housing where they become available**.** Regulation 19 Publication Version Torbay Local Plan confirms that the 8,000 home provision is a minimum rather than a ceiling where sustainable urban sites are available.

Detailed SA Scoring Matrix

Objective 1: Reduce and manage the impacts of climate change

Alternative	Score	Explanation and evidence
A: Below 8,000	Minor Negative	Even lower growth would increase embodied and operational energy use and travel demand. However, concentrating fewer homes within the existing urban area would reduce greenfield land-take and avoid some dispersed travel effects. The 2022 SA found that all growth options increased energy consumption, but that lower-growth options were less likely to result in development in less accessible locations or flood-risk areas.
B: 8,000	Minor Negative	The urban-regeneration-led strategy supports development close to services and sustainable transport, but 8,000 additional homes would still increase energy consumption, transport movements, impermeable surfaces and associated emissions. The Regulation 19 SA identifies strong climate policies but notes continuing risks from flooding, coastal change and extreme weather.
C: 10,919	Major Negative	The 2026 HELAA Update scenario has a subtotal of 10,919 dwellings, of which 6,829 are Amber. It would intensify development pressure and associated construction, operational-emissions and accessibility risks.
D: 19,400	Major Negative	This scale substantially exceeds the 2026 HELAA subtotal figure and would require major additional land beyond currently assessed sources. The 2022 SA found that full-needs development would require sites rejected by the HELAA and would generate significant adverse effects from energy use, travel and dispersed growth.

Mitigation: net-zero development standards, embodied-carbon assessment, sustainable locations, renewable energy, active travel, flood-resilient design and monitoring of operational carbon.

Objective 2: Improve water, air and soil quality, and minimise noise

Alternative	Score	Explanation and evidence

A: Below 8,000	Minor Negative	Lower growth would result in the least additional pressure on water supply, wastewater treatment, soils and air quality. Nevertheless, development would still increase resource use, surface-water runoff and pollution risks. The 2022 SA therefore scored even its lower-growth options negatively against this objective.
B: 8,000	Minor Negative	The comparatively modest growth strategy reduces pressure relative to higher alternatives, but would still increase water demand, wastewater flows, runoff and construction impacts. The Regulation 19 SA states that the lower housing target reduces infrastructure pressure, while the HRA identifies a credible water-quality pathway to the Marine SAC from parts of Torquay town centre.
C: 10,919	Major Negative	The 2026 HELAA Update subtotal is 10,919 dwellings, including 6,829 Amber dwellings. Cumulative demands on water infrastructure, drainage and wastewater capacity would be greater, while use of constrained greenfield sites could increase soil loss.
D: 19,400	Major Negative	Full LHN would require development substantially beyond the 2026 HELAA capacity subtotal and would place the greatest pressure on water resources, wastewater infrastructure, soils and air quality.

Mitigation: drainage hierarchy, SuDS, wastewater-capacity phasing, water-efficiency standards, construction environmental management plans, air-quality assessment and protection of best and most versatile agricultural land.

Objective 3: Minimise waste and increase reuse and recycling

Alternative	Score	Explanation and evidence
A: Below 8,000	Minor Negative	Additional households would generate construction, demolition and operational waste, although this alternative would generate the smallest increase. The 2022 SA considered growing household numbers inevitably likely to increase waste arisings.
B: 8,000	Minor Negative	Waste would increase, but the effect would be moderated by the limited scale of growth and Local Plan waste-minimisation policies. The Regulation 19 SA identifies a neutral to minor positive overall resource-use effect where the Plan's safeguards and infrastructure investment are implemented.
C: 10,919	Minor Negative	Waste arisings would rise further. Reuse of existing buildings, including some holiday accommodation, could reduce demolition or greenfield development effects in individual cases, but the evidence

		does not quantify the resulting waste benefit. The appropriate score therefore remains negative.
D: 19,400	Major Negative	Full LHN would substantially exceed the Regulation 19 provision and the 2026 HELAA capacity subtotal, creating the greatest demand for construction materials, recycling and waste-management capacity. The scale and cumulative nature of the increase justify a significant-negative score.

Mitigation: site waste-management plans, circular-economy design, reuse of buildings and materials, construction waste audits and sufficient waste/recycling infrastructure.

Objective 4: Conserve and enhance biodiversity, habitats, species and geodiversity

Alternative	Score	Explanation and evidence
A: Below 8,000	Minor positive & negative	A smaller, urban-focused strategy would reduce greenfield habitat loss and effects on functionally linked land, but urban intensification could still affect urban biodiversity and increase recreation and water-quality pressure. The positive element depends on regeneration delivering habitat creation and biodiversity net gain. The 2022 SA found the lowest options offered opportunities for ecological enhancement.
B: 8,000	Minor Negative	The HRA identifies credible pathways affecting the South Hams SAC and Lyme Bay and Torbay Marine SAC, including bat habitat connectivity, lighting, recreation and water quality. It concludes that adverse effects can be avoided only where the identified mitigation is secured and applied consistently.
C: 10,919	Major Negative	The 2026 HELAA Update identifies 10,919 dwellings in its subtotal, including 6,829 Amber dwellings. This would make avoidance of sensitive areas more difficult and require renewed assessment of cumulative and in-combination effects.
D: 19,400	Major Negative	Full LHN substantially exceeds the 2026 HELAA capacity subtotal and would require additional land, including potentially sites previously rejected as unsuitable. This would create the greatest risk to designated sites, functionally linked bat habitat, ecological connectivity, coastal habitats and recreation-sensitive locations.

Mitigation: avoid sensitive sites and functionally linked land; maintain dark corridors; protect hedgerows and movement routes; provide strategic recreation mitigation; manage visitor pressure;

secure wastewater safeguards; apply project-level HRA where required; monitor European-site condition.

Objective 5: Conserve and enhance the historic environment

Alternative	Score	Explanation and evidence
A: Below 8,000	Minor Negative	Urban concentration could place pressure on conservation areas, listed buildings and their settings. Conversely, regeneration could secure beneficial reuse of vacant or underused heritage assets. The 2022 SA recognised both urban heritage pressure and the potential for regeneration to improve the built environment.
B: 8,000	Minor Negative	Town-centre regeneration and higher densities could affect heritage significance and setting, but the scale allows greater opportunity for site-specific avoidance and design mitigation. The Regulation 19 SA concludes that heritage effects are positive overall where development is carefully managed, while acknowledging residual risks.
C: 10,919	Minor negative or major negative	Maximum theoretical capacity would increase pressure on urban conservation areas, rural settlement settings and archaeological resources. The score is partly uncertain because effects depend on the exact composition and location of the additional housing sources.
D: 19,400	Major Negative	Substantial additional land beyond identified capacity would make avoidance of heritage constraints increasingly difficult. The 2022 SA found that its highest-growth options would significantly affect conservation areas, listed buildings, scheduled monuments and their settings.

Mitigation: heritage impact assessments, archaeological evaluation, appropriate density and building heights, design coding, retention and beneficial reuse of heritage assets and avoidance of harm to rural and coastal settings.

Objective 6: Protect and enhance landscape, townscape and seascape

Alternative	Score	Explanation and evidence

A: Below 8,000	Minor Positive	Lower housing provision would minimise greenfield land-take, settlement expansion and effects on Torbay's National Landscape, undeveloped coast and rural settlement gaps. Urban regeneration could also improve degraded townscape. This mirrors the positive score given to the lower-growth alternatives in the 2022 SA.
B: 8,000	Minor Negative	The strategy limits greenfield expansion but does not eliminate it. The Regulation 19 SA identifies some loss of greenfield and agricultural land, while describing this as less than under higher-growth strategies.
C: 10,919	Major Negative	The 2026 HELAA Update subtotal includes 6,829 Amber dwellings and would increase pressure on landscape-sensitive areas and urban skylines. The assessed capacity is not evidence that every site can be delivered.
D: 19,400	Major Negative	Full LHN would require land far beyond identified capacity, with likely widespread landscape and settlement-pattern change. The 2022 SA found its highest-growth options likely to significantly affect the National Landscape, undeveloped coast and the settings of villages.

Mitigation: landscape and visual impact assessment, avoidance of highly sensitive areas, settlement-gap protection, development-height controls, landscape buffers, green infrastructure and phasing linked to landscape capacity.

Objective 7: Reduce car travel and support sustainable and active travel

Alternative	Score	Explanation and evidence
A: Below 8,000	Minor Positive	If focused on urban regeneration, this alternative would place a high proportion of homes near services, employment and public transport. However, insufficient housing could increase outward migration or commuting, which moderates the benefit. The 2022 SA found urban-focused options best suited to reducing car travel.
B: 8,000	Minor Positive	The Regulation 19 strategy focuses growth on town centres, regeneration areas and sustainable transport corridors. The Regulation 19 SA identifies a minor positive transport effect overall, although local congestion risks remain.
C: 10,919	Minor Negative	The broader theoretical sources would create a more dispersed development pattern and increase pressure on the road network. Potential urban conversions could mitigate some effects, but the

		overall score remains negative because the maximum scenario depends partly on constrained peripheral land.
D: 19,400	Major Negative	Full LHN cannot be accommodated through identified urban capacity alone and would therefore require widespread expansion into less accessible locations. The likely increase in car dependency and network pressure justifies a significant-negative score.

Mitigation: transport-oriented development, frequent public transport, walking and cycling networks, travel plans, mixed-use development, mobility hubs and phased transport improvements.

Objective 8: Support strong, diverse and sustainable economic growth

Alternative	Score	Explanation and evidence
A: Below 8,000	Minor positive & negative	Construction and regeneration would provide some economic activity, but lower housing supply could constrain labour-force renewal, affordability and economic regeneration. The 2022 SA found lower-growth options offered relatively little support for economic resilience and competitiveness.
B: 8,000	Minor Positive	The strategy supports regeneration, town-centre investment, construction and a larger working-age population, while avoiding the most severe environmental costs. The Regulation 19 SA identifies a major positive effect for economic resilience and prosperity from the Plan as a whole.
C: 10,919	Major Positive	This scenario offers greater housing and construction activity and could support a larger workforce. However, its significant-positive score assumes that delivery, infrastructure and environmental mitigation are achievable. The evidence expressly questions whether all component sites could realistically be delivered.
D: 19,400	Major Positive	Full LHN could substantially expand housing supply, construction activity and the workforce. The score is not unqualified because no evidence demonstrates that this scale is deliverable, and severe environmental and infrastructure constraints could undermine sustainable economic benefits.

Mitigation/enhancement: align homes with employment land and infrastructure, prioritise family and affordable housing, secure local employment and skills measures and phase development to avoid infrastructure deficits.

Objective 9: Reduce poverty and income inequality

Alternative	Score	Explanation and evidence
A: Below 8,000	Major Negative	Severe housing undersupply would worsen affordability and reduce opportunities for affordable housing delivery. The 2022 SA linked lower growth to housing inequality, suppressed household formation, overcrowding and outward migration of younger people.
B: 8,000	Minor Negative	The strategy would deliver more homes and affordable housing than Alternative A, but would remain substantially below LHN. Consequently, affordability and inequality pressures would remain. The Regulation 19 SA identifies an unresolved weakness around housing provision and affordability.
C: 10,919	Minor Positive	This scenario would provide the greatest housing and affordable-housing opportunity within the identified theoretical capacity envelope. The benefit remains dependent on site viability and deliverability, which the Topic Paper identifies as problematic for some sources.
D: 19,400	Minor Positive	Meeting full LHN would provide the strongest numerical response to housing shortage and affordability. It is scored positive rather than significantly positive because housing quantity alone does not prove that homes would be affordable, appropriately located or deliverable. The available evidence does not quantify affordable-housing delivery under this scenario.

Mitigation/enhancement: affordable-housing requirements, tenure mix, family and specialist housing, use of public land, housing delivery monitoring and viability review mechanisms.

Objective 10: Maximise previously developed land and efficient land use

Alternative	Score	Explanation and evidence

A: Below 8,000	Major Positive	This alternative could be accommodated most readily through existing allocations, brownfield land, conversions and urban intensification, minimising greenfield release. It therefore aligns strongly with the objective, subject to avoiding town cramming. The 2022 SA scored its urban-focused options positively.
B: 8,000	Major Positive	The Regulation 19 strategy expressly prioritises urban regeneration and supports additional sustainable urban development above 8,000. Although some greenfield land is included, the dominant spatial approach remains brownfield and regeneration-led.
C: 10,919	Major Negative	The 2026 HELAA Update subtotal combines 2,260 Green, 1,830 Yellow and 6,829 Amber dwellings. Although Pink windfall examples are excluded to avoid double counting, the assessed total still relies heavily on constrained land.
D: 19,400	Major Negative	Full LHN exceeds identified urban capacity and the 2026 HELAA Figure 5 capacity subtotal. It would require extensive additional greenfield development and therefore conflicts strongly with maximising previously developed land.

Mitigation: brownfield-first phasing, minimum-density requirements, vacant-building reuse, upper-floor development, land assembly and regeneration funding, with greenfield release contingent on urban delivery evidence.

Objective 11: Promote safe communities and reduce fear of crime

Alternative	Score	Explanation and evidence
A: Below 8,000	Uncertain	The effect would depend on the layout, design, management and location of individual schemes rather than housing quantity alone.
B: 8,000	Uncertain	Regeneration could increase activity and natural surveillance, but the evidence does not establish a direct strategic relationship between this housing number and crime outcomes.
C: 10,919	Uncertain	The mixture of urban conversion, intensification and greenfield development prevents a reliable strategic score without scheme-level information.
D: 19,400	Uncertain	The scale alone does not establish whether communities would be safer or less safe. Design, connectivity, management and infrastructure provision would determine the effect.

Mitigation: Secured by Design principles, active frontages, good lighting designed alongside ecological dark-corridor requirements, inclusive public realm and safe walking and cycling routes.

Objective 12: Provide housing meeting the needs of existing and future residents

Alternative	Score	Explanation and evidence
A: Below 8,000	Major Negative	This would increase the already substantial shortfall against LHN and reduce the potential supply of affordable, family and specialist housing. The 2022 SA identified affordability, overcrowding and outward migration risks from low growth.
B: 8,000	Major Negative	The option delivers 400 dpa against an LHN of approximately 970 dpa. While it provides a substantial planned supply, it meets only about 41% of the annual LHN figure and therefore has a significant residual adverse effect against this objective. The Regulation 19 SA identifies this shortfall as a significant unresolved weakness.
C: 10,919	Minor Negative	At about 546 dpa, this is the highest HELAA capacity scenario tested and would provide just over half the annual LHN figure. It improves the housing outcome but does not meet assessed need, and 6,829 dwellings are in the Amber category.
D: 19,400	Major Positive	This is the only scenario matching approximately 970 dpa across 20 years and therefore performs most strongly against the numerical housing objective. However, the score relates to meeting need, not to land availability or overall sustainability.

Mitigation/enhancement: optimise sustainable urban capacity, ensure housing mix and tenure requirements, maximise affordable housing, maintain a deliverable trajectory and provide an early-review mechanism if delivery or capacity assumptions change.

Objective 13: Improve health and wellbeing and reduce health inequalities

Alternative	Score	Explanation and evidence

A: Below 8,000	Minor positive & negative	Lower environmental pressure and better access to existing services and active travel could support health. However, inadequate and unaffordable housing can worsen health inequalities, overcrowding and social exclusion.
B: 8,000	Minor Positive	This option supports regeneration, improved neighbourhoods, active travel and additional housing while limiting the greatest environmental effects. The Regulation 19 SA identifies positive health and wellbeing effects, moderated by the housing shortfall.
C: 10,919	Minor positive & negative	Housing availability and potentially greater infrastructure contributions are beneficial. However, dispersed development, increased car dependency, environmental loss and pressure on services could offset those gains.
D: 19,400	Minor positive & negative	Meeting housing need could significantly improve access to housing, but there is no evidence that Torbay has sufficient land or infrastructure to accommodate this level sustainably. Environmental harm, congestion and infrastructure pressure could adversely affect wellbeing, leaving a mixed overall score.

Mitigation/enhancement: healthy-place design, accessible green space, active travel, health facilities, affordable and adaptable homes, air-quality controls and infrastructure delivery synchronised with occupation.

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Habitats Regulations Assessment

Torbay Local Plan 2025-2045: A Landscape to Thrive

Regulation 22 Plan: December 2026

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Non-technical Summary

This non-technical summary explains the findings of the Habitats Regulations Assessment (HRA) for the Torbay Local Plan 2025–2045. The HRA is a legal assessment required for plans that could affect European sites, now part of the National Site Network. Its purpose is to identify whether the Local Plan could have a likely significant effect on any protected site, either alone or in combination with other plans and projects, and, where necessary, to determine whether the Plan can proceed without adversely affecting the integrity of those sites in view of their conservation objectives. In simple terms, the HRA asks whether Torbay's planned growth in homes, jobs and infrastructure can be delivered without harming the most important, protected habitats and species that are legally safeguarded at a European level. This Regulation 22 report updates the earlier Regulation 19 assessment and incorporates the October 2026 final Greater Horseshoe Bat Evidence Study.

The Torbay Local Plan sets out the spatial strategy for growth and regeneration across Torquay, Paignton and Brixham to 2045. The HRA considered the European sites within Torbay and those in the surrounding area that could realistically be affected by that growth. Six sites were reviewed: the South Hams SAC, the Lyme Bay and Torbay Marine SAC, Dartmoor SAC, South Dartmoor Woods SAC, Dawlish Warren SAC, and the Exe Estuary SPA and Ramsar site. The assessment found that the two sites requiring detailed consideration are the South Hams SAC and the Lyme Bay and Torbay Marine SAC, because they are either within Torbay or have clear pathways by which Local Plan growth could affect their protected features. The other four sites were screened out because no credible pathway was identified linking the scale and location of Torbay growth to their conservation interests.

The HRA considered the main ways in which the Local Plan could affect these protected sites. For the South Hams SAC, the key issues are effects on Greater Horseshoe Bats and on sensitive habitats at Berry Head to Sharkham Point. This includes possible loss or deterioration of functionally linked land used by bats for foraging and movement, fragmentation of commuting routes, harmful lighting and other urbanisation effects, and increased recreation pressure on Berry Head to Sharkham Point. For the Lyme Bay and Torbay Marine SAC, the key issues are recreation-related disturbance or damage to reef and sea cave habitats, and water-quality effects where development has a credible hydrological or wastewater connection to the marine environment. In particular, updated Torbay evidence identifies a water-quality pathway from some Torquay town centre growth through the Fleet Stream and Hope's Nose combined sewer overflow

and confirms that sea caves can be vulnerable to even small increases in certain recreational activities.

At screening stage, the HRA concludes that likely significant effects cannot be ruled out for elements of the Local Plan that could affect the South Hams SAC and the Lyme Bay and Torbay Marine SAC. This does not mean the Local Plan would necessarily harm those sites. It means that, applying the precautionary principle, the Plan must proceed to Appropriate Assessment for the relevant policies and allocations so that the effectiveness and certainty of mitigation can be tested properly. By contrast, likely significant effects are ruled out for Dartmoor SAC, South Dartmoor Woods SAC, Dawlish Warren SAC, and the Exe Estuary SPA and Ramsar site because the evidence does not identify a realistic ecological, hydrological, recreational or other pathway by which Torbay growth would affect them, either alone or in combination with other plans and projects.

The October 2026 Greater Horseshoe Bat Evidence Study identifies a highly constrained landscape around Berry Head and recommends a proposed Berry Head Bat Habitat Priority Area (BHPA) within approximately 4 km, excluding urban areas of Brixham with poor foraging opportunities or restricted accessibility, together with additional pinch-point corridors. It recommends avoiding significant loss or degradation of High and Very High suitability habitat and protecting movement routes from severance, lighting and disturbance. Some lower-suitability land west of Brixham may present lower risk, but is not automatically suitable. The study recommends against allocation of specified high-risk sites, including 21B032, recorded in this HRA as Laywell House, Summer Lane (H1cB.9). A definitive South Hams SAC no-adverse-effect conclusion remains unresolved until the retained allocations are reconciled with the final evidence and avoidance and any necessary mitigation are demonstrably deliverable and secured. Visitor and habitat management for recreation pressure remains a separate requirement.

For the Lyme Bay and Torbay Marine SAC, the HRA concludes that the Local Plan can also avoid adverse effects on integrity, but only where the necessary mitigation is precise, secured and deliverable. For Torquay town centre sites with a credible water-quality pathway, the Plan relies on confirmed wastewater network and treatment capacity before occupation, phasing linked to any required infrastructure upgrades, application of the drainage hierarchy, sustainable drainage systems, separation and control of surface water, on-site attenuation, construction pollution controls, and project-level HRA where required. For other housing and employment sites in

Torbay, excluding Torquay town centre sites, similar water-quality safeguards are needed where a credible hydrological connection to the SAC is identified. For recreation-related effects, the Plan relies on a precautionary strategic approach, including project-level HRA for relevant proposals, visitor information and codes of conduct, access or activity management where needed, and monitoring and review so that sensitive reef and sea cave locations are not damaged by increased use. Subject to those measures being secured, the HRA concludes that the Local Plan will not adversely affect the integrity of the Lyme Bay and Torbay Marine SAC.

The HRA considers cumulative bat-habitat and recreation pressures for the South Hams SAC and recreation and wastewater-related pathways for the Lyme Bay and Torbay Marine SAC. Revision B's alternative development scenarios identify potential cumulative loss of High and Very High suitability habitat and reinforce the need to assess location and connectivity, not just habitat area. For the South Hams SAC, the final study is evidence for, rather than the outcome of, Appropriate Assessment: the submission allocations, particularly H1cB.9 (21B032), must be reconciled with the study before a definitive no-adverse-effect conclusion can be reached, alone or in combination. Generic safeguards or later project-level assessment do not by themselves resolve uncertain ecological deliverability. The existing Marine SAC assessment and screening outcomes for the other European sites are not altered by this bat-study update.

1. Introduction

Background

The Habitats Regulations Assessment (HRA) assesses whether the Torbay Local Plan (2025–2045) could have a likely significant effect on any European site, either alone or in combination with other plans and projects. This report focuses on the European sites within Torbay and the wider 20 km buffer, with particular attention to pathways relevant to Torbay's growth locations, including recreation pressure, urbanisation effects, and (where relevant) water-quality and hydrological connections.

Habitats Regulations Assessment Legislation

Habitats Regulations Assessment (HRA) is required under the Conservation of Habitats and Species Regulations 2017 (as amended), which transpose the key requirements of Articles 6(3) and 6(4) of the Habitats Directive into domestic law. Article 6(3) requires a competent authority to assess whether a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and, where such effects cannot be ruled out, to undertake an Appropriate Assessment in view of the site's conservation objectives. A plan may only proceed if it can be ascertained that it will not adversely affect the integrity of the site. Where that cannot be concluded, Article 6(4) allows a plan to proceed only in exceptional circumstances: where there are no feasible alternatives, there are imperative reasons for overriding public interest, and compensatory measures are secured to maintain the overall coherence of the National Site Network.

Torbay Local Plan

The Torbay Local Plan 2025–2045 sets out the spatial strategy for housing, employment and supporting infrastructure over the plan period, including allocations for approximately 4,000 new dwellings. The Plan includes strategic areas and site allocations across Torquay, Paignton and Brixham, alongside development management policies intended to avoid and mitigate adverse effects on designated sites. The HRA screening identifies where a credible impact pathway exists (for example, increased coastal recreation within zones of influence, or potential effects on

functionally linked land for Greater Horseshoe Bats) and determines whether likely significant effects can be ruled out on the basis of objective information.

Previous HRA Work and Evidence

Previous HRA work and the supporting evidence base have been used to characterise relevant European sites, define impact pathways and agree appropriate screening assumptions for this Regulation 22 HRA.

The Habitats Regulations Assessment prepared for the adopted Torbay Local Plan 2012–2030 is an important part of the evidence base for this report. It identified the same six relevant European sites and established the principal pathways that remain relevant to Torbay, including potential effects on the South Hams SAC and the Lyme Bay and Torbay Marine SAC, while concluding that no likely significant effects were identified for the more distant sites where no credible pathway existed. The current Regulation 22 HRA builds on that earlier work by revisiting the screening in light of revised policy wording, updated site allocations, and more recent local evidence on bat functionally linked land, recreation pressure and coastal pathways.

In summary, for the South Hams SAC (Berry Head to Sharkham Point), the evidence base includes:

(i) Greater Horseshoe Bat (GHB) HRA Guidance (2019) [1] to identify functionally linked land, including sustenance zones and landscape connectivity zones. In the South Hams SAC HRA guidance, Sustenance Zones (SZ) are the areas around SAC roosts that provide the principal foraging resources needed to support Greater Horseshoe Bats, while Landscape Connectivity Zones (LCZ) are the wider connected landscapes and commuting corridors that enable bats to move between roosts, foraging areas and the wider countryside. The guidance also informs how potential effects from habitat loss, fragmentation, lighting and disturbance should be screened;

[1] **sac-greaterhorseshoebats.pdf** was prepared by, and is therefore endorsed by, the organisations forming the South Hams SAC Steering Group for greater horseshoe bats: Dartmoor National Park Authority, Devon County Council, Teignbridge District Council, South Hams District Council, Torbay Council and Natural England.

(ii) Wildlife Screening Assessment (2021-2025)[2] provides a high-level ecological risk triage for the Local Plan, identifying where allocations may affect designated sites, priority habitats, and protected species;

(iii) Berry Head vegetation and rare plant monitoring (2023) establishes baseline conditions and sensitivities, guiding screening toward the most relevant impact pathways and informing where policy safeguards or mitigation may be required at plan or project level; and

(iv) South Hams SAC Greater Horseshoe Bat Evidence Study, October 2026, which assesses foraging habitat suitability, cumulative development scenarios and indicative connectivity, and recommends Berry Head Bat Habitat Priority Area (BHPA) and additional strategic pinch points.

For the Lyme Bay and Torbay Marine SAC, the evidence base includes:

i) Council-commissioned assessment of recreation impacts[3] (2022) e.g., in-water and shoreline use) and the sensitivity of reefs and sea caves to abrasion, disturbance and water-quality pressures, which informs where a credible pathway exists and screening should be 'in' for Appropriate Assessment.

South Hams SAC Greater Horseshoe Bats HRA Guidance (2019)

Provides the technical basis for screening and assessment of effects on Greater Horseshoe Bats associated with the South Hams SAC (Berry Head to Sharkham Point component). The guidance was endorsed by the South Hams SAC Greater Horseshoe Bat Steering Group, giving it a shared technical basis for use across relevant local planning authorities. It explains the importance of functionally linked land beyond the SAC boundary, including Sustenance Zones and Landscape Connectivity Zones, and informs how pathways such as habitat loss or fragmentation, lighting and disturbance should be screened, and when further assessment and mitigation, such as maintaining dark corridors and connectivity, is likely to be required.

Wildlife Screening Assessment (2021-2025)

This assessment was prepared by The Devon County Council Principal Ecologist on behalf of Torbay Council and provides a plan-level ecological constraints and risk 'triage' for the Local Plan,

[2] **Local Plan Update (2025–2045) Evidence Base and Monitoring - Torbay Council**
[3] **lyme-bay-and-torbay-sac-recreation-impacts-footprint-ecology.pdf**
& NE advice July 22: **natural-england-advice-on-recreational-impacts.pdf**

identifying where allocations could interact with designated sites, priority habitats and protected species. It helps focus the HRA by flagging plausible pathways and information needs (e.g., proximity, functional linkage, and likely sensitivity), supporting consistent application of screening assumptions and identifying where avoidance, mitigation and/or project-level assessment is likely to be needed.

Berry Head vegetation and rare plant monitoring (2023)

Provides monitoring evidence on the baseline condition and trends in vegetation communities and rare plant assemblages at Berry Head to Sharkham Point. It helps to identify sensitivities and management priorities, including vulnerability to trampling, erosion and disturbance, and is used to contextualise recreation and urbanisation pathways in the HRA. This evidence is accompanied by the 2023 Berry Head Visitor Survey (Panter, Bishop and Lake, 2024), which provides updated information on visitor use, activities, visit patterns and the likely zone of influence for recreation pressure. Together, the vegetation monitoring and visitor survey provide a stronger evidence base for understanding how recreational use may affect sensitive habitats and rare plant assemblages, and for identifying targeted mitigation, visitor management and monitoring measures needed to avoid undermining the site's conservation objectives.

Recreation Impacts on the Lyme Bay and Torbay SAC/MCZ (2022)

Sets out evidence on how coastal and marine recreation can affect sensitive features of the Lyme Bay and Torbay Marine SAC and the associated MCZ, particularly reefs and sea caves. It identifies credible impact pathways from location-specific activities (e.g., in-water and shoreline use) and highlights that even small increases in use can be significant at sensitive sea cave locations. The evidence supports a precautionary screening approach where plan policies or allocations would enable, facilitate or promote increased access or participation in higher-risk activities, indicating where Appropriate Assessment and a robust strategic mitigation approach may be necessary.

South Hams SAC Greater Horseshoe Bat Evidence Study – Torbay Local Plan (October 2026)

The October 2026 study provides the updated evidence for this Regulation 22 HRA. The sea and urban development around Brixham constrain the habitat available to the Berry Head roost. Habitat within approximately 4 km is particularly important for juvenile, lactating and hibernating Greater Horseshoe Bats. The study proposes a Berry Head Bat Habitat Priority Area (BHPA),

covering land within 4 km of the roosts but excluding urban areas of Brixham with poor foraging opportunities or restricted accessibility, together with additional pinch-point corridors through and around Brixham. These are study recommendations for policy protection, not evidence of an adopted designation or formal Steering Group endorsement. The proposed BHPA replaces the earlier draft Core Sustenance Zone terminology in this HRA.

Devon Technical Guidance: Maintaining dark corridors through the landscape for bats (2022)

The guidance provides planning advice to ensure that development does not disrupt bat commuting and foraging routes by introducing artificial lighting. It explains that many bat species rely on continuous, dark linear features such as hedgerows, woodland edges and watercourses, and are particularly sensitive to light spill. The document sets out principles for maintaining connected “dark corridors” across the landscape through careful lighting design, avoidance of illumination on key habitat features, and retention of habitat connectivity so that development can proceed without adversely affecting bat populations, including those linked to designated sites such as the South Hams SAC.

Protected Site Strategies (2025)

Protected Site Strategies[4] (PSS), which will be produced by Natural England, provide a strategic, cross-boundary framework to address cumulative impacts on designated sites from multiple development pressures, enabling coordinated and deliverable mitigation at the appropriate ecological scale. In HRA terms, a PSS can be relied upon as a robust mitigation framework to address in-combination effects, strengthening the evidence base and allowing the HRA to conclude no adverse effect on site integrity, provided that measures are clearly secured through policy and delivery mechanisms. At the time of writing, no Protected Site Strategy has been identified for the European sites considered in this HRA. The PSS framework is nevertheless relevant as a potential future mechanism for coordinating cross-boundary mitigation where cumulative pressures on protected sites require a strategic response.

[4] Protected Site Strategies Advisory Guidance 1.0 (NE793) - Natural England

Structure of the HRA Report

This report documents the HRA screening and Appropriate Assessment for the Regulation 22 Torbay Local Plan 2025–2045, updating the earlier Regulation 19 assessment. It is organised into five main sections and four appendices:

Section 2 sets out the screening methodology and impact pathways;

Section 3 describes the European sites considered and their sensitivities;

Section 4 presents the screening for sites, policies and site allocation;

Section 5 identifies where Appropriate Assessment is required;

Appendix A sets out detailed information about European sites;

Appendix B provides screening for Local Plan policies;

Appendix C provides site-level screening for allocated sites; and

Appendix D identifies plans with the potential for in-combination effects with Torbay Local Plan.

2. Methodology

This Habitats Regulations Assessment (HRA) has been prepared in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), relevant case law and applicable guidance. The assessment is iterative and evidence-led, applying the precautionary principle to determine whether the Torbay Local Plan could have a likely significant effect on any European site, alone or in combination with other plans and projects, and, where necessary, whether it could adversely affect site integrity in view of the relevant conservation objectives.

Habitats Regulations Assessment Stages

The HRA follows four stages: (1) screening for likely significant effects (LSE); (2) Appropriate Assessment (AA) where LSE cannot be ruled out; (3) consideration of alternatives where AA cannot rule out adverse effects on integrity; and (4), if required, imperative reasons of overriding public interest (IROPI) and compensatory measures. Table 1 and Figure 1 summarise these stages.

Table 1 HRA Key Stages

HRA Stage	Task	Outcome
Stage 1: Screening	1. Identify European sites in and around the plan area. 2. Examine the conservation objectives of each interest feature of the European site(s) potentially affected. 3. Analyse the policy / plan and the changes to environmental conditions that may occur as a result of the plan. Consider the extent of the effects on European sites (magnitude, duration and location) based on best available information. 4. Examine other plans and programmes that could contribute (cumulatively) to identified impacts/ effects. 5. Produce screening assessment based on evidence gathered and consult statutory nature conservation body on findings. 6. If effects are judged likely or uncertainty exists – the precautionary principle applies: proceed to Stage 2.	Determines whether a plan or project is likely to have significant effects on a European protected site.
Stage 2: Appropriate Assessment	1. Agree scope and method of Appropriate Assessment with statutory nature conservation body. 2. Collate all relevant information and evaluate potential impacts on site(s) in light of conservation objectives.	Assesses the implications for the site's conservation objectives and identifies potential adverse effects.
Stage 3: Consideration of Alternatives	1. Consider how effect on integrity of site(s) could be avoided by changes to plan and the consideration of alternatives (e.g. an alternative policy/ spatial location). Develop mitigation measures (including timescale and mechanisms for delivery). 2. Prepare HRA/ AA report and consult statutory body. 3. Finalise HRA/AA report in line with statutory advice to accompany plan for wider consultation.	Examine alternative solutions if adverse effects cannot be avoided.

Stage 4: Imperative Reasons for Overriding Public Interest (IROPI)	An assessment of whether development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the National Site Network.	Consider whether there are imperative reasons of overriding public interest that justify proceeding and outline compensatory measures.

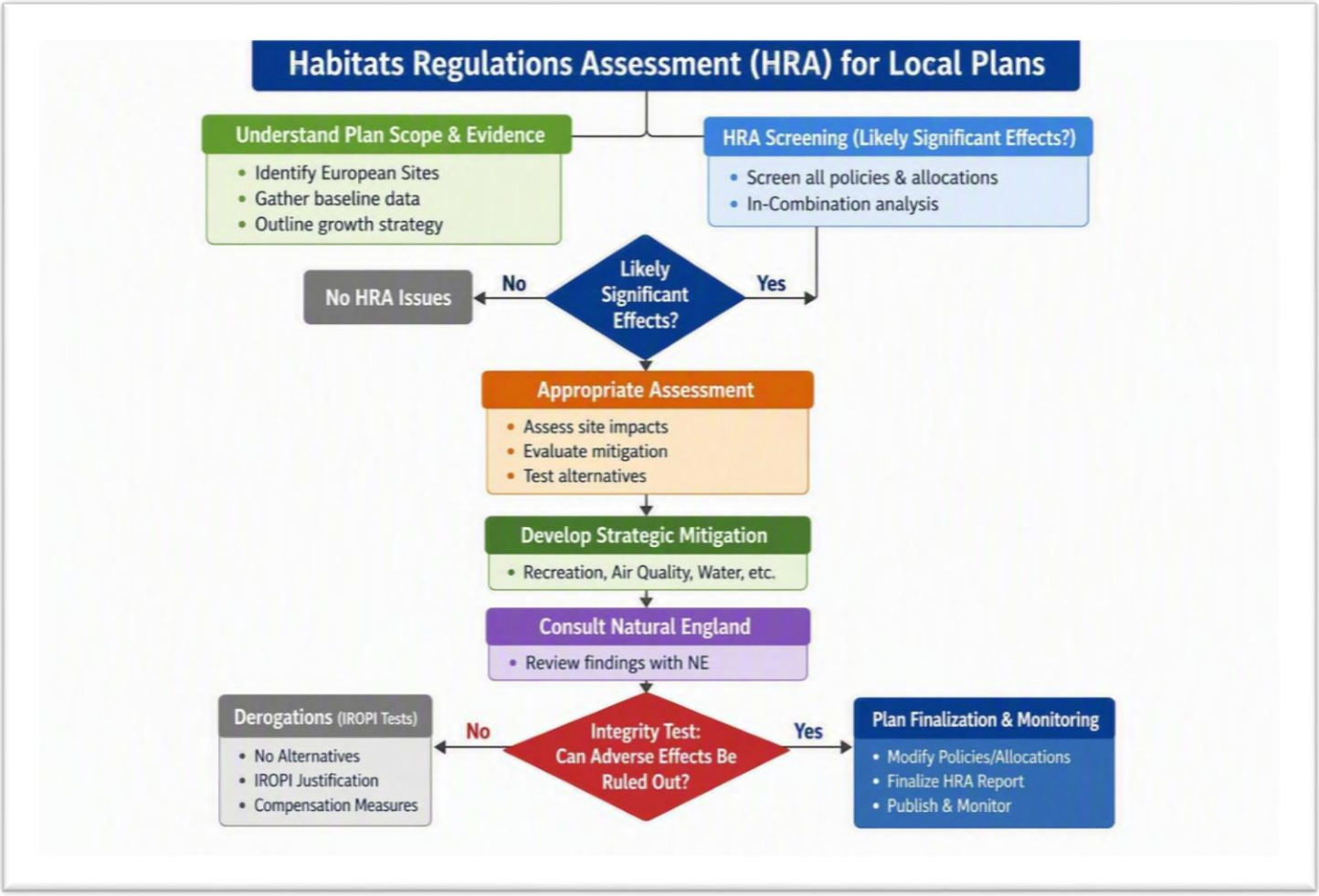


Figure 1 Summary of the four-stage approach to HRA of plans

Assessment Criteria

Natural England guidance, *The Habitats Regulations Assessment of Local Development Documents* (Tyldesley, 2009), provides a recognised framework for screening land-use plans and explains how uncertainty should be addressed when applying the Habitats Regulations. The screening stage is not intended to prove that an adverse effect will occur; rather, it asks whether, on the basis of objective information, a likely significant effect on a European site can be ruled out, either alone or in combination with other plans and projects. Proposals falling within categories A

and B are generally not considered likely to affect a European site, either because they are protective, procedural, qualitative, or too remote from any credible impact pathway, or because any potential effect would be trivial or de minimis. Such proposals can therefore be screened out where this conclusion is supported by clear reasoning. Proposals falling within categories C and D require more detailed consideration because they may provide for development, influence the location or scale of growth, introduce uncertainty about implementation, or contribute cumulatively to an impact pathway. Where a credible pathway exists, or where uncertainty remains, the precautionary principle applies and the relevant policy or allocation is screened in for Appropriate Assessment. In this HRA, the categories are used as a structured decision-making tool to ensure consistency across the assessment of Local Plan policies and site allocations, including consideration of recreation pressure, loss or deterioration of functionally linked land, fragmentation of ecological corridors, urbanisation effects, and hydrological or water-quality pathways. The categories of potential effects of land use plans on European sites are set out in Table 2.

Table 2 HRA Test for Likely Significant Effect Assessment Criteria

Category A: No negative effect	
A1	Policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.
A2	Policies intended to protect the natural environment, including biodiversity.
A3	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
A4	Policies that positively steer development away from European sites and associated sensitive areas.
A5	Policies that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
Category B: No significant effect	
B	Effects are trivial or 'de minimis', even if combined with other effects.
Category C: Likely significant effect alone	
C1	The option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.
C2	The option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.
C3	Proposals for a magnitude of development that, no matter where it was located, the development would be likely to have a significant effect on a European site.
C4	An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following consideration of options in a later, more specific plan. The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information.
C5	Options, policies or proposals for developments or infrastructure projects that could block options or alternatives for the provision of other development or projects in the future, which will be

	required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided.
C6	Options, policies or proposals, which depend on how the policies etc are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site.
C7	Any other options, policies or proposals that would be vulnerable to failure under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning'.
C8	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the plan provides the imperative reasons of overriding public interest to justify its consent despite a negative assessment.
Category D: Likely significant effect in combination	
D1	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals provided for or coordinated by the LDD (internally) the cumulative effects would be likely to be significant.
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects, and possibly the effects of other developments provided for in the LDD as well, the combined effects would be likely to be significant.
D3	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.

3. European Sites in and Around Torbay

Overview of Relevant European Sites

Relevant European sites for the purposes of this screening assessment were identified in consultation with Natural England. The assessment considers the two European sites located within Torbay (South Hams SAC and Lyme Bay and Torbay Marine SAC), together with a further four European sites situated within a 20 km buffer of the Torbay administrative boundary. This section provides a concise summary of the characteristics of these sites; more detailed information, including conservation objectives and identified vulnerabilities, is presented in Appendix A and Figures 2 and 3 illustrate the location of the European sites in relation to Torbay.

South Hams SAC

South Hams SAC is situated in Devon on the south coast of England and covers an area of 129.53ha. The site is divided into 5 separate sites, including the Berry Head- Sharkham Point SSSI component, adjacent to the town of Brixham. It is considered to include one of the best areas of European dry heath and semi-natural dry grasslands and scrubland facies in the UK. It also supports a number of rare and scarce vascular plants typical of the oceanic southern temperate and Mediterranean-Atlantic elements of the British flora.

South Hams SAC is thought to hold the largest population of greater horseshoe bats (Rhinolophus ferrumequinum) in the UK. Natural England's 2019 population estimate for the South Hams SAC is 2,456 bats, based on National Bat Monitoring Programme SAC roost counts. The Berry Head SAC roost is significant both as a hibernation roost, with 229 bats counted in 2009, and as a maternity roost, with the 2019 Bat Monitoring Programme summer count recording 87 bats and 27 pups. Vulnerabilities of the bat population arise through disturbance to the cave systems, disused quarries and mine shafts used by the bats as a result of public access and recreational activities. The vulnerabilities of the bat population are not limited to within the SAC itself; disturbance and damage to wider countryside feeding and commuting routes, such as agriculturally unimproved grassland, woodlands and hedgerows, can also have a detrimental impact on the population.

The Lyme Bay and Torbay Marine SAC

The Lyme Bay and Torbay Marine SAC lies off the south coast of England, off Dorset and Devon. The site comprises two sections, Lyme Bay Reefs and Mackerel Cove to Dartmouth Reefs and Sea Caves, from east to west respectively. It covers 31,248 ha and includes 14,289 ha of reef and at least 85 caves. The SAC has been identified by Natural England as one of the best examples in the UK of the range and diversity of bedrock reef, stony reef and sea cave habitats protected under the Habitats Directive and is estimated to contribute 0.9 per cent of the UK's total reef resource to the National Site Network. Recent evidence[5] on recreation impacts also highlights that the SAC's sea caves are particularly sensitive to damage from increased recreational use. Risks identified include wild swimming, kayaking, paddleboarding, personal watercraft, diving, coasteering and access on foot at low tide, with some caves considered vulnerable even to very small increases in use where access is easy or activities are promoted.

There are 15,591 ha of reef in total within the SAC, including those in Lyme Bay. The Mackerel Cove to Dartmouth reefs are the part most relevant to Torbay and extend from Mackerel Cove to Landcombe Cove.

Caves occur from Mackerel Cove to Sharkham Point. The Devon and Cornwall Sea Cave Registry provides a searchable database and map links for sea caves in the area. Natural England's Conservation Advice refers to 85 individual caves forming 24 cave complexes, while other sources (e.g. Proctor 2009) refer to nearly 200 caves on the Torbay coast, some of which remain undescribed.

Dartmoor SAC

Dartmoor SAC covers an area of 23165.77 ha. The primary reason for selection of this site is Northern Atlantic wet heaths with Erica tetralix, European dry heaths, Blanket bogs, Old sessile oak woods with Ilex and Blechnum. Other qualifying features, but not a primary reason for site selection, are Atlantic salmon (Salmo salar) and Otter (Lutra lutra). The ecological character of the site is dependent upon long-established traditional farming methods. One of the key nature conservation objectives for Dartmoor is to prevent the degradation of blanket bog and wet heath

[5] Durwyn Liley and Emma Pishop, Recreation Impacts on the Lyme Bay & Torbay SAC/MCZ, 2022

by providing the stable conditions that favour bog vegetation. The potential impacts of climate change and air quality are important considerations with regard to this SAC. As are recreational impacts from population growth and tourism (unless NE have advised those should be screened out).

South Dartmoor Woods SAC

South Dartmoor Woods SAC lies within Dartmoor National Park and covers an area of 2157.15ha. The site contains old sessile oak woods with Ilex and Blechnum, which are the primary reason for its selection. It also contains regionally important assemblages of lower plants and dry Lobarion communities that are unique in Western Europe. The SAC includes grazed and ungrazed woodland, old coppice and high forest stands. There has been a long-term decline of lichens in the woodland as a result of air pollution and/or climate change. Areas of the site are also subject to heavy recreational pressure, grazing and uncontrolled fires.

Dawlish Warren SAC

Dawlish Warren SAC extends across the mouth of the River Exe covering an area of 58.84ha. The site is considered to be one of the best areas in the UK for humid dune slacks and contains a significant presence of shifting and fixed dunes. This dune system supports the Petalwort (Petalophyllum ralfsii) and is considered to be the best area in the UK for this species. Dawlish Warren is a popular seaside resort and visitor pressure is considerable. The shifting dunes along the shoreline are subject to erosion and are consequently fenced to direct visitors. Much of the fixed dune grassland is a golf course and is therefore subjected to wear and the maintenance of trees, greens and fairways.

Exe Estuary SPA and Ramsar

Exe Estuary SPA and Ramsar site is located in Devon on the English south coast extending 10 km south from Exeter to the open sea at Dawlish Warren and covers an area of 2345.71ha. The site comprises waters, foreshore, low-lying land, three saltmarshes and an unusual double spit across the mouth of the estuary, and the sand dunes of Dawlish Warren. The mud- and sand-flats support Eelgrass (Zostera spp.) and Enteromorpha beds and contain an abundance of invertebrates including extensive Mussel (Mytilus edulis) beds, which together provide rich feeding habitats for wintering waders and wildfowl. Over winter the area regularly supports Slavonian

Grebe, Avocet, Brent Goose, Dunlin, Oystercatcher; Black-tailed Goodwit and Grey Plover. This complex of coastal habitats supports internationally important numbers of Dark-bellied Brent Goose (1509 individuals) and Waterfowl. The sites are vulnerable to a variety of influences, such as recreational activities and dredging.

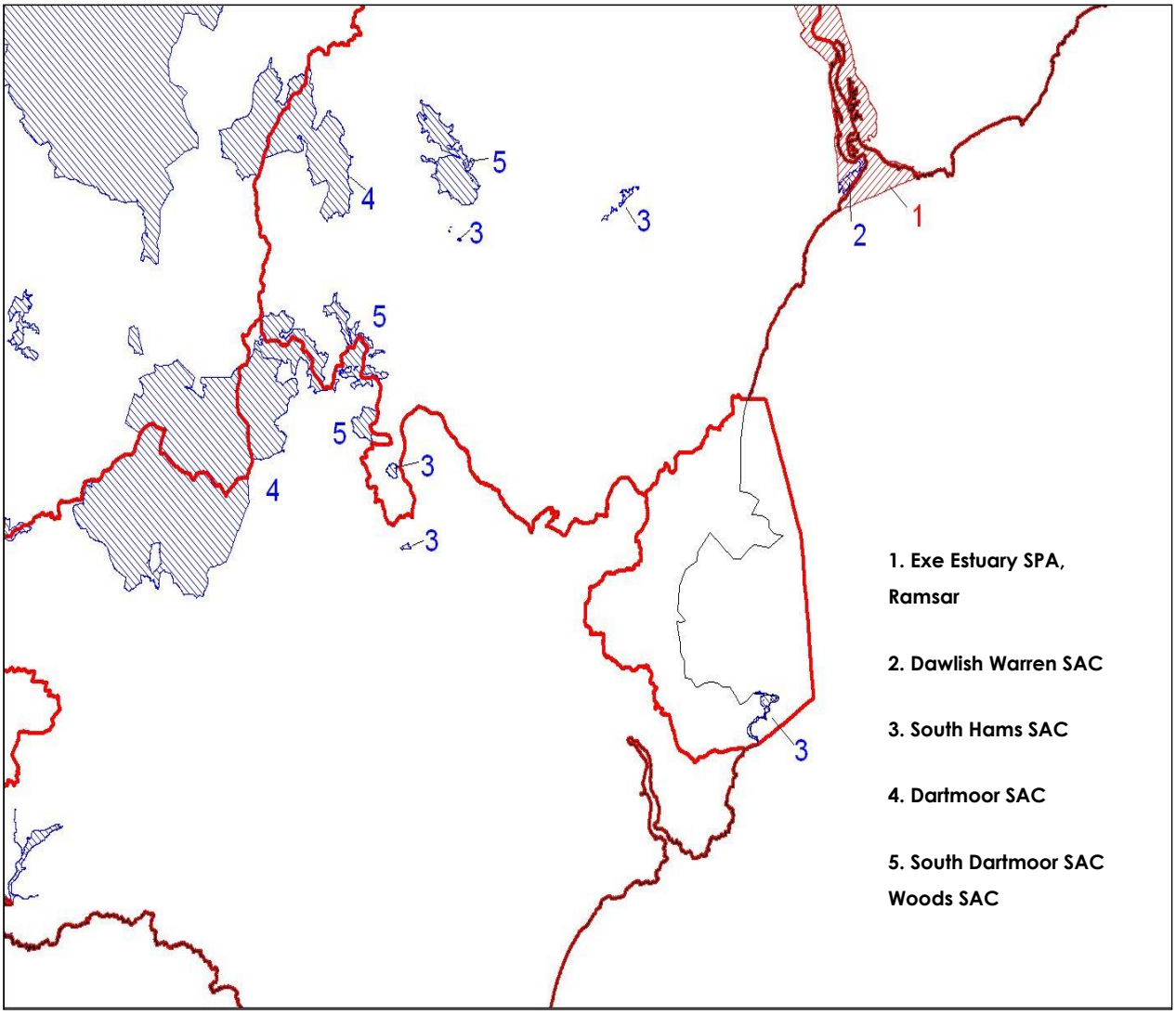


Figure 2 European sites within a 20 km buffer of the Torbay boundary

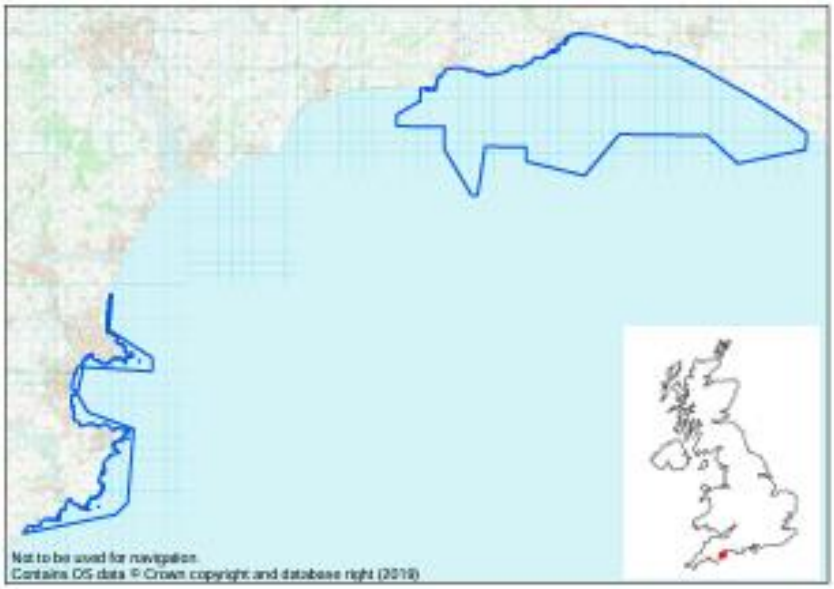


Figure 3 the Lyme Bay and Torbay Marine SAC

4. HRA Screening

HRA Test for Likely Significant Effect

The likely significant effect (LSE) test is applied at screening stage to determine, on the basis of objective information, whether the Torbay Local Plan could affect European sites either alone or in combination with other plans and projects. In line with established HRA practice and the categories set out in Table 2, policies and allocations are screened out only where no credible impact pathway exists, effects are clearly trivial, or the policy is protective in nature. Where a policy or allocation could undermine a site's conservation objectives, or where uncertainty remains, the precautionary principle applies and the matter is screened in for Appropriate Assessment. For this HRA, the test is applied to both strategic policies and site allocations, taking account of relevant pathways including recreation, loss of supporting habitat and functional linkage, urbanisation effects, and hydrological or water-quality connections.

Potential Impact Pathways

Impact pathways are the mechanisms through which Local Plan policies or sites allocation could affect European sites. The pathways identified in Table 3 below are used consistently to screen the European sites within the 20 km buffer zone and to determine whether a credible mechanism exists by which Local Plan policies or sites allocation could affect a site's qualifying features, either alone or in combination with other plans and projects.

Table 3 Potential Pathways to the SACs, relevant to Torbay Local Plan

Category	Description
Direct loss of habitat through development allocations	Physical loss or damage to European site habitat, including mortality of fauna from collisions or other direct impacts.
Fragmentation/Isolation	Development causing the site to become more isolated within the landscape, disrupting ecological connectivity.
Loss of Supporting Habitat	Loss, deterioration, or compromise of habitat outside the site that supports species by providing foraging, breeding, or migratory corridors.

Recreation Impacts	Disturbance from human recreational activities, such as walking, riding, sports, including water sport and associated effects like trampling, erosion, or fire.
Air Quality	Changes in local air quality that may affect site habitats and species.
Water Quality	Alterations to water quality, impacting aquatic habitats and dependent species.
Water Availability	Interruption or reduction of local hydrology, including groundwater and surface water affecting site integrity.
General Urbanisation Effects	Impacts from nearby development, such as light and noise pollution, predation by domestic animals, and spread of invasive species.

Screening of European Sites in and Around Torbay

The screening of the six European sites relevant to the Torbay Local Plan is set out in this section. Table 4 summarises the potential impact pathways for each site considered in this HRA and provides the context for screening likely significant effects by identifying which sites may be affected by the Local Plan and which pathways require further consideration.

In Table 4, a tick indicates that a potential impact pathway is relevant to the site, while a cross indicates that no relevant pathway has been identified. Distances are approximate and refer to the shortest distance between the European site and the Torbay boundary. No distance is given for South Hams SAC or the Lyme Bay and Torbay Marine SAC because both sites are located within Torbay.

Table 4 Impact Pathways relevant to Torbay Local Plan

Site	Distance (km)	Direct loss of habitat through development	Fragmentation/ Isolation	Loss of Supporting Habitat	Recreation Impacts	Air Quality	Water Quality	Water Availability	General Urbanisation Effects
The South Hams SAC (Berry Head to Sharkham Point Component)	0	√	√	√	√	X	X	X	√
The Lyme Bay & Torbay SAC	0	X	X	√	√	X	√	X	√
The Dartmoor SAC	15.2	X	X	X	X	X	X	X	X
The South Dartmoor Woods SAC	12.2	X	X	X	X	X	X	X	X
The Dawlish Warren SAC	12.1	X	X	X	X	X	X	X	X
The Exe Estuary SPA & Ramsar	11.9	X	X	X	X	X	X	X	X

The South Hams SAC Screening

The South Hams SAC is relevant to the Torbay Local Plan because the Berry Head to Sharkham Point component lies within Torbay and supports qualifying habitats and Greater Horseshoe Bats (GHB), whose conservation status depends not only on the SAC itself but also on the availability, quality and connectivity of functionally linked land outside the designated boundary. As set out in Appendix A and reflected in the screening framework used in Appendices B and C, the key screening test is whether Local Plan policies or allocations could affect the SAC's qualifying features by causing loss or deterioration of supporting habitat, fragmentation or interruption of bat commuting routes, foraging habitat, urbanisation effects such as light and noise, direct effects on sensitive habitats, or increased recreation pressure at Berry Head to Sharkham Point.

Appendix B shows that no likely significant effect is identified for protective, criteria-based or non-land allocating policies, including biodiversity, HRA, landscape, drainage and other environmental

safeguard policies that steer development away from European sites or require ecological protection. However, likely significant effects cannot be ruled out for a number of strategic growth, housing, employment and place-based policies where implementation could influence land within the GHB sustenance and landscape connectivity zones or increase recreational pressure on Berry Head. In particular, the policy screening identifies recreation impacts, urbanisation effects, loss of supporting habitat and fragmentation/isolation as relevant pathways for a number of Torquay, Paignton and Brixham-related policies, including SDT3, SDP4, SDP5, SDP6, SDB2, SDB3, SDBCG2, SDBCG3, H1a, H1b, H1c, H2, H3, E1, TO1 and TO5. Appendix C confirms that site-level effects are not uniform: some allocations can be screened out where they lie outside the relevant consultation zones or have no credible pathway, but several allocations fall within the South Hams SAC screening zones and therefore cannot be screened out on the basis of objective information. For these allocations, the principal concern is not direct development within the SAC, but the potential for cumulative loss or deterioration of foraging habitat, severance or weakening of commuting routes, increased artificial lighting and activity close to bat movement corridors, and additional recreation pressure associated with new housing growth and visitor-generating uses.

Applying the precautionary principle, the South Hams SAC is therefore screened in where Local Plan policies or allocations could affect GHB functionally linked land or increase recreation pressure at Berry Head to Sharkham Point, either alone or in combination with other plans and projects. The screening outcome for the South Hams SAC is that likely significant effects cannot be ruled out for those policies and allocations identified in Appendices B and C as having a credible pathway, and these elements of the Plan must proceed to Appropriate Assessment. By contrast, policies and allocations for which no credible pathway is identified, or which are clearly protective in nature, are screened out. The Appropriate Assessment should therefore focus on the implications of the screened-in policies and allocations for the South Hams SAC in view of the site's conservation objectives.

Lyme Bay and Torbay Marine SAC Screening

The Lyme Bay and Torbay Marine SAC is relevant to the Torbay Local Plan because part of the SAC lies within Torbay and includes qualifying reef and submerged or partially submerged sea cave habitats that are sensitive to physical disturbance, abrasion, smothering and changes in marine water quality. Due to the distance involved, the level of water-based traffic entering Lyme Bay from Torbay area is likely to be minimal and therefore would have insignificant effect on the reefs in Lyme Bay. The risk from human activities resulting from the Local Plan therefore

considered to be limited to Mackerel Cove to Dartmouth. As set out in Appendix A and reflected in the screening applied in Appendices B and C, the principal pathways requiring consideration are recreation-related disturbance or damage where plan policies or allocations could increase access to sensitive coastal and marine locations, and water-quality effects where a clear hydrological connection exists between development and the nearshore environment, including via watercourses and combined sewer overflows.

Appendix B shows that no likely significant effect is identified for protective, criteria-based or non land-allocating policies that would not themselves lead to development or that operate to protect ecological interests. However, likely significant effects cannot be ruled out for a number of strategic growth, housing, employment, tourism and place-based policies where implementation could increase coastal recreation pressure or give rise to water-quality risks affecting the Marine SAC. In particular, the policy screening identifies recreation impacts, habitat loss or fragmentation and water quality as relevant pathways for policies including SDT2, SDP2, SDP3, SDB2, H1a, H1b, H1c, H2, H3, E1, E3, TO1, TO2 and TO5. These policies do not in themselves confirm adverse effects, but they create the potential for development or activity that could affect the Marine SAC and therefore require further consideration at Appropriate Assessment stage.

Appendix C confirms that site-level effects are not uniform. A number of Torquay town centre allocations are screened in because they have a credible hydrological and wastewater pathway to the Lyme Bay and Torbay Marine SAC. Wastewater from the Torbay area is conveyed via a network of combined sewers and pumping stations, including Oxen Cove and Ilsham Valley, which transfer flows to Brokenbury Quarry Sewage Treatment Works. During periods of heavy rainfall, associated storm overflows may discharge to coastal waters within Tor Bay. These coastal waters form part of the receiving environment for the Lyme Bay and Torbay Marine SAC. Accordingly, increases in wastewater flows arising from planned development have the potential to affect water quality within the SAC through increased frequency or duration of storm overflow operation. The HRA therefore recognises a hydrological pathway between development within the relevant sewer catchments and the SAC, which must be mitigated to ensure no adverse effect on site integrity. The allocation screening identifies this pathway for a series of town centre sites, including H1aT1, H1aT2, H1aT3, H1aT4 and H1aT5, allocations, and concludes that Appropriate Assessment is required because likely significant effects on the Marine SAC cannot be ruled out on the basis of objective information. Other allocations may also engage recreation-related pathways where they would enable, promote or facilitate increased access to sensitive coastal or nearshore locations.

Applying the precautionary principle, the screening outcome for the Lyme Bay and Torbay Marine SAC is therefore that likely significant effects cannot be ruled out for those policies and allocations identified in Appendices B and C as having a credible recreation or water-quality pathway, either alone or in combination with other plans and projects, and these elements of the Plan must proceed to Appropriate Assessment. Policies and allocations for which no credible pathway is identified are screened out.

Dartmoor SAC Screening

Dartmoor SAC lies approximately 15.2 km from the nearest point of the Torbay administrative boundary and is designated for blanket bog, wet and dry heath, old sessile oak woodland, and qualifying species including Atlantic salmon and otter. The HRA for the adopted Torbay Local Plan 2012–2030 identified no credible pathway by which Torbay growth could affect Dartmoor SAC and screened the site out of further assessment. That conclusion remains appropriate for this Regulation 22 HRA. Torbay's growth locations have no direct hydrological, wastewater, ecological or functional connection with the SAC, and no realistic recreation pathway is identified given the intervening geography and availability of closer recreational destinations. The Torbay Water Cycle Study 2025 identifies wastewater, sewer capacity, storm overflow and water-quality matters relevant to Torbay's receiving waters and the Lyme Bay and Torbay Marine SAC but identifies no mechanism by which these could affect Dartmoor SAC. A strategic water-resource pathway, including any reliance on the wider South West supply network or Roadford Reservoir, has also been considered. The 2023 Water Resources Management Plan sets out a combination of new supply measures and demand-management measures to reduce water use, which is expected to provide sufficient water overall, provided those measures are successfully delivered. The Local Plan does not itself authorise abstraction, reservoir operation or water-resource infrastructure, and such effects are controlled through statutory water-resource planning, abstraction licensing and project-level HRA processes. On the basis of objective information, and subject to delivery of the measures identified through the statutory water-resource planning framework, likely significant effects on Dartmoor SAC can therefore be ruled out, alone and in combination with other plans and projects.

The South Dartmoor Woods SAC Screening

South Dartmoor Woods SAC lies approximately 12.2 km from the nearest point of the Torbay administrative boundary. There is no spatial overlap or functional linkage between Torbay Local

Plan policies or site allocations and the SAC. Potential impact pathways, including recreational pressure, air quality effects associated with traffic emissions, water quality, and hydrological connectivity, have been considered.

Given the distance involved, the absence of direct access routes or functional recreational linkage, the lack of hydrological connectivity, and the absence of new or increased traffic flows affecting the SAC, no credible mechanism exists by which Torbay Local Plan growth could adversely affect the qualifying woodland features of South Dartmoor Woods SAC.

The Torbay Local Plan will not give rise to Likely Significant Effects, either alone or in combination with other plans or projects, on South Dartmoor Woods SAC.

Dawlish Warren SAC Screening

Dawlish Warren SAC is located approximately 12.1 km from the Torbay administrative boundary. The SAC comprises a coastal dune system at the mouth of the Exe Estuary and is influenced primarily by local and sub-regional visitor pressures, coastal processes, and development within the immediate Exe Estuary area.

Torbay Local Plan policies and allocations are geographically separate and do not introduce new access routes, coastal works, or traffic increases in proximity to the SAC. Recreational pressure associated with Torbay growth would be diffuse and orientated towards Torbay's own coastal resources, with no evidence of a functional link to increased use of Dawlish Warren attributable to the Plan. There are also no pathways relating to air quality or coastal processes that could result in effects on the SAC.

The Torbay Local Plan will not have a Likely Significant Effect, alone or in combination, on Dawlish Warren SAC.

The Exe Estuary SPA & Ramsar Screening

The Exe Estuary SPA and Ramsar site lies at a minimum distance of approximately 11.9 km from the Torbay administrative boundary. The site supports internationally important bird populations that are sensitive to recreational disturbance and changes in water quality within the estuary catchment.

Torbay Local Plan development does not fall within the Exe Estuary hydrological catchment and does not discharge wastewater to the estuary. There are no direct access links between Torbay growth locations and the estuary, and population growth in Torbay would not be expected to materially increase recreational pressure on the Exe Estuary, given the distance involved and the availability of closer coastal and recreational alternatives. In-combination effects with neighbouring authorities have also been considered and discounted due to Torbay's geographic and functional separation from the estuary.

The Torbay Local Plan will not result in Likely Significant Effects, either alone or in combination with other plans or projects, on the Exe Estuary SPA and Ramsar site.

Torbay Local Plan Policies Screening

This section sets out the approach used to screen the Torbay Local Plan for Likely Significant Effects (LSE) on European sites. Screening is undertaken for the Local Plan policies (Appendix B) by identifying credible impact pathways and then applying a precautionary test, alone and in combination with other plans and projects. Where LSE cannot be ruled out on the basis of objective information, the relevant policy or allocation is screened in for Appropriate Assessment.

Appendix B provides the detailed screening assessment. The screening test has identified a number of risks arising from elements of the Plan, including general urbanisation effects, recreation and hydrological impacts. These risks related to a range of policies concerning residential, housing, employment and tourism provision. All relevant policies that are taken forward to Appropriate Assessment are summarised in the list below.

1. SDT2 - Torquay Town Centre
2. SDT3 - Torquay Gateway
3. SDP2 - Paignton Town Centre and Waterfront
4. SDP3 - Preston
5. SDP4 - Collaton St Mary
6. SDP5 - Long Road, Yalberton
7. SDP6 - Clennon Valley
8. SDB2 - Brixham's Town Centre, Harbour and Waterfront
9. SDB3 - Berry Head to Sharkham Point
10. SDBCG2 - Land at Inglewood and north of Windy Corner
11. SDBCG3 - Rural villages south of Windy Corner
12. H1a - Town Centre Regeneration Areas
13. H1b - Densification around Urban Sustainable Transport Corridors
14. H1c - Housing in elsewhere within the Settlement Boundary Built Up Area

15. H2 - Future Growth Areas
16. H3 - Other Local Plan allocated sites
17. E1 - Strategic employment land allocation
18. E3 - Supporting a sustainable marine and coastal economy
19. TO1 - Supporting tourism and leisure infrastructure
20. TO2 - Core Tourism Investment Areas
21. TO5 - New holiday parks and extensions to existing Facilities.

In total, 21 Local Plan policies are identified as requiring further assessment because likely significant effects cannot be ruled out for one or both of the two European sites with credible pathways in Torbay: the South Hams SAC and the Lyme Bay and Torbay Marine SAC. The screened-in policies comprise place-based growth policies, housing and employment policies, marine and coastal economy policy and selected tourism policies. Screening at this stage does not determine whether adverse effects on site integrity will occur, nor does it assess the adequacy of mitigation. It identifies where, on the basis of objective information and applying the precautionary principle, a credible pathway exists and further assessment is required.

For the South Hams SAC, the screened-in policies are those that could affect the Berry Head to Sharkham Point component and the wider Greater Horseshoe Bat supporting landscape. The main pathways are recreation pressure at Berry Head to Sharkham Point, loss or deterioration of foraging habitat, fragmentation or weakening of commuting routes, disturbance and urbanisation effects, and artificial lighting affecting dark corridors. These pathways are particularly relevant to policies directing or enabling growth in Paignton, Brixham, Collaton St Mary, Long Road/Yalberton, Clennon Valley, Inglewood and other future growth or allocated housing and employment locations. Policies SDT2, SDP3, SDP4, SDP5, SDP6, SDB2, SDB3, SDBCG2, SDBCG3, H1a, H1b, H1c, H2, H3, E1, TO1 and TO5 are therefore screened in where they could affect Greater Horseshoe Bat habitat/connectivity or add to recreation pressure at Berry Head.

For the Lyme Bay and Torbay Marine SAC, the screened-in policies are those that could increase coastal or marine recreation, support tourism and visitor activity, intensify waterfront or harbour-based uses, or contribute to water-quality pressures where a hydrological or wastewater pathway exists. The main pathways are recreation-related disturbance or physical damage to sensitive reef and sea cave habitats, habitat loss or fragmentation where coastal or marine infrastructure is enabled, and water-quality effects arising from foul drainage, surface water, storm overflow or construction-related pollution. These pathways are particularly relevant to policies affecting Torquay town centre, Paignton town centre and waterfront, Preston, Brixham harbour and waterfront, town centre regeneration, future growth and allocated sites, strategic employment land,

the marine and coastal economy, and tourism/leisure infrastructure. Policies SDT2, SDP2, SDP3, SDB2, H1a, H1b, H1c, H2, H3, E1, E3, TO1, TO2 and TO5 are therefore screened in where they could affect the Marine SAC through recreation, coastal access, marine activity or water-quality pathways.

The screening conclusion for these 21 policies is therefore precautionary and pathway specific. Policies affecting only the South Hams SAC are taken forward where they may affect Greater Horseshoe Bat foraging habitat, commuting routes, functional connectivity, lighting-sensitive landscapes or recreation at Berry Head to Sharkham Point. Policies affecting only the Lyme Bay and Torbay Marine SAC are taken forward where they may affect sensitive marine features through recreation, coastal or marine activity, or water-quality pathways. Policies affecting both SACs are taken forward because they may combine terrestrial bat and recreation pathways with marine recreation or water-quality pathways. The purpose of screening is to identify these policies for further Appropriate Assessment; the implications of the screened-in policies and allocations for site integrity are addressed at the Appropriate Assessment stage.

Torbay Local Plan Housing and Employment Allocation Screening

Appendix C provides the screening of allocated housing and employment sites. It identifies the relevant European site or sites, the potential impact pathway, and the screening outcome for each allocation. At this stage, the assessment applies the Likely Significant Effect test to determine whether, on the basis of objective information and applying the precautionary principle, a credible pathway exists that requires further assessment.

For allocations screened in in relation to the South Hams SAC, the relevant screening pathways include potential effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, together with possible recreation pressure at Berry Head to Sharkham Point where housing or visitor-generating uses may increase visitor activity. For allocations screened in in relation to the Lyme Bay and Torbay Marine SAC, the relevant screening pathways include potential water-quality effects where a credible hydrological or wastewater connection exists, and potential recreation-related effects where development could increase access to, awareness of, or activity within sensitive coastal or marine locations.

Appendix C distinguishes allocations that can be screened out, because no credible pathway is identified, from those that must proceed to Appropriate Assessment because likely significant

effects cannot be ruled out. The implications of screened-in allocations for site integrity are addressed at the Appropriate Assessment stage.

In-combination Effects

In-combination effects have been considered by examining whether the scale and distribution of growth proposed in Torbay, when added to growth and other relevant plans or projects in neighbouring authority areas, could contribute to the same impact pathway on the same European site. For this HRA, that assessment is materially relevant only to the South Hams SAC and the Lyme Bay and Torbay Marine SAC. The plans and programmes most likely to be relevant are those of authorities whose growth may affect the same Greater Horseshoe Bat consultation framework, the same Berry Head to Sharkham Point visitor catchment, or the same South Devon coastal recreation market. These include, in particular, neighbouring or related planning areas in South Devon such as South Hams, Teignbridge, Plymouth and Dartmoor National Park, together with other projects or proposals within Torbay that may contribute to the same wastewater, recreation or habitat-pressure pathways.

For the South Hams SAC, the principal in-combination pathways are cumulative loss or deterioration of Greater Horseshoe Bat foraging habitat, fragmentation of commuting routes, increased lighting and urbanisation pressure within the shared bat consultation framework, and cumulative recreation pressure at Berry Head to Sharkham Point. These pathways are relevant because the South Hams SAC Greater Horseshoe Bat guidance is used across multiple Devon authorities and because development in Torbay forms part of a wider pattern of growth around the South Devon bat landscape rather than acting in isolation. The most relevant cumulative sources are therefore allocations and proposals in Torbay itself, together with growth in authorities that apply the same HRA guidance and may affect the same sustenance zones, landscape connectivity zones or associated movement corridors. In addition, housing, tourism and visitor-generating development in Torbay and elsewhere in South Devon may add incrementally to visitor pressure at Berry Head to Sharkham Point, even where each individual contribution is modest. On that basis, likely significant in-combination effects cannot be ruled out at screening for those policies and allocations in Torbay that engage the South Hams SAC pathways, and they correctly proceed to Appropriate Assessment.

For the Lyme Bay and Torbay Marine SAC, two distinct in-combination pathways are relevant. First, there is a wastewater and water-quality pathway arising principally from cumulative Torquay

growth that drains to the same constrained sewer network and discharge route via the Fleet Stream and Hope's Nose CSO. In-combination risk on this pathway arises most clearly from the interaction of multiple Torquay town centre allocations and any other Torbay sites or projects that connect to the same infrastructure and could add to foul flows, storm overflow frequency or polluted runoff. Secondly, there is a recreation pathway arising from the cumulative effect of housing growth, tourism development, marine and coastal economy proposals and other visitor-generating development in Torbay and the wider South Devon coast that could increase access to, awareness of, or participation in activities affecting sensitive reef and sea cave locations. The evidence available does not identify an equivalent wastewater pathway from neighbouring authority growth to Torbay's discharge route, but it does support a precautionary conclusion that recreation-related pressure on sensitive marine locations may be cumulative across local authority boundaries. For those reasons, likely significant in-combination effects cannot be ruled out for the Marine SAC where Torbay policies or allocations engage either the hydrological/wastewater pathway or the recreation pathway, and these matters also proceed to Appropriate Assessment.

The HRA for Local Transport Plan 4 has also been considered as part of the in-combination assessment. Its findings do not alter the conclusions of this HRA, but it is relevant as contextual evidence for cumulative transport-related pathways, particularly where future transport schemes may interact with the same receptors identified for the Torbay Local Plan. These include potential effects on Greater Horseshoe Bat commuting routes, dark corridors and functionally linked land associated with the South Hams SAC, and, where relevant, coastal access, drainage, construction and recreation pathways associated with the Lyme Bay and Torbay Marine SAC. Any transport schemes brought forward under LTP4 that could affect a European site would require project-level HRA and appropriate mitigation. Subject to this, the LTP4 HRA does not change the conclusion that the Torbay Local Plan will not adversely affect the integrity of any European site, alone or in combination with other plans and projects.

By contrast, no credible shared in-combination pathway has been identified for Dartmoor SAC, South Dartmoor Woods SAC, Dawlish Warren SAC, or the Exe Estuary SPA and Ramsar site. Those sites are influenced by different hydrological catchments, visitor markets, air-quality environments and pressure sources, and the evidence does not indicate that growth in Torbay, even when considered alongside neighbouring plans, would make a meaningful contribution to effects on their qualifying features. Accordingly, the in-combination screening conclusion is that likely significant effects cannot be ruled out only for the South Hams SAC and the Lyme Bay and

Torbay Marine SAC where a credible cumulative pathway exists, while likely significant effects can be ruled out, alone and in combination, for the remaining European sites.

The in-combination screening conclusion is therefore that likely significant effects cannot be ruled out for the South Hams SAC and the Lyme Bay and Torbay Marine SAC where a credible cumulative pathway exists, and those relevant policies and allocations proceed to Appropriate Assessment. Likely significant effects can be ruled out, alone and in combination, for Dartmoor SAC, South Dartmoor Woods SAC, Dawlish Warren SAC, and the Exe Estuary SPA and Ramsar site.

Screening Conclusions

The HRA screening concludes that the Torbay Local Plan will not give rise to Likely Significant Effects, either alone or in combination, on Dartmoor SAC, South Dartmoor Woods SAC, Dawlish Warren SAC, or the Exe Estuary SPA and Ramsar site, as no credible impact pathway has been identified for these sites. However, Likely Significant Effects cannot be ruled out for a number of Local Plan policies and site allocations where a clear pathway exists to the South Hams SAC and/or the Lyme Bay and Torbay Marine SAC. In particular, this relates to allocations and policy areas with potential effects on Greater Horseshoe Bat functionally linked land and recreation pressure associated with the Berry Head to Sharkham Point component of the South Hams SAC, and to hydrological/water-quality and recreation-related pathways affecting the Lyme Bay and Torbay Marine SAC. These policies and allocations are therefore screened in for Appropriate Assessment, where their implications for the relevant European site conservation objectives will be considered in more detail.

5. Appropriate Assessment

Introduction

This Appropriate Assessment considers those elements of the Torbay Local Plan for which HRA screening has concluded that likely significant effects cannot be ruled out on the basis of objective information. In this case, the Appropriate Assessment focuses on the South Hams SAC and the Lyme Bay and Torbay Marine SAC, reflecting the two European sites for which credible pathways remain through effects on Greater Horseshoe Bat functionally linked land, recreation pressure, urbanisation effects, and water-quality or wastewater-related pathways.

The purpose of this section is to assess, in view of each site's conservation objectives, whether the relevant Local Plan policies and site allocations, either alone or in combination with other plans and projects, could adversely affect site integrity, and whether the Plan's embedded safeguards and any additional avoidance or mitigation measures provide sufficient certainty to rule out such effects.

The assessment is structured by European site and considers the pathways screened in at Regulation 22 stage, the relevant plan policies and allocations, the mitigation relied upon, and the residual effects after mitigation. The key question for each site is whether it can be ascertained, beyond reasonable scientific doubt, that the Local Plan will not adversely affect the integrity of the site, having regard to the precautionary principle and the need for mitigation measures to be effective, secured and deliverable.

The South Hams SAC

The South Hams SAC is screened in for Appropriate Assessment because the Torbay Local Plan includes policies and allocations for which likely significant effects on the SAC cannot be ruled out on the basis of objective information. This conclusion reflects both the location of the Berry Head to Sharkham Point component of the SAC within Torbay and the nature of the SAC's qualifying features, which include Greater Horseshoe Bat and a range of sensitive habitats, notably semi-natural dry grasslands and scrubland facies on calcareous substrates, European dry heaths, vegetated sea cliffs and caves not open to the public. The conservation objectives require the extent, distribution, structure, function and supporting processes of these habitats and the habitats

of Greater Horseshoe Bat to be maintained or restored. In HRA terms, this means the assessment cannot be confined to the designated boundary alone: it must also consider the functionally linked land, commuting routes and wider supporting landscape on which the bat population depends, together with the vulnerability of the Berry Head to Sharkham Point component to recreation and urbanisation pressures.

A central part of the available evidence is the South Hams SAC Greater Horseshoe Bat HRA Guidance (2019), which has been jointly prepared and endorsed by the South Hams SAC Steering Group authorities and Natural England and is applied across Torbay and neighbouring planning authorities. The guidance explains that likely significant effects may arise not only from direct impacts on roosts, but also from development affecting functionally linked habitat within sustenance zones, movement routes within the landscape connectivity zone, and associated pinch points or dark corridors used by Greater Horseshoe Bats (see Figure 4).

The October 2026 Torbay Local Plan Greater Horseshoe Bat Evidence Study[6] adds a proposed Berry Head Bat Habitat Priority Area (BHPA) and additional pinch points, illustrated in that study's Figure 5. The BHPA addresses the critical importance of habitat within approximately 4 km of the Berry Head roosts, excluding urban areas of Brixham with poor foraging opportunities or restricted accessibility; proposed urban pinch points protect movement routes through the excluded urban area. The study identifies High and Very High suitability habitat as particularly constrained and recommends avoidance of significant loss or degradation and protection of functional continuity. Its connectivity evidence is indicative and does not establish every flight path or quantify carrying capacity. The HRA must consider these areas and indirect effects from lighting, disturbance and severance, without treating lower-scoring habitat or locations outside the BHPA as automatically free of risk.

In HRA terms, this means that development proposals or plan allocations falling within these areas, or capable of affecting them indirectly through lighting, disturbance, habitat severance or habitat loss, cannot be screened out without further assessment unless objective evidence shows there is no credible pathway. This is particularly relevant in Torbay because a number of the Plan's growth locations in Paignton, Brixham and the wider Brixham peninsula interact spatially with the South Hams SAC consultation area, and because the SAC bat population forms part of a

[6] South Hams SAC Greater Horseshoe Bat Evidence Study (2026)

wider South Devon meta-population rather than being ecologically confined to the designated roost sites alone.

The available Berry Head evidence also demonstrates why recreation is a relevant pathway that cannot be dismissed at screening stage. Torbay Council's South Hams SAC HRA evidence base identifies Berry Head visitor survey work, Berry Head recreational impacts evidence and the Berry Head vegetation and rare plant monitoring, 2023, as key documents for assessing recreation pressure and mitigation needs at the Berry Head to Sharkham Point component of the South Hams SAC. This provides the evidence basis for applying a precautionary Zone of Influence around Berry Head (see Figure 6), within which new housing or visitor-generating development should be considered for its potential to increase recreational pressure. Torbay Council's evidence base for Berry Head includes visitor survey work and the 2023 vegetation and rare plant monitoring report, which was undertaken specifically to assess condition and change in the light of housing growth and mitigation needs. That monitoring found that, while many rare and site-distinctive plant populations remained stable or increased, some changes attributable to recreational pressure were recorded, including loss of marginal vegetation along paths, and the report identifies species and locations that remain vulnerable to trampling, path-edge erosion, scrub dynamics or changing visitor patterns. This is important because Berry Head to Sharkham Point is designated not only for Greater Horseshoe Bat, but also for habitats and plant assemblages whose conservation depends on careful management of access and pressure. The existence of a measured recreation response, even if currently localised or limited, means that additional housing and visitor-generating growth in Torbay has to be treated precautionarily where it could increase visits to Berry Head or intensify pressures at sensitive points.

The screening of policies and allocations in Appendices B and C shows that these pathways are engaged by specific elements of the Local Plan. At policy level, likely significant effects cannot be ruled out for a number of strategic growth, housing, employment and place-based policies where implementation could affect bat habitat, commuting routes, dark corridors or recreation at Berry Head, including policies such as SDT2, SDP4, SDP5, SDP6, SDB2, SDB3, SDBCG2, SDBCG3, H2, H3, E1, TO1 and TO5. At allocation level, the screening confirms that effects are not uniform across all sites: some can be screened out where they are outside the relevant consultation zones or have no credible pathway, but several allocations are screened in because they fall within or close to the South Hams SAC consultation zones and therefore raise uncertainty about loss or deterioration of functionally linked habitat, fragmentation of flight lines, urbanisation effects such as lighting and activity, or increased recreation pressure. The significance of this evidence is that the

Plan does not merely contain generic growth; it contains identifiable policy hooks and site proposals that have a plausible mechanism for effect on the SAC's qualifying features, and screening therefore cannot lawfully conclude no likely significant effect on the basis of general safeguards alone.

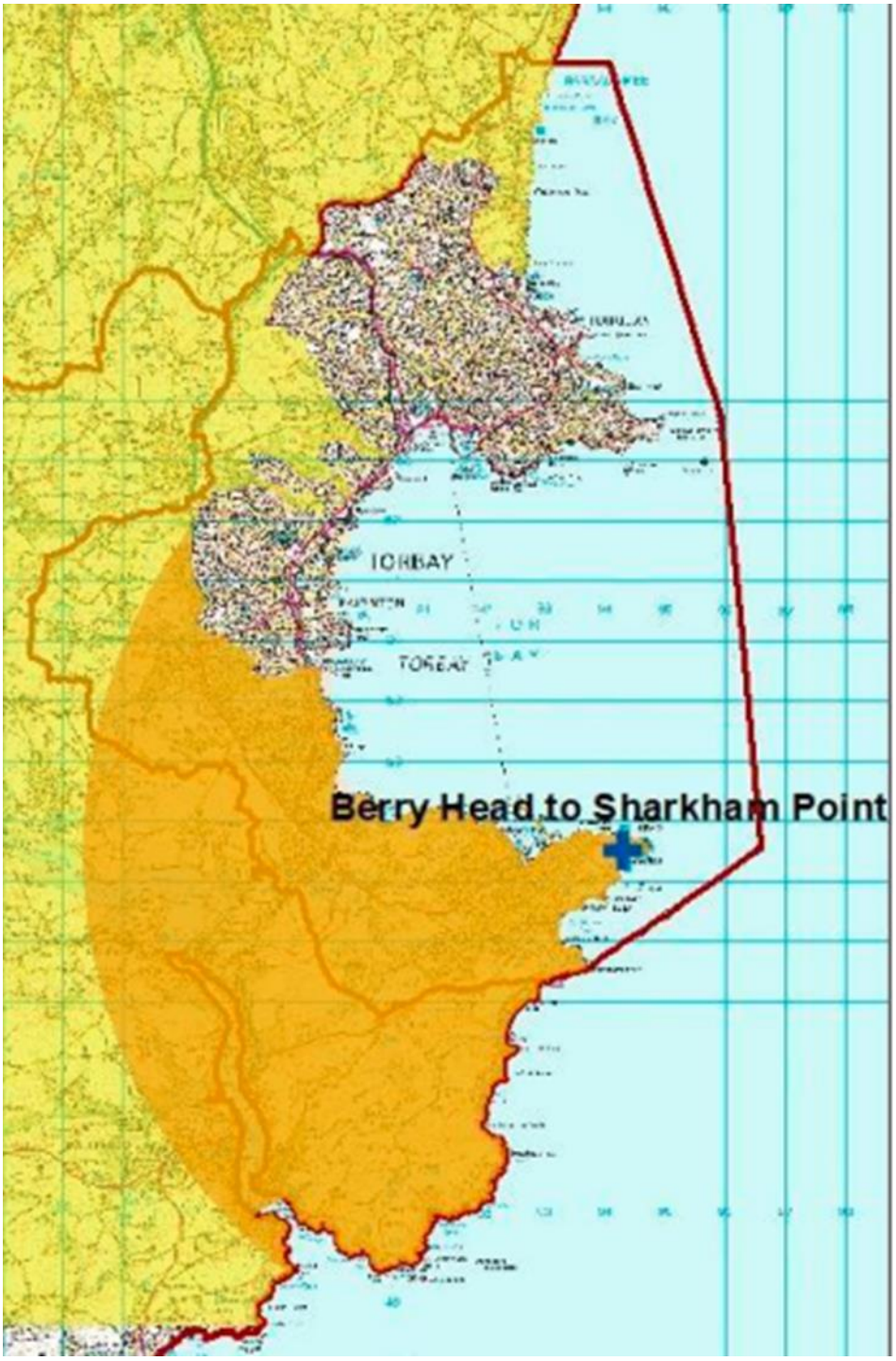




Figure 4 South Hams SAC Greater Horseshoe Bats Roost, SZ and LCZ

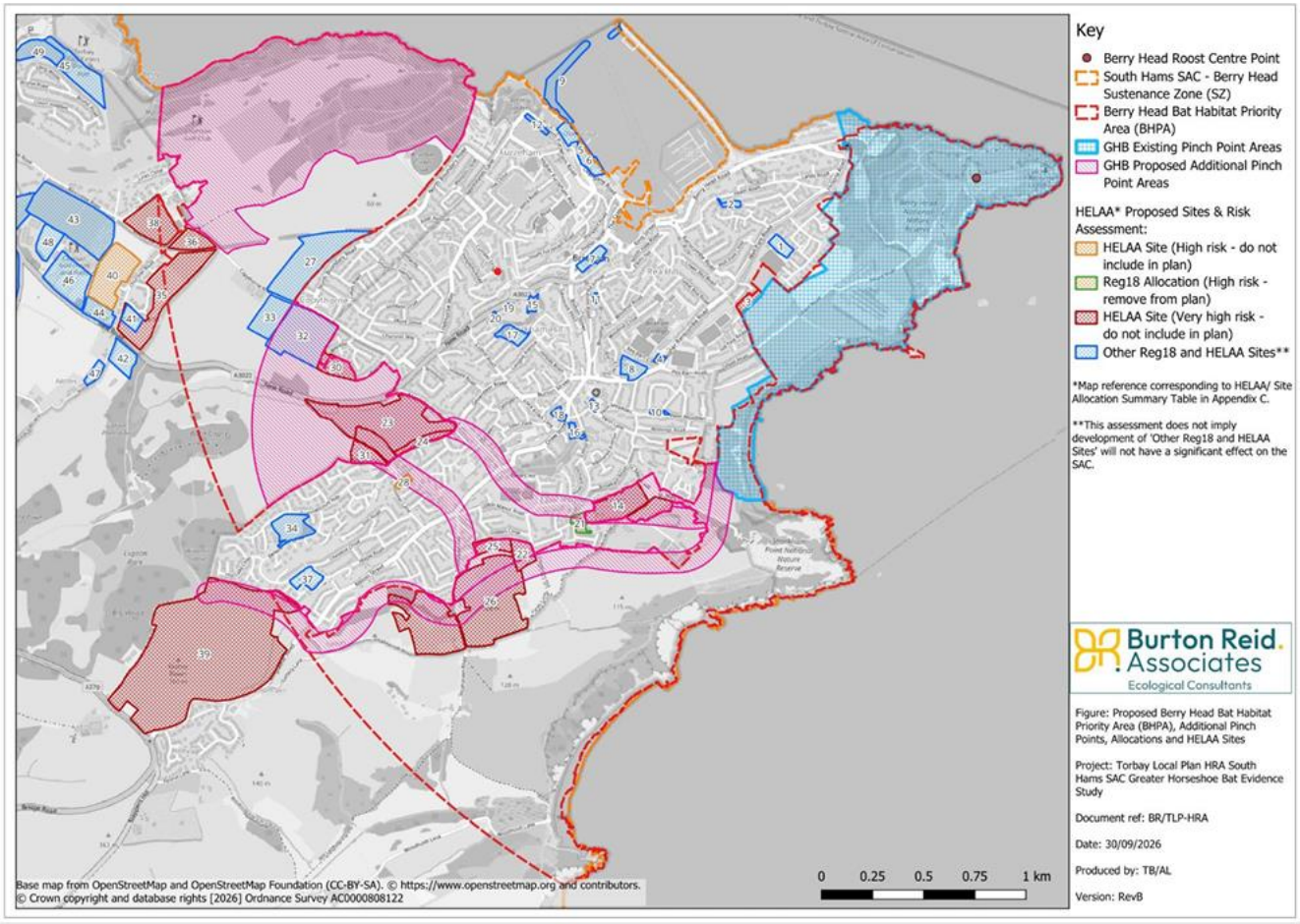


Figure 5 Proposed Berry Head Bat Habitat Priority Area (BHPA), existing and additional proposed Pinch Points, alongside Local Plan allocations and HELAA sites.

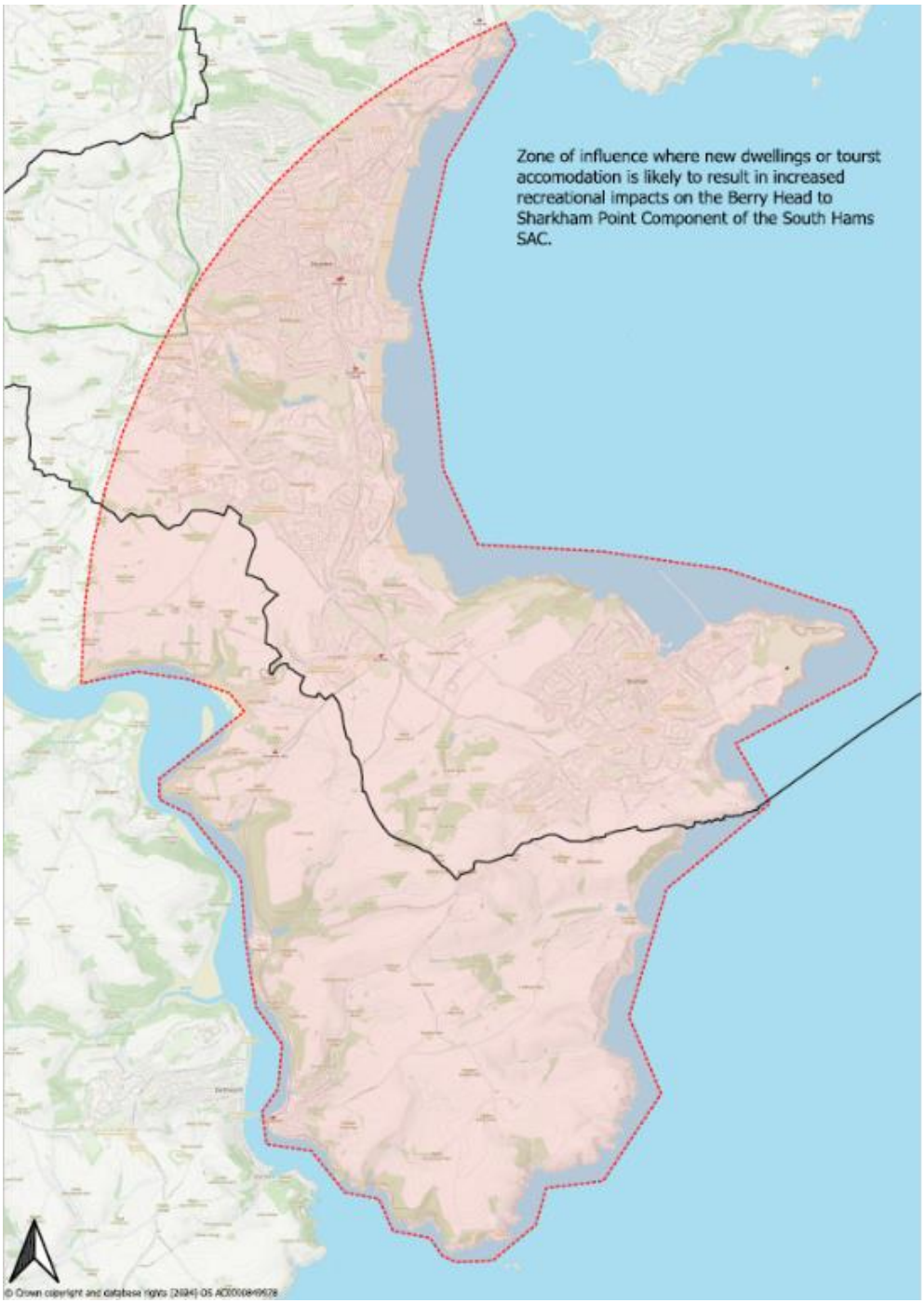


Figure 6 Berry Head Recreation Impact: Zone of Influence

Mitigation Strategy

Mitigation for the South Hams SAC is relied upon only where it is specific, secured and capable of implementation for the life of the Plan. It must address the pathways identified at screening: effects on Greater Horseshoe Bat foraging habitat, fragmentation of commuting routes, urbanisation

effects such as artificial lighting and disturbance, and increased recreation pressure at Berry Head to Sharkham Point. The mitigation framework therefore combines embedded Local Plan policy safeguards, allocation-specific requirements, project-level HRA, planning conditions, legal agreements and long-term management arrangements.

At plan level, the South Hams SAC mitigation relies first on avoidance: development must be located, designed and controlled so that key bat habitat, commuting routes, dark corridors and sensitive recreation receptors are not harmed. This is supported by embedded biodiversity, lighting, landscape and HRA policies in the Plan, together with allocation-specific requirements and project-level assessment where a credible pathway remains. Where recreation pressure on Berry Head to Sharkham Point is relevant, the no adverse effect conclusion depends on a defined package of visitor and habitat management measures being secured, monitored and capable of adaptation if pressure or condition trends indicate that additional controls are required and a strategic solution for alternative recreation sites, where on site mitigation measures have been met.

Mitigation for the South Hams SAC must address the pathways identified at screening, namely effects on:

- Greater Horseshoe Bat foraging habitat
- fragmentation of commuting routes
- urbanisation effects such as artificial lighting and disturbance, and
- increased recreation pressure at Berry Head to Sharkham Point.

At plan level, the mitigation strategy should therefore rely on a combination of policy safeguards, site selection and design controls, project-level requirements, and Planning Contributions to deliver the objectives set out in the Berry Head Management Plan (2026), to ensure that development does not result in the loss or deterioration of supporting habitat or undermine the conservation objectives of the SAC.

For allocations within or close to the relevant bat consultation zones, mitigation should require:

- avoidance of development on key foraging habitat where possible,
- retention and enhancement of hedgerows,

- tree lines and other linear features used for bat movement, and
- the maintenance of dark corridors between roosts, foraging areas and commuting routes.

  Development proposals should be informed by proportionate ecological assessment and, where necessary, supported by masterplanning or layout revisions to avoid severance, edge effects and harmful lighting. In line with *Building with Nature: Devon Technical Guidance: Maintaining dark corridors through the landscape for bats*, dark corridors should be based on continuous vegetated linear features such as hedgerows, woodland edges and watercourses, retained at an appropriate width and kept free from harmful light spill so that they continue to function as safe commuting and foraging routes for light-averse species. In the most sensitive locations around Berry Head, this may require genuinely “dark developments”, including schemes without street lighting where necessary and justified by project-level assessment, to maintain the function of bat corridors and avoid adverse effects on the SAC. Lighting design should therefore avoid illumination of these features, minimise column heights and bare light sources, and use directional, baffled and warm-spectrum lighting only where essential, so that connectivity between roosts, foraging habitat and wider movement routes is maintained. The October 2026 study requires a strong presumption towards avoidance; habitat enhancement must not be assumed to offset losses of key functional habitat or connectivity. Any retained proposal must demonstrate maintained function, with effective measures and long-term management secured.

In relation to recreation pressure, mitigation should ensure that new housing and visitor-generating development contributing to use of Berry Head to Sharkham Point is supported by an appropriate package of access management, visitor management and, where relevant, strategic contributions secured through policy and legal agreements. This may include visitor information, signage, path management, wardening, habitat management and monitoring, together with a strategic solution for alternative recreation sites where this is necessary to divert pressure from sensitive SAC habitats and provide attractive, accessible recreation opportunities elsewhere. Such provision should form part of the strategic mitigation framework and should be clearly defined, funded, delivered, managed and monitored over the life of the Plan. Taken together, these measures should ensure that the relevant Local Plan policies and allocations can be implemented without adverse effects on the integrity of the South Hams SAC, subject to mitigation being effective, secured and applied consistently at project level where required.

Existing Mitigation

The Torbay Local Plan Regulation 19 already contains a number of embedded policy safeguards that are relevant to protection of the South Hams SAC and should be treated as part of the mitigation framework for Appropriate Assessment. In particular, these policies help ensure that development is directed away from harmful effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, and that recreation or urbanisation effects are addressed through ecological assessment, design, avoidance and mitigation at project stage.

- NCS2: Habitats Regulations Assessment – requires proposals to demonstrate compliance with the Habitats Regulations and provides the primary policy hook for screening, Appropriate Assessment and mitigation.
- NC1: Biodiversity and ecology – requires protection of biodiversity interests and supports avoidance and mitigation where development could affect designated sites or protected species.
- NC4: Light pollution – relevant to the protection of dark corridors and bat commuting routes, helping to control one of the key urbanisation pathways for Greater Horseshoe Bats.
- TH1: Trees, hedgerows and natural landscape features – supports retention and enhancement of linear landscape features that function as commuting routes and connective habitat.
- ER2: Drainage Hierarchy and ER4: Sustainable Drainage Systems and Water Sensitive Urban Design – provide supporting safeguards where site design and runoff management are needed to avoid indirect ecological effects.
- L1, L2 and L4 – countryside, National Landscape and valued landscape policies that help resist inappropriate development in sensitive landscapes and reinforce avoidance of harm to functionally linked land around the SAC.

Local Plan Policy Amendments

The policy amendments set out in Table 5 below identify the additional wording change or addition to ensure that the Local Plan provides a clear and consistent policy basis for avoiding adverse effects on the integrity of the South Hams SAC and the Lyme Bay and Torbay Marine SAC. They are intended to strengthen the relevant place-based, housing, employment and coastal policies so that the mitigation relied upon in this Appropriate Assessment is embedded within the Plan and

can be applied consistently through decision-making, project-level Habitats Regulations Assessment, and the securing of any necessary avoidance, mitigation, phasing, infrastructure and monitoring measures.

Table 5 Required amendments to Local Plan policies to avoid adverse effects on site integrity

Local Plan Policy	Required change to the Local Plan Policy
SDT2 - Torquay Town Centre: The Heart of the English Riviera	Change to: *"All development must contribute to climate change and flood resilience and follow the drainage Hierarchy, reduce pressure on the Fleet and combined sewer, in accordance with Policies NCS2, ER1, ER2, ER3, ER4 and W5, so that wastewater and surface water effects on the Lyme Bay and Torbay Marine SAC are avoided."*
SDT3 - Torquay Gateway	Change to: *"Proposals must not adversely affect the integrity of the South Hams SAC, alone or in combination with other plans or projects. In particular, development must avoid effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, in accordance with Policies NCS2 and NC4 and ensure sustainable water management (ER1 to ER 4)* *Particular attention should also be given to the protection of Cirl Bunting habitat."*
SDP2 - Revitalising Paignton Town Centre and Waterfront	Add: *"Development must avoid adverse effects on the integrity of the Lyme Bay and Torbay Marine SAC, including through recreation and water-quality pathways, in accordance with Policies NCS2, ER1, ER2, ER3, ER4 and W5."*
SDP3 - Preston	Add: *"Development in Preston must not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torbay Marine SAC, including through effects on bat foraging habitat and commuting routes, or through recreation, drainage and water-quality pathways, in accordance with Policies NCS2, NC4, ER1, ER2, ER4 and W5."*

SDP4 - Collaton St Mary	Change to: *"Proposals must not adversely affect the integrity of the South Hams SAC alone or in combination with other plans or projects, including through effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, in accordance with Policies NCS2, NC1 and NC4.* *Particular attention should also be given to the protection of Cirl Bunting habitat."*
SDP5 - Long Road, Yalberton	Change to: *"Proposals must not adversely affect the integrity of the South Hams SAC alone or in combination with other plans or projects, including through effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, in accordance with Policies NCS2, NC1 and NC4."* *"Particular attention should also be given to Cirl Bunting habitat."*
SDP6 - Clennon Valley	Change to: *"Development in this sensitive location must not adversely affect the integrity of the South Hams SAC, alone or in combination with other plans or projects, including through effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, in accordance with Policies NCS2 and NC4."*
SDB2 - Revitalising Brixham's Town Centre, Harbour and Waterfront	Change to: *"Proposals, alone or in combination with other plans or projects, must not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torbay Marine SAC, including through new recreation pressure or effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, or through recreation and water-quality pathways, in accordance with Policies NCS2, NC4, ER1, ER2, ER3, ER4 and W5."*

SDB3 - Berry Head to Sharkham Point	Change to: *"Development within Berry Head to Sharkham Point (component of South Hams SAC) must not adversely affect the integrity of the South Hams SAC, including through recreation pressure or effects on Greater Horseshoe Bat foraging habitat, the* Berry Head Bat Habitat Priority Area*, commuting routes, dark corridors or recreation pressure, in accordance with Policies NCS2, NC1 and NC4."*
SDBCG2 - Land at Inglewood and its environs north of Windy Corner	Change to: *"Proposals must not adversely affect the integrity of the South Hams SAC, alone or in combination with other plans or projects, including through recreation pressure or effects on Greater Horseshoe Bat foraging habitat, commuting routes, dark corridors or recreation pressure at Berry Head to Sharkham Point, in accordance with Policies NCS2, NC1 and NC4."* *"Particular attention should also be given to Cirl Bunting habitat."*
SDBCG3 - Rural villages south of Windy Corner	Change to: *"Development in this sensitive location must not adversely affect the integrity of the South Hams SAC, alone or in combination with other plans or projects. Proposals must mitigate recreation pressure on the SAC and accord with Greater Horseshoe Bat guidance and secure avoidance and mitigation to maintain foraging habitat, roosting opportunities, connectivity and dark corridors, including no increase in lighting above 0.5 lux in bat flyways, and to avoid or mitigate additional recreation pressure at Berry Head to Sharkham Point, in accordance with Policies NCS2, NC1 and NC4."*
H1a - Town Centre Regeneration Areas	Add: "Town Centre regeneration proposals must not adversely affect the integrity of the Lyme Bay and Torbay Marine SAC, including through hydrological, wastewater, drainage, water-quality or recreation pathways, in accordance with Policies NCS2, ER1, ER2, ER3, ER4 and W5."

	"Where proposals may increase recreation pressure on Berry Head to Sharkham Point, they must not adversely affect the integrity of the South Hams SAC, in accordance with Policies NCS2, NC1 and NC4."
H2 - Future Growth Areas	Add: *"Future Growth Areas will be identified and brought forward where it can be demonstrated that development will not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torbay Marine SAC, alone or in combination with other plans or projects, in accordance with Policies NCS2, NC1, NC4, ER2, ER3, ER4 and W5."*
H3 - Densification around Urban Sustainable Transport Corridors	Change to: *"Development within urban sustainable transport corridors must not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torbay Marine SAC, alone or in combination with other plans or projects, where a credible pathway is identified. Proposals must address, as relevant, effects on Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, and recreation, drainage and water-quality pathways, in accordance with Policies NCS2, NC1, NC4, ER2, ER3, ER4 and W5."*
E1 - Economy, Tourism and Town Centres	Add: *"Strategic employment land allocations must not adversely affect the integrity of the South Hams SAC or the Lyme Bay and Torbay Marine SAC, alone or in combination with other plans or projects, including through effects on bat habitat and commuting routes, or through recreation, drainage and water-quality pathways, in accordance with Policies NCS2, NC4, ER2, ER3, ER4 and W5."*
E3 - Supporting a sustainable marine and coastal economy	Change to: *"Marine and coastal economy proposals must not adversely affect the integrity of the Lyme Bay and Torbay Marine SAC, alone or in combination with other plans or projects, in accordance with Policies NCS2, NC1, ER1, ER2, ER3, ER4 and W5."*

TO1 - Supporting tourism and leisure infrastructure	Add *"Proposals that could increase access to sensitive coastal, marine or habitat locations, including sea caves, reefs or Berry Head to Sharkham Point, must be supported by project-level HRA where required and must secure appropriate access management, visitor information, activity controls, lighting controls, drainage safeguards and monitoring, in accordance with Policies NCS2, NC1, NC4, ER1, ER2, ER3, ER4 and W5."*
TO2 - Core Tourism Investment Areas	Add *"Within Core Tourism Investment Areas, development and investment proposals must be planned and managed so that they do not increase recreational, water-quality, lighting or urbanisation pressures on European sites, in accordance with Policies NCS2, NC1, NC4, ER1, ER2, ER3, ER4 and W5."*
TO5 - New holiday parks and extensions to existing facilities	Add *"Proposals for new holiday parks or extensions to existing holiday parks must provide sufficient on-site recreation provision, visitor information, access management, monitoring and, where necessary, financial contributions to strategic mitigation. Where proposals fall within Greater Horseshoe Bat consultation zones, they must also protect foraging habitat, commuting routes, pinch points and dark corridors, in accordance with Policies NCS2, NC1, NC4, TH1, L1, L2 and L4 ."*

Mitigation relied upon by the Plan for development in GHB Sustenance Zone

For development within the Greater Horseshoe Bat sustenance zone, the Plan should rely on the precautionary approach set out in the South Hams SAC Greater Horseshoe Bats HRA Guidance, 2019, which recognises that land within the sustenance zone may form functionally linked habitat supporting the South Hams SAC bat population. Development should therefore avoid the loss, fragmentation or deterioration of suitable foraging habitat, including grazed pasture, woodland edge, species-rich grassland, orchards, scrub and associated hedgerow networks, unless it can be demonstrated that the habitat is not functionally significant. Proposals should retain and, where possible, enhance hedgerows, tree lines, field boundaries and other linear features that maintain connectivity between roosts, foraging areas and wider commuting routes. Layout and masterplanning should avoid severance and harmful edge effects, and lighting must be designed

to maintain dark corridors, with no harmful light spill onto retained habitat, flight lines, field margins, hedgerows or woodland edges. Development within the sustenance zone should be informed by proportionate ecological assessment and, where a credible pathway to the South Hams SAC remains, project-level Habitats Regulations Assessment. Where effects cannot be fully avoided through site selection and design, mitigation and long-term habitat management must be secured to maintain the ecological function of the sustenance zone in accordance with the HRA Guidance.

Mitigation relied upon by the Plan for development in GHB Landscape Connectivity Zone

For development within the landscape connectivity zone, the Plan should rely on the precautionary approach set out in the South Hams SAC Greater Horseshoe Bats HRA Guidance, 2019, together with *Building with Nature: Devon Technical Guidance: Maintaining dark corridors through the landscape for bats*. These documents recognise that Greater Horseshoe Bats depend on connected, dark and vegetated movement routes between roosts, sustenance areas and wider feeding habitat. Development should therefore avoid the severance, narrowing or deterioration of key commuting routes and associated linear features, including hedgerows, tree lines, woodland edges, treed lanes, field boundaries and watercourses that facilitate bat movement through the landscape. Site layout and masterplanning should retain and, where possible, strengthen continuous dark corridors of sufficient width, with particular care to avoid creating or worsening pinch points, edge effects or barriers to movement. Lighting must be minimised and designed so that no harmful light spill falls on flight lines, roost access points, hedgerows, woodland edges, watercourses or retained habitat; where lighting is unavoidable it should be low-level, directional, baffled and warm spectrum. Proposals within the landscape connectivity zone must be informed by proportionate ecological assessment and, where a credible pathway to the South Hams SAC remains. Where effects cannot be fully avoided through site selection and design, mitigation and long-term habitat management must be secured to maintain the functional connectivity of the landscape in accordance with the HRA Guidance and Devon dark corridors guidance.

Mitigation and avoidance for the proposed Berry Head Bat Habitat Priority Area (BHPA)

The 2026 study proposed Berry Head Bat Habitat Priority Area (BHPA), and applied presumption towards avoidance. The study recommends not to allocate sites where development is unlikely to be possible without significant effects on High or Very High suitability habitat, and resist significant

loss or degradation of those habitats. Low suitability sites surrounded by higher-suitability habitat, particularly south of Brixham, are also sensitive to severance, disturbance and lighting. Contiguous Low suitability land west of Brixham may offer lower-risk opportunities, but is not automatically suitable: evidence must demonstrate maintenance of habitat function through the usual HRA process. Where development is demonstrably compatible, secure habitat enhancement and long-term management through an appropriate legal mechanism so that habitat extent and functional connectivity are maintained. Enhancement must not be assumed capable of replacing irreplaceable functional relationships close to the roost. Survey scope must address site-specific habitat, activity, lighting and connectivity uncertainties.

The study also proposes additional pinch-point corridors through and around Brixham. Their permeability must be maintained and recommends avoidance of significant loss or degradation of vegetated stepping-stones and commuting features, and assess new structures and lighting even on existing hardstanding or built sites. Adjacent development must maintain functional continuity. Updated radiotracking and activity evidence should inform assessment because the mapped corridors are indicative rather than exhaustive.

Mitigation relied upon by the Plan for development in the Recreation Zone of Influence

For development that may increase recreational pressure on Berry Head to Sharkham Point, the Plan relies on a clearly defined, costed, funded and secured strategic recreation mitigation framework, informed by the Berry Head vegetation and rare plant monitoring, the Berry Head Visitor Survey, recreation evidence and the Berry Head Management Plan. That framework should identify the mitigation measures required, the delivery body, the funding mechanism, the trigger points for collection and spend, and the monitoring that will demonstrate effectiveness over the life of the Plan. Where developer contributions are required, they should be secured through Section 106 obligations or an equivalent tariff mechanism before occupation of relevant development, and should be proportionate to the scale and location of growth contributing to visitor pressure.

Where on-site mitigation is insufficient on its own, the Plan should identify any strategic recreational mitigation sites or alternative greenspace that will be relied upon to divert a proportion of predicted visitor growth away from sensitive SAC habitats. Such provision should only be relied upon where the HRA can demonstrate that it is deliverable, accessible, attractive to the same user groups, available at the right time in relation to occupation, and subject to long-term management

and maintenance. If these tests cannot be met, the HRA should not rely on alternative provision to support a no adverse effect conclusion.

In-combination Assessment

The in-combination assessment for the South Hams SAC is informed by Appendix D: Plans with the Potential for In-combination Effects with Torbay Local Plan. The appendix identifies the plans and projects most relevant to the shared Greater Horseshoe Bat landscape and Berry Head recreation receptor, including the Torbay Local Plan 2025–2045, the Plymouth and South West Devon Joint Local Plan 2014–2034, the Teignbridge Local Plan 2020–2040, the Dartmoor National Park Local Plan 2018–2036, relevant neighbourhood plans, major permissions and transport, tourism or infrastructure projects where they could affect the same ecological network. The key cumulative issue is whether planned growth, including Torbay's approximately 4,000 dwellings, wider growth in South Hams, West Devon and Plymouth, and Teignbridge's 14,400 homes, could add to effects on bat foraging habitat, commuting routes, dark corridors or recreation pressure at Berry Head to Sharkham Point.

The principal in-combination pathways are cumulative loss, fragmentation or deterioration of Greater Horseshoe Bat foraging habitat; weakening of commuting routes and dark corridors; lighting and urbanisation effects within the shared South Hams SAC HRA Guidance framework; and increased recreation pressure on the Berry Head to Sharkham Point component. These pathways are assessed by considering the scale and location of growth in Appendix D against the sustenance zones, landscape connectivity zones, pinch points and other functionally linked land identified in the evidence base. Mitigation in other plans or permissions is only relied upon where it is specific, secured, deliverable and relevant to the same receptor and pathway.

On this basis, adverse effects on the integrity of the South Hams SAC can be ruled out in combination, provided the mitigation relied upon by the Torbay Local Plan is secured and the Appendix D audit trail is kept under review. This conclusion depends on avoiding loss of key bat habitat, retaining and strengthening commuting features, maintaining dark corridors, controlling lighting and urbanisation effects, securing project-level HRA for screened-in proposals, and delivering costed and funded recreation mitigation for Berry Head where development contributes to visitor pressure. Appendix D should be updated where neighbouring plans change, major permissions are granted, or new evidence identifies cumulative bat habitat loss, recreation pressure or uncertainty over mitigation effectiveness.

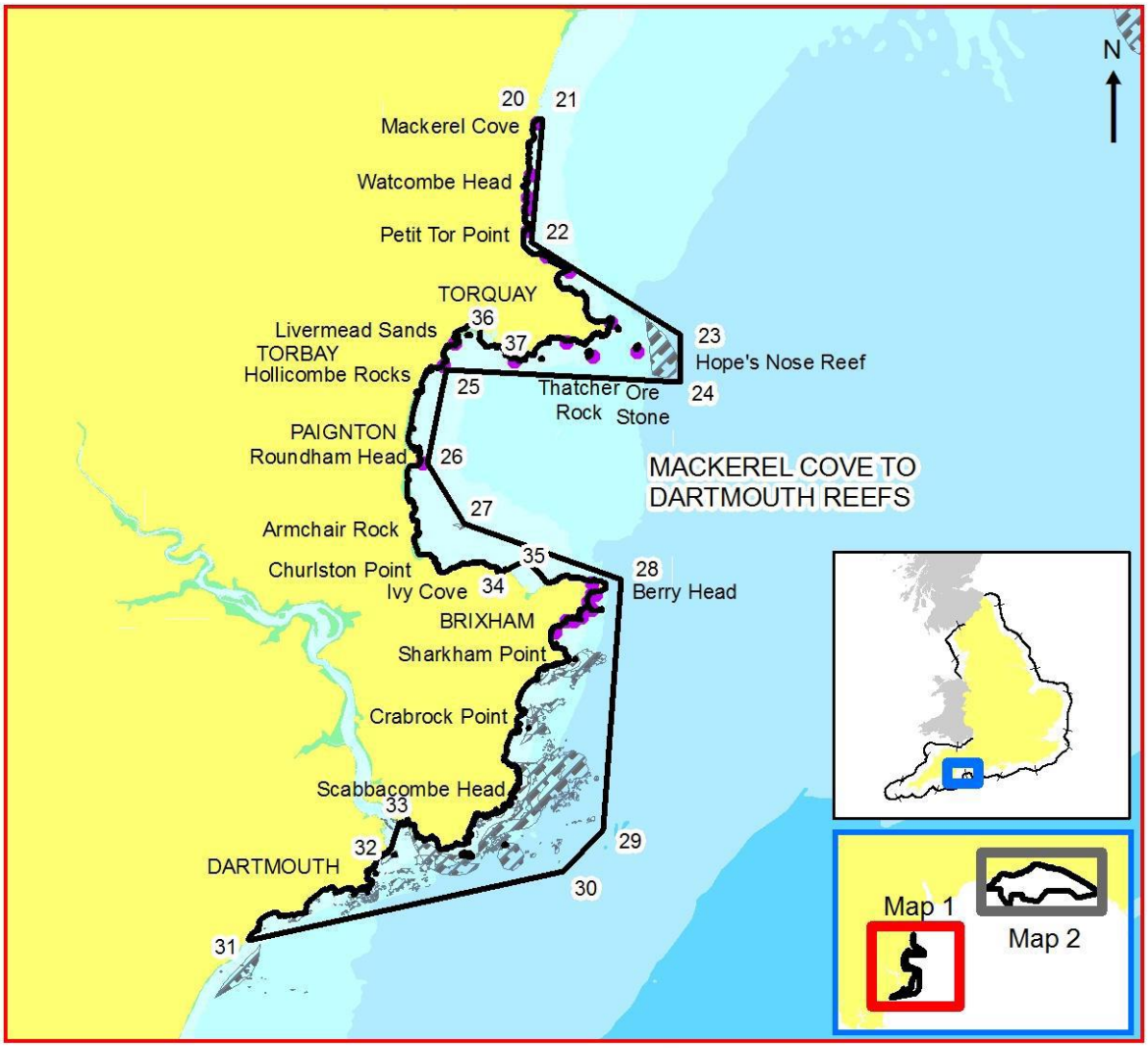
The Lyme Bay and Torbay Marine SAC

The Lyme Bay and Torbay Marine SAC is screened in for Appropriate Assessment because the Torbay Local Plan includes policies and allocations for which likely significant effects on the SAC cannot be ruled out on the basis of objective information. The SAC is designated for two Annex I habitats: reefs and submerged or partially submerged sea caves. Natural England's conservation objectives require the extent, distribution, structure and function of these habitats, together with the supporting physical, chemical and biological processes on which they rely, to be maintained or restored. This is particularly important in HRA terms because both qualifying features are sensitive to relatively small changes in environmental condition. Reefs may be affected by abrasion, smothering, changes in turbidity, toxic or non-toxic contamination and altered water quality, while sea caves are especially sensitive to physical damage, scour, sedimentation and disturbance of the specialist communities they support. The significance of the designation is reinforced by the site's scale and diversity: the Lyme Bay and Torbay SAC is one of the best examples in the UK of reef and sea cave habitat and the Torbay section contains an exceptional concentration of cave features extending from Mackerel Cove to Sharkham Point.

A key part of the available evidence is the Council-commissioned recreation assessment for the Lyme Bay and Torbay SAC/MCZ, which demonstrates why recreation is a credible pathway for Appropriate Assessment and why the pathway is relevant to specific elements of the Local Plan rather than to growth in the abstract. The policies and allocations most clearly capable of engaging this pathway are those for housing growth, tourism and visitor accommodation, town centre and waterfront regeneration, and marine or coastal economy activity, because these can increase the resident and visitor population using Torbay's coastline, improve access to launch points or shoreline locations, support activity businesses, or otherwise raise awareness of coastal sites through promotion and place-making. The evidence shows that this matters ecologically because the SAC's sea caves are a particularly sensitive receptor: some are relatively easy to reach yet support fragile communities that may be damaged by very small increases in use. The activities of greatest concern include wild swimming, kayaking, paddleboarding, personal watercraft, diving, coasteering and access on foot at low tide, while indirect drivers such as social media promotion, visitor marketing and improved coastal infrastructure may also increase pressure. In HRA terms, the relevant question is not whether every housing or tourism proposal would inevitably damage the SAC, but whether the Plan contains policies or allocations with a credible causal link to increased participation in, or access to, activities affecting sensitive cave or reef locations. The evidence indicates that such a link cannot be ruled out for a number of screened-in policies and

allocations, particularly where development would strengthen Torbay's role as a destination for coastal recreation or support access to the marine environment. Applying the precautionary principle, recreation-related effects therefore require Appropriate Assessment wherever the Plan could enable, facilitate or intensify use of sensitive marine receptors and where no objective basis exists to exclude that pathway.

The second principal reason the Marine SAC is screened in is the water-quality pathway identified by the Local Plan screening and strengthened by the Torbay Water Cycle Study 2025. The screening in Appendices B and C shows that likely significant effects cannot be ruled out for strategic and place-based policies such as SDP2, SDP3, SDB2, H1, H2, H3, E1, E3, TO1, TO2 and TO5 and for a number of Torquay town centre allocations, because there is a credible hydrological pathway from development to the SAC via the Fleet stream and Hope's Nose combined sewer overflow. The Water Cycle Study confirms that growth in Torbay, and particularly in central Torquay, has the potential to add pressure to wastewater infrastructure, storm overflow frequency and receiving water quality unless suitable capacity, phasing and drainage controls are in place. In HRA terms, this is highly material because the SAC's qualifying reef and sea cave habitats are vulnerable to increased nutrients, organic enrichment, sediment, pollutants, turbidity and other changes in water quality. The issue is not simply whether each allocation would individually cause deterioration, but whether the Plan creates a realistic mechanism by which growth could exacerbate an already sensitive pathway. The allocation screening therefore correctly concludes that several town centre sites must proceed to Appropriate Assessment because, without secured onsite and strategic upstream mitigation and infrastructure certainty, likely significant effects on the Marine SAC cannot be ruled out on the basis of objective information.



candidate Special Area of Conservation
Lyme Bay and Torbay
candidate Special Area of Conservation
Reefs
Sea caves
Special Areas of Conservation
England 12nM Territorial Seas Limit
Depth Areas
Drying
<=10m
<=20m
<=50m
<=100m
Land

EU Site Code: UK0030372
Version number: 2.0
Longitude: 2° 56' 11" W
Latitude: 50° 39' 4"N
Projection: UTM 30N (WGS84)
Area of SAC: 312.47 sq km 31247.79 ha

Theme ID: 1452105
Grid Ref: SY314821
Version: 9.0
Plotted: 22/07/2010
Plot ID: 6.0

Scale 1:200,000 Map 1 of 2
0 1.25 2.5 5 Kilometers

Candidate Special Area of Conservation Directive 92/43/EEC
Submitted to the EC by the Secretary of State for Environment, Food and Rural Affairs. Date: 20/08/2010
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Figure 7 the Lyme Bay and Torbay Marine SAC

Mitigation Strategy

Mitigation for the Lyme Bay and Torbay Marine SAC must address the pathways identified at screening, namely water-quality and wastewater-related effects where there is a hydrological connection to the nearshore environment, and recreation-related disturbance or physical damage to sensitive reef and sea cave features. At plan level, the mitigation strategy should therefore rely on a combination of policy safeguards, infrastructure capacity checks, drainage and design requirements, and project-level controls to ensure that development does not add unacceptable pressure to the marine environment or undermine the conservation objectives of the SAC.

Water quality

For allocations with a credible hydrological link to the SAC, particularly those draining via the Fleet Stream and Hope's Nose CSO pathway, the Appropriate Assessment relies on a linked package of wastewater, drainage and construction mitigation. Development should not be occupied until wastewater network and treatment capacity has been confirmed, any necessary upgrades are secured and programmed, surface water has been separated from the combined system wherever practicable, the drainage hierarchy and SuDS have been applied, and construction pollution controls have been agreed. Project-level HRA should confirm that the site-specific foul drainage, surface water and construction arrangements will not undermine the conservation objectives of the SAC.

Recreation pressure

For recreation-related effects, the Appropriate Assessment relies on a proportionate plan-level approach. Existing mitigation measures, codes of conduct and the Local Plan's strengthened policy safeguards are considered sufficient at plan level on the current evidence, including Natural England's July 2022 advice. However, project-level HRA will be required where individual proposals would enable, promote or intensify access to sensitive reef or sea cave locations, and bespoke mitigation should be secured where necessary to address the specific pathway and activity involved.

Existing Mitigation

The Torbay Local Plan Regulation 22 already contains a number of embedded policy safeguards that are relevant to protection of the Lyme Bay and Torbay Marine SAC and should be treated as part of the mitigation framework for Appropriate Assessment. In particular, these policies help

ensure that development is only permitted where wastewater, drainage, runoff, construction and recreation-related effects on the SAC can be avoided or appropriately controlled, and they provide the key policy hooks for project-level assessment, infrastructure checks and delivery of mitigation where required.

- NCS2: Habitats Regulations Assessment – requires proposals to demonstrate compliance with the Habitats Regulations and provides the primary policy hook for screening, Appropriate Assessment and mitigation for the Marine SAC.
- NC1: Biodiversity and ecology – requires protection of biodiversity interests and supports avoidance and mitigation where development could affect designated marine or coastal sites.
- ER2: Drainage Hierarchy – helps ensure development follows the appropriate drainage approach so that runoff and wastewater risks to the SAC are minimised.
- ER3: Water Management – supports the management of water quality and related infrastructure considerations relevant to protecting the marine receiving environment.
- ER4: Sustainable Drainage Systems and Water Sensitive Urban Design – provides a key safeguard for controlling runoff, sediment and pollution pathways that could otherwise affect marine water quality.
- ER5: Contaminated Land and Site Remediation – relevant where redevelopment could mobilise pollutants that may reach the SAC through drainage or construction pathways.
- E3: Supporting a sustainable marine and coastal economy – while screened in for Appropriate Assessment, this policy also provides a route to require activity-specific safeguards and mitigation where development could affect sensitive coastal or marine locations.
- W5: Waste-water disposal and infrastructure capacity – supports the need to consider wastewater network and treatment capacity so that development does not add unacceptable pressure to the pathway affecting the SAC.

Local Plan Policy Amendments

See Table 5 above

Mitigation relied upon by the Plan for Torquay Town Centre Sites

To reduce the risk of nutrient enrichment from wastewater increasing Hope's Nose CSO spills from development in Torquay town centre, the necessary mitigation is a package of linked measures, not a single control. The key measures are:

1. Certainty on wastewater network and treatment capacity before occupation

Development should only proceed where there is confirmed capacity in the foul sewer network and treatment system, or where any required upgrades are secured in time. This is essential because the HRA identifies the Fleet Stream / Hope's Nose CSO as the critical pathway from town centre growth to the Lyme Bay and Torbay Marine SAC.

2. Phasing tied to infrastructure upgrades

Occupation of development should be phased so that additional flows are not connected before sewer or treatment improvements are in place. If upgrades are needed, they should be a pre-condition of delivery rather than a later aspiration.

3. Strict surface water separation and use of the drainage hierarchy

New development should minimise the volume of water entering the combined system by:

- following the drainage hierarchy;
- using SuDS;
- separating clean surface water from foul drainage wherever possible; and
- reducing runoff from impermeable surfaces.

This helps reduce the frequency and severity of CSO activation during storm events.

4. On-site attenuation and runoff control

Development should include measures to slow and store rainfall on site, such as permeable paving, green roofs, rain gardens, attenuation tanks and controlled discharge. This reduces peak flows reaching the combined network and lowers pressure on the CSO.

5. Construction environmental management

During construction, sediment, concrete washout, fuels, chemicals and other pollutants must be tightly controlled through a robust Construction Environmental Management Plan (CEMP). This is important because the HRA identifies not only nutrients, but also sediment and pollutants as relevant risks to the Marine SAC.

6. Project-level Habitats Regulations Assessment

Any town centre site with a credible hydrological link to the Fleet Stream / Hope's Nose pathway should be subject to project-level HRA to confirm that no adverse effect on integrity would arise, taking account of site-specific drainage, phasing and wastewater arrangements.

7. Monitoring and review

Where mitigation is relied upon, there should be monitoring of infrastructure delivery, drainage performance and, where relevant, spill-risk indicators so the mitigation can be reviewed if growth is occurring faster than assumed.

Mitigation relied upon by the Plan for other housing and employment sites

For other housing and employment sites in Torbay, excluding Torquay town centre sites, where a credible water-quality pathway to the Lyme Bay and Torbay Marine SAC is identified, the Plan should rely on an avoidance-led package of mitigation to ensure that development does not adversely affect marine water quality. This should include application of the drainage hierarchy and use of SuDS, separation and control of surface water so that clean runoff does not enter foul or combined systems, robust construction environmental management to prevent sediment, pollutants, concrete washout, fuels and other contaminants reaching watercourses or the coast, and confirmation that foul drainage can be accommodated without causing adverse effects on the SAC. Where necessary, development should be phased to any required wastewater infrastructure upgrades, and project-level Habitats Regulations Assessment should be undertaken where screening identifies a credible hydrological connection to the SAC. These measures should be secured through policy, planning conditions, legal agreements or other delivery mechanisms, and applied on a site-by-site basis.

Mitigation relied upon by the Plan for recreation pressure

Natural England's July 2022[7] advice provides important context for the plan-level assessment of recreation pressure on the Lyme Bay and Torbay Marine SAC. Natural England confirmed that, although the site's Advice on Operations identifies some recreational boating activities as posing a risk to reef features, there is currently no evidence that recreational activities have caused damage to the SAC features. The 2018 condition assessment records the reef features as 30% favourable and 70% unfavourable-recovering, with the unfavourable-recovering status attributed to historic damage from bottom-trawled commercial fishing gear prior to SAC designation rather than to recreational activity. Natural England also confirmed that seagrass beds are a feature of the Marine Conservation Zone rather than the SAC, and that the SAC sea-cave features are currently recorded as being in favourable condition.

On this basis, Natural England advised that the recommendations in the Footprint recreation report do not need to be undertaken to satisfy the Local Plan HRA. At plan level, the Appropriate Assessment can therefore rely on existing mitigation measures, codes of conduct and the strength of Local Plan policy safeguards, particularly given the favourable condition of the sea-cave features and the absence of evidence linking recreational impacts to the housing numbers proposed in the Local Plan. The mitigation relied upon by the Plan should therefore be proportionate and evidence-led, rather than assuming that all Local Plan growth will require a new strategic recreation mitigation package for the Marine SAC.

However, Natural England agreed that individual planning applications with a clear link to increased recreational use of the coast will need to be subject to project-level Habitats Regulations Assessment, and that a bespoke package of measures should be secured to address the specific impacts of the proposed project where required. This is particularly relevant for proposals that would enable, promote or intensify coastal or nearshore recreation, including through activity centres, organised water-based recreation, visitor accommodation, improved access or launch facilities, or marketing of sensitive coastal locations. In those cases, mitigation should be tailored to the proposal and may include visitor information, codes of conduct, access or activity management, monitoring and other site-specific measures necessary to avoid adverse effects on site integrity.

[7] **Natural England advice on recreational impacts.pdf**

Natural England also advised that any future evidence relating to the accessibility of sea caves, possible damage to sea caves, monitoring of activity types, locations and access levels, and understanding where users originate from would become a material consideration for planning applications and future Local Plan reviews, depending on its findings. The Plan should therefore retain a monitoring and review approach so that the HRA and any project-level assessments can respond to new evidence if it becomes available. This provides a precautionary safeguard while remaining consistent with Natural England's advice that, on the evidence currently available, plan-level reliance on existing mitigation, codes of conduct and policy controls is sufficient for the Local Plan HRA.

In-combination Assessment

The in-combination assessment for the Lyme Bay and Torbay Marine SAC draws on Appendix D, the screening in Appendices B and C, the mitigation framework above, the Torbay Water Cycle Study 2025, South West Water drainage and wastewater planning information, the Council-commissioned recreation evidence and Natural England's July 2022 recreation advice. Appendix D identifies the plans and projects with the strongest potential to combine with the Torbay Local Plan, including neighbouring local plans, Dorset's adopted and emerging local plan framework, harbour and waterfront projects, tourism and coastal access proposals, and wastewater, drainage and storm overflow infrastructure schemes. Dorset is included because the SAC extends across Devon and Dorset waters and the Lyme Bay component may be affected where there is a credible recreation, tourism, coastal access, wastewater or water-quality pathway.

For water quality, the main in-combination risk is cumulative Torquay growth connecting to the same constrained sewerage network and coastal receiving environment, particularly through the Fleet Stream and Hope's Nose CSO pathway. This risk is addressed through confirmed wastewater network and treatment capacity before occupation, phasing to any required upgrades, surface water separation, the drainage hierarchy, SuDS and construction pollution controls. Hydrologically connected proposals must demonstrate at project level that they will not increase the frequency, duration or pollutant load of discharges affecting the SAC, and the cumulative position should be monitored through Appendix D and infrastructure delivery evidence.

For recreation, cumulative effects may arise from housing growth, visitor accommodation, tourism, marine and coastal economy proposals, harbour and waterfront projects, coastal access improvements and organised recreation across Torbay, South Devon and Dorset. The recreation

evidence identifies sea caves as sensitive to higher-risk activities such as kayaking, paddleboarding, wild swimming, coasteering, diving, personal watercraft use and access on foot at low tide. However, Natural England's July 2022 advice confirmed that there was no evidence at that time of recreational damage to SAC features, that sea-cave features were in favourable condition, and that existing measures, codes of conduct and Local Plan safeguards could be relied upon at plan level. Project-level HRA and bespoke visitor, access, activity-management or monitoring measures will still be required where a proposal has a clear link to increased use of sensitive marine locations.

On this basis, adverse effects on the integrity of the Lyme Bay and Torbay Marine SAC can be ruled out in combination, provided the mitigation identified in this Appropriate Assessment is secured and reviewed. This conclusion depends on wastewater capacity, phasing, drainage, SuDS and construction controls for hydrologically connected sites, and on existing recreation safeguards plus project-level HRA and bespoke mitigation where proposals would increase higher-risk activity at sensitive reef or sea cave locations. Appendix D should remain a live audit trail and be updated where neighbouring plans, Dorset plan-making, infrastructure programmes, harbour or tourism projects, or monitoring evidence identify new or changed cumulative pathways.

Consultation response, legal advice and sewer-capacity modelling: implications for mitigation

This subsection considers Natural England's Regulation 19 consultation response dated 5 October 2026, Gavin Collett's *TC Local Plan Briefing Note 1* dated 1 November 2026 (particularly paragraphs 23–31 and 33), and the available correspondence from Pedr Jones concerning the Torbay Sewer Capacity Assessment. These sources do not provide an agreed basis for removing the water-quality safeguards set out above. They identify a distinction between Natural England's ecological advice, the assumptions underpinning the hydraulic modelling, and the further assessment that counsel advises the Council to undertake before reaching its own integrity conclusion.

Natural England's consultation response

Natural England confirms that the CSO pathway is correctly screened in for likely significant effects. Its advice that development-related CSO effects could be ruled out as adversely affecting SAC integrity draws on the March 2026 condition assessment and information supplied by the Council indicating an increase in CSO discharges of around 1% up to 2040. Natural England

reports no evidence that CSO-related pressures are currently adversely affecting the SAC's notified features and states that relevant sediment targets were met, notwithstanding the medium-to-high risk assigned to suspended solids in the advice on operations. It distinguishes failed indicators for mercury and PBDE from CSO impacts on the designated features. This is advice based on the evidence presented, not an ecological percentage threshold below which additional discharges are automatically acceptable.

Natural England welcomes water efficiency, sustainable drainage, surface-water separation and nature-based measures but regards them as wider policy initiatives rather than mitigation required to address a Habitats Regulations concern on its assessment. Its letter also anticipates improvements through forthcoming Drainage and Wastewater Management Plans, including consideration of Ilsham Valley. Counsel's account of subsequent clarification records that Natural England had not relied on future DWMP improvements and that its advice concerned current conditions rather than the forecast climate-change and urban-creep baseline. Expected infrastructure improvements should therefore not to be treated in this HRA as a secured solution without evidence of their scope, timing and delivery.

Legal advice and the future baseline

Counsel advises against relying on Natural England's changed position without a sufficiently detailed assessment. The briefing note recommends assessing the development contribution alongside reasonably foreseeable increases in CSO activity from climate change and urban creep, together with relevant cumulative pressures. A small contribution is not, by itself, evidence that SAC integrity will be unaffected. Counsel also identifies uncertainty over the growth and water-consumption assumptions used in different parts of the evidence and recommends assessment of the full 940 dwellings-per-annum scenario discussed in the note. The modelling should be reconciled with the growth actually proposed and any higher-growth scenario relevant to examination. The note also distinguishes the ecological integrity question from the wider need to demonstrate adequate wastewater infrastructure.

Hydraulic modelling assumptions

In his 23 October 2026 email, "Torbay Sewer Capacity Assessment Rev 02 Issue", Pedr Jones provides high-level responses pending confirmation from Alun. The available correspondence states that the core assumption for new development was foul-only and that additional impermeable area draining to the combined system was represented through an urban-creep

sensitivity. It also records the report's requirement for new development, including brownfield sites, to reduce current rainfall runoff rates. The 26 October reply in the same thread reproduces his warning that additional surface-water connections would worsen the predicted outcome and exacerbate CSO spills, with further detriment from climate change. Accordingly, the approximately 1% figure should not be treated as an unconditional prediction for every drainage arrangement.

His 27 October 2026 follow-up, "Torbay Sewer Capacity Assessment - Site Specific Drainage Strategies", adds an important clarification: the baseline represents existing impermeable areas contributing to the combined system where applicable, but the strategic modelling was not sufficiently granular to prescribe each regeneration site's future drainage solution. Urban creep was applied separately to the existing urban catchment. Site assessment therefore needs to compare existing and proposed impermeable area, surface-water discharge and foul loading, the opportunity for separation or SuDS betterment, and the proposed connection point and local capacity. Retention of an existing connection is not necessarily equivalent to an additional surface-water connection; neither should brownfield redevelopment be assumed to be neutral without that comparison.

Implications for the mitigation strategy and integrity conclusion

For this assessment, Natural England's advice is important ecological evidence but does not resolve the modelling uncertainties identified by the correspondence and counsel. Before a definitive water-quality no-adverse-effect conclusion is reached, the Council should establish the following:

- Obtain written confirmation of the modelling assumptions and the meaning, metric and denominator of the approximately 1% result, including the housing scenario, assessment period, consumption assumptions, treatment of existing and proposed surface water, and the separate climate-change and urban-creep sensitivities. Reconcile the model horizon of 2040 with the Local Plan period to 2045.
- Assess the submitted growth distribution and relevant higher-growth scenarios against the reasonably foreseeable future baseline and other relevant plans and projects. Demonstrate the ecological implications for the SAC's reef and sea-cave features, rather than relying solely on a percentage change in hydraulic performance.
- Check the drainage assumptions for hydrologically connected allocations, particularly brownfield and regeneration sites, against realistic existing and proposed discharge arrangements. Identify where updated modelling, capacity evidence, runoff restrictions,

separation, attenuation, infrastructure upgrades or phasing are necessary to support the conclusion, and demonstrate their deliverability.

- Seek Natural England's view on the clarified evidence and document the Council's own reasoned Appropriate Assessment conclusion. Distinguish wider environmental policy benefits from any measures or drainage assumptions on which the integrity conclusion actually depends; where relied upon, secure their performance, timing, management and monitoring through the Plan and appropriate delivery mechanisms.

The outstanding task is to demonstrate, on a sufficiently clear evidential basis, whether adverse effects can be excluded and which measures, if any, are necessary to do so. This does not alter the separate recreation assessment.

Appropriate Assessment Conclusions

This Appropriate Assessment concludes that the Torbay Local Plan may be adopted only where the mitigation relied upon for the South Hams SAC and the Lyme Bay and Torbay Marine SAC is clearly defined, secured, effective and capable of implementation for the life of the Plan. For the South Hams SAC, this relates principally to the protection of Greater Horseshoe Bat foraging habitat, commuting routes and dark corridors, together with management of recreation pressure at Berry Head to Sharkham Point. For the Lyme Bay and Torbay Marine SAC, this relates principally to controlling recreation pressure on sensitive reef and sea cave features, and to avoiding wastewater and water-quality effects from those allocations or proposals with a credible hydrological connection to the SAC, including Torquay town centre sites and any other housing or employment sites where such a pathway is identified. The more distant European sites – Dartmoor SAC, South Dartmoor Woods SAC, Dawlish Warren SAC, and the Exe Estuary SPA and Ramsar site – are screened out because no credible pathway to likely significant effects has been identified.

It is therefore concluded that, subject to the mitigation identified in this Appropriate Assessment being embedded in policy or otherwise secured through project-level Habitats Regulations Assessment, planning conditions, legal agreements and infrastructure delivery mechanisms, the Torbay Local Plan will not adversely affect the integrity of the South Hams SAC , either alone or in combination with other plans and projects. In particular, screened-in South Hams SAC allocations

must be subject to ecological assessment, layout and lighting controls, habitat retention and connectivity measures, and recreation mitigation where relevant.

For the Lyme Bay and Torbay Marine SAC, a definitive conclusion of no adverse effect on integrity, alone or in combination, cannot yet be reached for the water-quality pathway. The approximately 1% development-related increase in CSO discharges and current condition evidence do not resolve uncertainties over modelling assumptions, site-specific drainage, growth scenarios, climate change, urban creep and cumulative pressures.

The evidence reconciliation identified in the consultation and modelling subsection above must assess proposed growth against reasonably foreseeable future and cumulative pressures and demonstrate the ecological implications for qualifying reef and sea-cave habitats in view of their conservation objectives.

Integrity Test

The integrity test asks whether the Torbay Local Plan, either alone or in combination with other plans and projects, can be implemented without preventing the South Hams SAC or the Lyme Bay and Torbay Marine SAC from maintaining or restoring the extent, distribution, structure, function and supporting processes of their qualifying habitats and species in accordance with their conservation objectives.

For the South Hams SAC, this includes the habitats of Greater Horseshoe Bats, the foraging habitat and commuting routes on which they depend, dark corridors, and the sensitive habitats and plant assemblages at Berry Head to Sharkham Point. Having regard to the mitigation relied upon by the Plan, the integrity test is met only where that mitigation is sufficiently certain, secured and effective: this means, for the South Hams SAC, avoidance and control of effects on bat habitat, connectivity, lighting and recreation.

For the Lyme Bay and Torbay Marine SAC, a definitive conclusion of no adverse effect on integrity, alone or in combination, cannot yet be reached for the water-quality pathway. The approximately 1% development-related increase in CSO discharges and current condition evidence do not resolve uncertainties over modelling assumptions, site-specific drainage, growth scenarios, climate change, urban creep and cumulative pressures.

The evidence reconciliation identified in the consultation and modelling subsection must assess proposed growth against reasonably foreseeable future and cumulative pressures and demonstrate the ecological implications for qualifying reef and sea-cave habitats in view of their conservation objectives. The precautionary approach for wastewater, drainage and construction-pollution safeguards will be retained pending that work.

If the submission Plan is modified through consultation, new evidence, examination or adoption in a way that could alter the impact pathways, mitigation framework or conclusions of this report, the HRA must be reviewed and updated so that the competent authority can remain satisfied that the Plan, as proposed to be adopted, will not adversely affect the integrity of any European site.

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Appendices

Appendix A: European Sites Information/ Characteristics[8]

1. South Hams SAC

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
The South Hams SAC is comprised of several but separate component SSSIs with the Berry Head roost is within Torbay. It thought to hold the largest population of Greater horseshoe bat Rhinolophus ferrumequinum in the UK and is the only one containing more than 1,000 adult bats. It contains the largest known maternity roost in the UK and possibly Europe. The site contains both maternity and hibernation sites.	Qualifying habitats listed in Annex I: ▪ Caves not open to the public ▪ Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia) ▪ European dry heaths	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: ▪ The extent and distribution of qualifying natural habitats and habitats of qualifying species	▪ Direct loss of habitat through development allocations pressures and transport developments. ▪ Direct loss of habitat through neglect or inappropriate management. ▪ Increased deposition from industrial processes. ▪ Public access

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[8] **Natural England Access to Evidence - Conservation objectives for European Sites: South West**

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
Many of the roosts are within caves not open to the public. The SAC is important for its extensive limestone grassland, some areas on the plateau support European dry heath characteristic of acid soil. The limestone headland cliffs of Torbay supports calcareous grassland and scrubland facies. The site is exceptional in that it supports a number of rare and scarce vascular plants typical of the oceanic southern temperate and Mediterranean-Atlantic elements of the British flora. The SAC also supports areas of Tilio-Acerion ravine forest which is woodland containing ash, wych elm and small leaved lime and field maple.	▪ Vegetated sea cliffs of the Atlantic and Baltic coasts ▪ Tilio-Acerion forests of slopes, screes and ravines Qualifying species listed in Annex II: ▪ Rhinolophus ferrumequinum: Greater horseshoe bat.	▪ The structure and function (including typical species) of qualifying natural habitats ▪ The structure and function of the habitats of qualifying species ▪ The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely ▪ The populations of qualifying species, and, ▪ The distribution of qualifying species within the site.	▪ Recreational pressure – caving/climbing activities. ▪ Direct loss, disturbance and alteration of micro-climate of roost sites for Greater Horseshoe Bats. ▪ Loss of feeding areas (within 2km of roost site for juvenile bats and 6km of roost site for adult bats) (i.e. woods, grazing) ▪ Impacts on flight paths, e.g. loss or change in management of hedgerows used for navigation by bats; alteration of street lighting regimes in areas used by bats ▪ Light and noise pollution ▪ Sea Level Changes

Site description	Qualifying features	Conservation objectives	Site vulnerabilities

2. Lyme Bay and Torbay Marine SAC

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
The Lyme Bay and Torbay SAC, located off the Devon coast, boasts a wider variety of habitats than other SACs in the Western English Channel and Celtic Sea. The Lyme Bay Reefs feature uncommon reef types, including bedrock, stony reefs, boulders, cobbles and sediments, supporting exceptional species richness making it a marine biodiversity hotspot. Notable species include hydroids, anemones, sea squirts, sponges, corals, the pink sea fan (a UK Biodiversity Action Plan priority), and the rare southern cup coral. The diverse geology in Torbay, from limestone and sandstone to slate and granite, supports vibrant kelp and mussel communities in shallow waters, and sponges, anemones, soft corals, and crustaceans in deeper areas. The site also	Qualifying habitats listed in Annex I: ▪ Reefs ▪ Submerged or partially submerged sea caves	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: ▪ The extent and distribution of qualifying natural habitats ▪ The structure and function (including typical species) of qualifying natural habitats, and	The habitat may be negatively affected by several types of damaging activities: ▪ Physical loss when the habitat is removed or smothered. ▪ Physical damage caused by silt build-up, scraping/abrasion, or extraction of materials. ▪ Toxic contamination through the introduction of harmful synthetic or natural chemicals. ▪ Non-toxic contamination resulting from increased nutrients, organic matter, temperature changes, or reduced water clarity (turbidity).

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
has wave-eroded sea caves, especially at Babbacombe, Hopes Nose, Broad Sands, and Berry Head, which are considered some of the best coastal solution caves in the UK. These caves host a wealth of nationally significant animal species. Fisheries authorities are being supported in their assessments as part of efforts to manage activities affecting these habitats.		▪ The supporting processes on which the qualifying natural habitats rely	▪ Salinity changes specifically harmful for sea cave environments. ▪ Biological disturbance due to invasive species, moving species around (translocation), or selectively removing species.

Dartmoor SAC

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
Dartmoor SAC is recognised as the southernmost blanket bog in Europe, featuring a range of vegetation communities including deergrass hare's tail cottongrass blanket mire, purple moor-grass	Qualifying habitats listed in Annex I: ▪ Blanket bogs ▪ European dry heaths ▪ Northern Atlantic wet heaths with Erica tetralix.	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:	▪ Ecological character of site dependant to a large extent upon long-established traditional farming methods. ▪ Blanket bog and wet heath are vulnerable to uncontrolled and unplanned fires ▪ Dartmoor is used for military training and artillery and mortar fire has led to the

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
dominated bogs, and extensive wet and dry heaths. The area supports diverse Sphagnum mosses and unique surface patterning, with dry heath types found on both lower and steeper slopes. Oak woodlands, dominated by pedunculate oak, offer rich bryophyte and lichen diversity. Notably, the site provides habitat for the southern damselfly, with populations thriving in valley mires, and supports Atlantic salmon and otter in its rivers and streams.	(Wet heathland with cross-leaved heath) ▪ Old sessile oak woods with Ilex and Blechnum in the British Isles. (Western acidic oak woodland) Qualifying species listed in Annex II: ▪ Atlantic salmon Salmo salar ▪ Otter Lutra lutra ▪ Southern damselfly Coenagrion mercuriale	▪ The extent and distribution of qualifying natural habitats and habitats of qualifying species ▪ The structure and function (including typical species) of qualifying natural habitats ▪ The structure and function of the habitats of qualifying species ▪ The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely ▪ The populations of qualifying species, and, ▪ The distribution of qualifying species within the site.	formation of numerous craters, and gully erosion in some areas, though this activity has ceased and the craters are now healing naturally. ▪ Dry heath on Dartmoor has suffered extensive damage through overgrazing and frequent burning. As a consequence of this some areas of former dry heath have been converted to grass moorland, and large areas are in unfavourable condition because of low dwarf-shrub cover. ▪ In relation to water resources the potential drying of blanket bogs would affect this priority feature, and low flows in rivers could affect otter and salmon habitat ▪ Wet and dry heaths are vulnerable to eutrophication through nitrogen deposition

4. South Dartmoor Woods SAC

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
This complex of old sessile oak Quercus petraea supports important assemblages of lower plants and dry Lobarion communities that are unique in Western Europe. The woods are notable for the variations in stand type that reflect past management (old coppice and high forest) and also include grazed and ungrazed areas. The woodland is part of a complex mosaic that includes heathland and species associated with open ground, such as the high brown fritillary Argynnis adippe and pearl-bordered fritillary butterfly Boloria euphrosyne. Variations also arise due to geology, resulting in the presence of small-leaved lime Tilia cordata, ash Fraxinus excelsior, wild service tree Sorbus torminalis, and small areas of wet woodland dominated by alder Alnus glutinosa and willow Salix spp. Heathland on Trendlebere Down to the north of Yarner Wood is dominated by heather Calluna vilgaris and also contains abundant bell heather Erica cinerea, cross-leaved heath Erica tetralix, western gorse Ulex gallii, purple moor-grass Molinia caerulea and scrub birch Betula sp. Secondary birch has also developed with	Habitats listed in Annex I: ▪ European dry heaths ▪ Old sessile oak woods with Ilex and Blechnum in the British Isles. (Western acidic oak woodland)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: ▪ The extent and distribution of qualifying natural habitats ▪ The structure and function (including typical species) of qualifying natural habitats, and ▪ The supporting processes on which qualifying natural habitats rely.	▪ Heavy recreational pressure. ▪ Long-term decline in lichens due to air pollution and/or climate change. ▪ Dry heath subject to heavy grazing and uncontrolled fires (arson). ▪ Dry heaths are vulnerable to eutrophication through nitrogen deposition.

bracken Pteridium aquilinum on the sites of old field systems, where there is active regeneration of oak.			

5. Dawlish Warren SAC

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
Dawlish Warren is a large sand-spit with a dune system at the mouth of the Exe Estuary. A wide variety of habitats is present, including sand dunes, dune grassland, dune slacks andheath. The flora includes several plants of local distribution. Short-sward grassland on the warren supports the only mainland British population of the sand crocus Romulea columnae. Large populations of petalwort Petalophyllum ralfsii occur in two dune slacks.	Habitats listed in Annex I: ▪ Fixed dunes with herbaceous vegetation (grey dunes). (Dune grassland). ▪ Humid dune slacks. ▪ Shifting dunes along the shoreline with Ammophila arenaria (white dunes). (Shifting	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; ▪ The extent and distribution of qualifying natural habitats and habitats of qualifying species. ▪ The structure and function (including typical species) of qualifying natural habitats. ▪ The structure and function of the habitats of qualifying species.	▪ Recreational pressure – Erosion serious problem. ▪ Declining water-table, and inappropriate ditch management. ▪ Much of the fixed dune grassland is a golf course and is subjected to wear, whilst modifications to the course can have an impact on adjoining species-rich grassland, for example, by spray-drift of chemicals.

	dunes with marram).	▪ The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely. ▪ The populations of qualifying species, and, ▪ The distribution of qualifying species within the site.	▪ Inappropriate coastal management, including stabilisation/flood defence. ▪ Insufficient scrub and weed control, leading to encroachment of scrub and rank grassland species.

6. Exe Estuary SPA and Ramsar

Site description	Qualifying features	Conservation objectives	Site vulnerabilities
The Exe estuary is of international importance for wintering and migratory wetland birds. It is also of national importance for its marine life, especially that associated with intertidal sand and mud flats. Dawlish Warren is a geomorphologically important sand spit which protects the mouth of the Exe estuary. Salt marsh in the lee of the spit is an important habitat and provides a winter roost for	SPA Over winter the area regularly supports (Annex I): ▪ Slavonian Grebe Podiceps auritus ▪ Avocet Recurvirostra avosetta - Over winter the area regularly supports (AnnexII):	Ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: ▪ The extent and distribution of the	▪ Recreational activity – disturbance to waterfowl ▪ Dredging could have an adverse effect on the Dawlish Warren Sandspit and sediment movement patterns. ▪ Oil/ chemical spills

wildfowl and waders, particularly dark-bellied Brent geese and oystercatcher.	▪ Brent Goose Branta bernicla bernicla ▪ Dunlin Calidris alpina alpine ▪ Oystercatcher Haematopus ostralegus ▪ Black-tailed Godwit Limosa limosa islandica ▪ Grey Plover Pluvialis squatarola Ramsar Criterion 5: Assemblages of international importance ▪ species with peak counts in winter Criterion 6: Species/populations occurring at levels of international importance. ▪ Dark-bellied brent goose Branta bernicla bernicla Species/populations identified subsequent to designation for possible future consideration under criterion 6.	habitats of the qualifying features ▪ The structure and function of the habitats of the qualifying features ▪ The supporting processes on which the habitats of the qualifying features rely ▪ The population of each of the qualifying features, and, ▪ The distribution of the qualifying features within the site.	▪ Mussel bed development pressure ▪ Flood plain development and associated implications for hydrology and requirements for flood protection and constraints to water level management ▪ Inappropriate ditch management, causing lowering of local water table ▪ Invasive freshwater species ▪ Grazing – parts of the site are undergrazed or overgrazed, with resultant build up of thatch and scrub encroachment, or damage for examplepoaching/trampling.

	▪ Black-tailed godwit Limosa limosa islandica.		

Appendix B: Screening for Likely Significant Effect of the Torbay Local Plan Policies

Policy	Description	Designated site affected	Potential risks	Screening outcome
SS1: Torbay Growth Strategy	Sets the strategic approach for Torbay Growth Strategy - Prioritising our communities through improved health, housing, place making and opportunities for all.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
SDT1: Torquay Strategic Policy	Sets the strategic approach for Torquay - A strategy for sustainable growth.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
SDT2 Torquay Town Centre	Sets out a regeneration-led vision for Torquay Town Centre, reinforcing its role as the principal town centre in Torbay. It promotes mixed-use redevelopment focused on delivering new housing (including affordable homes).	The Lyme Bay and Torbay Marine SAC	▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				Likely significant effect cannot be ruled out
SDT3: Torquay Gateway	Sets overarching strategic direction and decision-making criteria for Torquay Gateway - A sustainable growth hub for homes, jobs and nature.	The South Hams SAC	▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site. **Likely Significant Effect Cannot Be Ruled Out**
SDT3: Newton Road to Torre Gateway	Sets overarching strategic direction and decision-making criteria for Newton Road to Torre Gateway - A regeneration	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more

Policy	Description	Designated site affected	Potential risks	Screening outcome
	corridor for homes, jobs, health and connectivity.			appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
SDP1: Paignton	Sets the strategic approach for Paignton - A strategy for sustainable growth.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
SDP2: Paignton Town Centre and Waterfront	Sets overarching strategic direction and decision-making criteria for Revitalising Paignton Town Centre and Waterfront - A destination for living, tourism and leisure.	The Lyme Bay and Torbay Marine SAC	▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site. **Likely significant effect cannot be ruled out**
SDP3: Preston	Sets overarching strategic direction and decision-making criteria for Preston - A thriving district centre and Regeneration Hub for living and community.	The South Hams SAC The Lyme Bay and Torbay Marine SAC	The South Hams SAC: ▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site. **Likely significant effect cannot be ruled out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
Page 760			▪ Loss of supporting habitat ▪ Fragmentation/isolation The Lyme Bay and Torbay Marine SAC: ▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality	
SDP4: Collaton St Mary	Sets overarching strategic direction and decision-making criteria for Collaton St Mary -	The South Hams SAC	▪ Recreation impacts ▪ Urbanisation effects	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more

Policy	Description	Designated site affected	Potential risks	Screening outcome
	Sustainable growth in a connected village.		▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation	particular ways, the proposal could possibly have a significant effect on a European site. **Likely significant effect cannot be ruled out**
SDP5: Long Road, Yalberton	Sets overarching strategic direction and decision-making criteria for Long Road, Yalberton - Sustainable living and employment neighbourhood.	The South Hams SAC	▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site. **Likely significant effect cannot be ruled out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
SDP6: Clennon Valley	Sets detailed development management requirements for Clennon Valley - Active leisure and nature hub.	The South Hams SAC	▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site. **Likely significant effect cannot be ruled out**
SDB1: Brixham	Sets the strategic approach for Brixham - A strategy for sustainable growth.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on

Policy	Description	Designated site affected	Potential risks	Screening outcome
				European Sites and associated sensitive areas. **No Likely Significant Effect**
SDB2: Brixham's Town Centre, Harbour and Waterfront	Sets overarching strategic direction and decision-making criteria for Revitalising Brixham's Town Centre, Harbour and Waterfront - A destination for living, maritime activity and tourism.	The South Hams SAC The Lyme Bay and Torbay Marine SAC	The South Hams SAC: ▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site. **Likely significant effect cannot be ruled out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
			The Lyme Bay and Torbay Marine SAC: ▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality	
DB3: Berry Head to Sharkham Point	Sets overarching strategic direction and decision-making criteria for Berry Head to Sharkham Point - Coastal conservation and recreation management.	The South Hams SAC	The South Hams SAC: ▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature ▪ Loss of supporting habitat	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site. **Likely Significant Effect Cannot Be Ruled Out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
			▪ Fragmentation/isolation	
SDBCG1: Broadsands, Churston and Galmpton Villages	Sets the strategic approach for Broadsands, Churston and Galmpton Villages - Sustainable living and landscape protection strategy.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
SDBCG2: Land at Inglewood and north of Windy Corner	Sets overarching strategic direction and decision-making criteria for Land at Inglewood	The South Hams SAC	▪ Recreation impacts ▪ Urbanisation effects	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more

Policy	Description	Designated site affected	Potential risks	Screening outcome
	and its environs north of Windy Corner.		▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation	particular ways, the proposal could possibly have a significant effect on a European site. **Likely significant effect cannot be ruled out.**
SDBCG3: Rural villages south of Windy Corner	Sets detailed development management requirements for Rural villages south of Windy Corner - Landscape, ecology and settlement gap protection zone.	The South Hams SAC	▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation	Policies or proposals, which depend on how the policies are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site. **Likely significant effect cannot be ruled out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
HS: Overall Housing Strategy	Sets the strategic approach for Overall Housing Strategy and Presumption in favour of Urban Regeneration.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
H1a: Town Centre Regeneration Areas	Sets overarching strategic direction and decision-making criteria for Town Centre Regeneration Areas.	The Lyme Bay and Torbay Marine SAC The South Hams SAC	The Lyme Bay and Torbay Marine SAC ▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality	The policy could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it. **Likely significant effect cannot be ruled out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
			The South Hams SAC ▪ Recreation impacts	
H1b: Densification around Urban Sustainable Transport Corridors	Supports additional housing through appropriate densification around urban sustainable transport corridors, making efficient use of previously developed and accessible urban land while promoting sustainable travel and regeneration.	The Lyme Bay and Torbay Marine SAC The South Hams SAC	The Lyme Bay and Torbay Marine SAC ▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality The South Hams SAC Recreation impacts	The policy could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it. **Likely significant effect cannot be ruled out**
Policy H1c: Housing in elsewhere	Supports housing development within the existing settlement boundary and built-up area	The Lyme Bay and	The Lyme Bay and Torbay Marine SAC	The policy could directly affect a European site because it provides for, or steers, a quantity or

Policy	Description	Designated site affected	Potential risks	Screening outcome
within the Settlement Boundary Built Up Area	where proposals are compatible with local character, infrastructure capacity, environmental constraints and relevant development management policies.	Torbay Marine SAC The South Hams SAC	▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality The South Hams SAC Recreation impacts	type of development onto a European site, or adjacent to it. **Likely significant effect cannot be ruled out**
S2: Future Growth Areas	Sets overarching strategic direction and decision-making criteria for Future Growth Areas.	The South Hams SAC The Lyme Bay and Torbay Marine SAC	The South Hams SAC: ▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature	The policy could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it. **Likely significant effect cannot be ruled out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
Page 770			▪ Loss of supporting habitat ▪ Fragmentation/isolation The Lyme Bay and Torbay Marine SAC: ▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality	
H3: Other Local Plan allocated sites	Sets overarching strategic direction and decision-making criteria for Other Local Plan allocated sites.	The South Hams SAC The Lyme Bay and	The South Hams SAC: ▪ Recreation impacts ▪ Urbanisation effects	The policy could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.

Policy	Description	Designated site affected	Potential risks	Screening outcome
Page 771		Torbay Marine SAC	▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation The Lyme Bay and Torbay Marine SAC: ▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality	**Likely significant effect cannot be ruled out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
H4: Minimum density	Sets detailed development management requirements for Minimum density.	NA	NA	Policy that positively steer development away from European sites and associated sensitive areas. **No Likely Significant Effect**
H5: Conversion of buildings into flats	Sets detailed development management requirements for Conversion of buildings into flats.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
H6: Loss of homes	Sets detailed development management requirements for Loss of homes.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
H7: Affordable Housing	Sets overarching strategic direction and decision-making criteria for Affordable Housing.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
H8: Affordable housing exceptions sites in the countryside	Sets detailed development management requirements for Affordable housing exceptions sites in the countryside.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
H9: Self-build housing in Future Growth Areas	Sets detailed development management requirements for Self-build housing in Future Growth Areas.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
H10: Houses in Multiple Occupation (HMOs)	Sets detailed development management requirements for Houses in Multiple Occupation (HMOs).	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
H11: Specialist housing for people in need of care or support	Sets overarching strategic direction and decision-making criteria for Specialist housing for people in need of care or support.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
H12: Proposals involving the	Sets detailed development management requirements for	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other

Policy	Description	Designated site affected	Potential risks	Screening outcome
loss of care accommodation	Proposals involving the loss of care accommodation.			qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
H13: Sites for travellers	Sets detailed development management requirements for Sites for travellers.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
ES: Torbay employment and innovation strategy	Sets the strategic approach for Torbay employment and innovation strategy.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on

Policy	Description	Designated site affected	Potential risks	Screening outcome
				European Sites and associated sensitive areas. **No Likely Significant Effect**
E1: Strategic employment land allocation	Sets overarching strategic direction and decision-making criteria for Strategic employment land allocation.	The South Hams SAC The Lyme Bay and Torbay Marine SAC	The South Hams SAC: ▪ Recreation impacts ▪ Urbanisation effects ▪ Direct loss of interest feature ▪ Loss of supporting habitat ▪ Fragmentation/isolation	The policy could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it. **Likely Significant Effect Cannot Be Ruled Out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
			The Lyme Bay and Torbay Marine SAC: ▪ Recreation impacts ▪ Habitat loss/fragmentation ▪ Water quality	
E2: Employment area renewal and modernisation	Sets detailed development management requirements for Employment area renewal and modernisation.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
E3: Supporting a sustainable marine and	Supports supporting a sustainable marine and coastal economy in new development.	The Lyme Bay and	▪ Recreation impacts	The policy could directly affect a European site because it provides for, or steers, a quantity or

Policy	Description	Designated site affected	Potential risks	Screening outcome
coastal economy		Torbay Marine SAC	▪ Habitat loss /fragmentation ▪ Water quality	type of development onto a European site, or adjacent to it. **Likely significant effect cannot be ruled out**
E4: Safeguarding Strategic employment land	Sets detailed development management requirements for Safeguarding strategic employment land (proposals involving the loss of employment land).	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
E5: Education and Local Employment Partnerships	Sets detailed development management requirements for Education and Local Employment Partnerships.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
TOS: Sustainable tourism and cultural investment strategy	Sets the strategic approach for Sustainable tourism and cultural investment strategy.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
TO1: Supporting tourism and leisure infrastructure	Supports supporting tourism and leisure infrastructure (Proposals for new and safeguarding of existing tourism and leisure facilities) in new development.	The Lyme Bay and Torbay Marine SAC The South Hams SAC	Recreation pressure	The policy could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				Likely significant effect cannot be ruled out
TO2: Core Tourism Investment Areas	This policy directs tourism investment to specific areas. If those areas are coastal or close to sensitive recreational receptors, the policy could indirectly increase visitor activity or coastal access.	The Lyme Bay and Torbay Marine SAC	Recreation pressure	policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following consideration of options in a later, more specific plan. The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information. **Likely significant effect cannot be ruled out**

Policy	Description	Designated site affected	Potential risks	Screening outcome
TO3: Redevelopment and reuse of holiday accommodation outside Core Tourism Investment Areas	Sets overarching strategic direction and decision-making criteria for Redevelopment and reuse of holiday accommodation outside Core Tourism Investment Areas.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TO4: Flexible use of holiday apartments and accommodation	Sets detailed development management requirements for Flexible use of holiday apartments and accommodation (excluding holiday parks).	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TO5: New holiday parks	The policy directly supports new or expanded visitor	Lyme Bay and Torbay	Recreation pressure	Policy that alone would not be likely to have significant effects but if their effects are

Policy	Description	Designated site affected	Potential risks	Screening outcome
and extensions to existing facilities	accommodation. Depending on location, scale and seasonality, it could increase on the In-combination effects with other tourism and housing growth should also be considered.	Marine SAC and, The South Hams SAC.		combined with the effects of other plans or projects, and possibly the effects of other developments provided for in the Local Plan as well, the combined effects would be likely to be significant. **Likely significant effect cannot be ruled out**
TO6: Change of use or redevelopment of existing holiday parks to non-tourism uses	Controls change of use or redevelopment of existing holiday parks to non-tourism uses to balance competing land uses.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TO7: Tourism investment and	Sets detailed development management requirements for	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other

Policy	Description	Designated site affected	Potential risks	Screening outcome
monitoring contributions	Tourism investment and monitoring contributions.			qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TCS: Town centre renewal and retail strategy	Sets the strategic approach for Town centre renewal and retail strategy.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
TC1: Town centre hierarchy	Sets overarching strategic direction and decision-making	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other

Policy	Description	Designated site affected	Potential risks	Screening outcome
	criteria for Town centre hierarchy.			qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TC2: Development in Town Centres	Sets detailed development management requirements for Development in Town Centres.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
TC3: District Centres	Sets detailed development management requirements for District Centres.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other

Policy	Description	Designated site affected	Potential risks	Screening outcome
				qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TC4: Supporting Local Centres	Supports supporting Local Centres in new development.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TC5: Managing retail outside designated centres	Sets criteria for managing managing retail outside designated centres within the planning system.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
TC6: Supporting access to local retail and services	Supports supporting access to local retail and services in new development.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TC7: Change of use away from main town centre uses in Town, District or Local Centres	Controls change of use away from main town centre uses in Town, District or Local Centres to balance competing land uses.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
TC8: Change of use away from main town centre uses outside Town, District or Local Centres	Controls change of use away from main town centre uses outside Town, District or Local Centres to balance competing land uses.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TC9: Town Centre Regeneration Contributions	Sets detailed development management requirements for Town Centre Regeneration Contributions.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TC10: Safe and welcoming town centres for all	Sets detailed development management requirements for	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other

Policy	Description	Designated site affected	Potential risks	Screening outcome
	Safe and welcoming town centres for all.			qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
SCS: Sustainable and inclusive communities' strategy	Sets the strategic approach for Sustainable and inclusive communities' strategy.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
SC1: Public health and wellbeing	Sets overarching strategic direction and decision-making criteria for public health and wellbeing.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
SC2: Sport, leisure and recreation for healthy living	Sets overarching strategic direction and decision-making criteria for Sport, leisure and recreation for healthy living.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
SC3: Education infrastructure and inclusive learning strategy	Sets the strategic approach for Education infrastructure and inclusive learning strategy.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
SC4: Sustainable food production and land protection	Sets detailed development management requirements for Sustainable food production and land protection.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
SC5: Community facilities, infrastructure provision and developer contributions	Sets detailed development management requirements for Community facilities, infrastructure provision and developer contributions.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
SC6: Cemetery and memorial provision strategy	Sets the policy approach for Cemetery and memorial provision strategy.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
STA: Integrated transport vision,	Sets overarching strategic direction and decision-making	NA	NA	Policy that would have no effect because no development could occur through the policy

Policy	Description	Designated site affected	Potential risks	Screening outcome
transport hierarchy and strategic connectivity	criteria for Integrated transport vision, transport hierarchy and strategic connectivity.			itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
TA1: Reducing the impact of transport and promoting sustainable travel	Requires development to reduce the impact of transport and promoting sustainable travel where relevant.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TA2: Effective and inclusive	Sets detailed development management requirements for	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other

Policy	Description	Designated site affected	Potential risks	Screening outcome
transport system	effective and inclusive transport system.			qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TA3: Development layout, access and connectivity standards	Sets detailed development management requirements for Development layout, access and connectivity standards.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
TA4: Parking and shared transport provision	Sets detailed development management requirements for Parking and shared transport provision.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
INS: Sustainable infrastructure	Sets overarching strategic direction and decision-making criteria for sustainable infrastructure.	NA	NA	Policy that would have no effect because no development could occur through the policy itself, the development being implemented through the Devon and Torbay Transport Plan policies, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas. **No Likely Significant Effect**
IN1: Prioritisation of planning obligations	Sets overarching strategic direction and decision-making criteria for prioritisation of planning obligations.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
IN2: High quality communications and digital connectivity	Sets detailed development management requirements for High quality communications and digital connectivity.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
CERS: Climate resilient, net zero carbon developments	Sets overarching strategic direction and decision-making criteria for Climate resilient, net zero carbon developments.	NA	NA	Policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**
CER1: Net zero carbon development standards	Sets detailed development management requirements for Net zero carbon development standards.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
CER2: Embodied carbon reduction and assessment	Sets detailed development management requirements for Embodied carbon reduction and assessment.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
CER3: Heritage assets and climate adaptation	Sets detailed development management requirements for Heritage assets and climate adaptation.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
CER4: Renewable and low carbon energy generation	Sets detailed development management requirements for Renewable and low carbon energy generation.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
ER1: Flood Risk and Safe Development	Sets overarching strategic direction and decision-making criteria for Flood Risk and Safe Development.	NA	NA	Policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**
ER2: Drainage Hierarchy	Sets overarching strategic direction and decision-making criteria for Drainage Hierarchy.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
ER3: Water Management	Sets overarching strategic direction and decision-making criteria for Water Management.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
ER4: Sustainable Drainage Systems and Water Sensitive Urban Design	Sets design-related requirements for development: Sustainable Drainage Systems and Water Sensitive Urban Design.	NA	NA	Policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**
ER5: Contaminated Land and Site Remediation	Sets detailed development management requirements for Contaminated Land and Site Remediation.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
ER6: Ground stability and risk management	Sets detailed development management requirements for Ground stability and risk management.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
ER7: Coastal Change Management Areas	Sets detailed development management requirements for Coastal Change Management Areas.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
LS: Landscape Strategy	Sets the strategic approach for Landscape Strategy.	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
L1: Protecting our countryside and rural economy	Protects and manages protecting our countryside and rural economy through development control.	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
L2: National Landscape	Sets detailed development management requirements for National Landscape (previous Area of Outstanding Natural Beauty).	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
L3: Coastal landscape and	Sets detailed development management requirements for	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where

Policy	Description	Designated site affected	Potential risks	Screening outcome
change management	Coastal landscape and change management.			enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
L4: Valued landscapes	Sets detailed development management requirements for Valued landscapes.	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
L5: Urban Landscape Protection Areas (ULPAs)	Sets detailed development management requirements for Urban Landscape Protection Areas (ULPAs).	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
L6: Local Green Spaces (LGSs)	Sets detailed development management requirements for Local Green Spaces (LGSs).	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
THS: Trees and hedgerows	Sets overarching strategic direction and decision-making criteria for Trees and hedgerows.	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
TH1: Trees, hedgerows and natural landscape features	Sets detailed development management requirements for Trees, hedgerows and natural landscape features.	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
TH2: Mitigation for loss of trees, hedgerows and woodland	Sets detailed development management requirements for Mitigation for loss of trees, hedgerows and woodland.	NA	NA	Policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
NCS1: Biodiversity and Nature Recovery Network	Sets overarching strategic direction and decision-making criteria for Biodiversity and Nature Recovery Network.	NA	NA	The policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**
NCS2: Habitats Regulations Assessment	Sets overarching strategic direction and decision-making	NA	NA	Policies that positively steer development away from European sites and associated sensitive areas.

Policy	Description	Designated site affected	Potential risks	Screening outcome
	criteria for Habitats Regulations Assessment.			**No Likely Significant Effect**
NC1: Biodiversity and ecology	Sets detailed development management requirements for Biodiversity and ecology.	NA	NA	Policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**
NC2: Species of principal importance	Sets detailed development management requirements for Species of principal importance.	NA	NA	Policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**
NC3: Biodiversity Net Gain	Sets detailed development management requirements for Biodiversity Net Gain.	NA	NA	Policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
NC4: Light pollution	Sets detailed development management requirements for Light pollution.	NA	NA	Policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**
GE1: Geodiversity and English Riviera UNESCO Global Geopark	Sets detailed development management requirements for Geodiversity and English Riviera UNESCO Global Geopark.	NA	NA	Policies that positively steer development away from European sites and associated sensitive areas. **No Likely Significant Effect**
GIS: Green and blue infrastructure	Sets overarching strategic direction and decision-making criteria for green and blue infrastructure.	NA	NA	Policy intended to protect the natural environment, including biodiversity. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
HES: Historic environment strategy	Sets the strategic approach for Historic environment strategy.	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
HE1: Designated Heritage Assets	Sets design-related requirements for development: Designated Heritage Assets.	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
HE2: Conservation Area protection and enhancement	Sets detailed development management requirements for Conservation Area protection and enhancement.	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
HE3: Non-designated heritage assets	Sets design-related requirements for development: Non-designated heritage assets.	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
HE4: Schedules of redevelopment of heritage assets	Sets detailed development management requirements for Schedules of redevelopment of heritage assets.	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
HE5: Investigation and	Sets detailed development management requirements for Investigation and preservation of	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where

Policy	Description	Designated site affected	Potential risks	Screening outcome
preservation of archaeology and historic artefacts	archaeology and historic artefacts.			enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
DES: Design and placemaking	Sets design-related requirements for development: Design and placemaking.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
DE1: Design quality and assessment	Sets design-related requirements for development: Design quality and assessment.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
DE2: Building for a Healthy Life	Sets detailed development management requirements for Building for a Healthy Life.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
DE3: Development amenity and living standards	Sets detailed development management requirements for Development amenity and living standards.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
DE4: Building heights and urban form	Sets detailed development management requirements for Building heights and urban form.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
DE5: Extensions and standalone additions to buildings	Sets detailed development management requirements for Extensions and standalone additions to buildings.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
DE6: Advertisements	Sets detailed development management requirements for Advertisements.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
WS: Waste spatial strategy	Sets the strategic approach for Waste spatial strategy.	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where

Policy	Description	Designated site affected	Potential risks	Screening outcome
				enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
W1: Waste hierarchy and sustainable waste management	Sets detailed development management requirements for Waste hierarchy and sustainable waste management.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
W2: Waste reduction and waste audit for major and significant waste generating developments	Sets detailed development management requirements for Waste reduction and waste audit for major and significant waste generating developments.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Policy	Description	Designated site affected	Potential risks	Screening outcome
W3: Safeguarding waste management facilities	Sets overarching strategic direction and decision-making criteria for Safeguarding waste management facilities.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
W4: Proposals for new waste management facilities	Sets detailed development management requirements for Proposals for new waste management facilities.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
W5: Waste water disposal and infrastructure capacity	Sets overarching strategic direction and decision-making criteria for Waste water disposal and infrastructure capacity.	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.

Policy	Description	Designated site affected	Potential risks	Screening outcome
				No Likely Significant Effect
MS: Sustainable minerals strategy	Sets the strategic approach for Sustainable minerals strategy.	NA	NA	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site. **No Likely Significant Effect**
M1: Minerals extraction and environmental safeguards	Addresses how minerals extraction should be managed within Torbay, ensuring that any quarrying or extraction activity is controlled, environmentally responsible, and consistent with wider planning objectives.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
M2: Maximising the Use of	Promotes reducing reliance on primary mineral resources by	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other

Policy	Description	Designated site affected	Potential risks	Screening outcome
secondary and recycled aggregates	encouraging the use of recycled and secondary aggregates in construction and development projects.			qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**
M3: Preserving and safeguarding of limestone resources and key local building stone	Focuses on protecting important geological resources including limestone and locally distinctive building stone by safeguarding them from development that might sterilise or damage these mineral deposits.	NA	NA	Policy that will not itself lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy. **No Likely Significant Effect**

Appendix C: Screening for Likely Significant Effect of Sites Allocated in the Local Plan

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1a	**Town Centre Regeneration Areas**				
H1aT1	Town Hall Car Park (21T032a)	The South Hams SAC: no impact identified. Lyme Bay and Torbay Marine SAC: the site has hydrological link to the SAC through Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	▪ Confirmed wastewater network and treatment capacity, ▪ Phasing linked to any necessary upgrades, ▪ Drainage hierarchy, SuDS, surface water separation and on-site attenuation, ▪ A Construction Environmental Management Plan for pollution control,

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
					▪ Project-level HRA for hydrologically linked sites, and ▪ Monitoring and review where mitigation is relied upon.
	Magistrates Court (21T070)	The South Hams SAC: no impact identified. Lyme Bay and Torbay Marine SAC: the site has hydrological link to the SAC through Fleet Stream	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage.	See site specific mitigation of Town Hall Car Park (21T032a) above

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Appropriate Assessment will be required.	
	Castle Circus House & adj. Buildings (21T140)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	Former Argos block (21T052)	The South Hams SAC: no impact identified Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above
H1aT2	Union Street north of cinema including Nat West (90-96)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological	Nutrient enrichment from wastewater increasing	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in	See site specific mitigation of Town Hall Car Park (21T032a) above

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		link to the SAC through Fleet Stream	Hope's Nose CSO spills.	combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	
	Land rear of Castle Circus House (21T146)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage.	See site specific mitigation of Town Hall Car Park (21T032a) above

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Appropriate Assessment will be required.	
	Former New Look Store (21T141)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	Telephone Exchange Lower Union Lane (21T123)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above
	Lower Union Lane Car Park (21T036)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological	Nutrient enrichment from wastewater increasing	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in	See site specific mitigation of Town Hall Car Park (21T032a) above

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		link to the SAC through Fleet Stream.	Hope's Nose CSO spills.	combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	
	Hop and Grapes/ Within Temptation, Lower Union Lane	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage.	See site specific mitigation of Town Hall Car Park (21T032a) above

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Appropriate Assessment will be required.	
H1aT3	Former Blockbuster/ Morrisons (21T037)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	All Pimlico (21T040 & 21T041) & Pub	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through the Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above.
	Union Square (21T075)	The South Hams SAC: no impact identified. Lyme Bay and Torbay Marine SAC: the site has hydrological link to the	Nutrient enrichment from wastewater increasing	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		SAC through the Fleet Stream.	Hope's Nose CSO spills.	combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	
	Market Street north of Castle Lane	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through the Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage.	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Appropriate Assessment will be required.	
H1aT4	Roebuck House (21T038)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through the Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	Adj. Abbey Hall (former Laundry Site) (21T013)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through the Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above.
H1aT5	30-34 The Terrace (21T161)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological	Nutrient enrichment from wastewater increasing	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		link to the SAC through the Fleet Stream.	Hope's Nose CSO spills.	combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	
	48-50 The Terrace (24T008)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage.	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Appropriate Assessment will be required.	
	Strand and Torquay Harbour (21T081)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through the Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	The Marina Car Park (adj. The Pavilion) (21T139)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through the Fleet Stream and situated within 200m of the marine SAC.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills. Potential for waterborne contamination during construction	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above.
	Living Coasts (21T119)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site is situated directly	Nutrient enrichment from wastewater increasing	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		adjacent to the marine SAC.	Hope's Nose CSO spills. Potential for waterborne contamination during construction	combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	
	The Imperial Hotel (21T093)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: Site is situated within 50m of the marine SAC.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills. Potential for waterborne contamination	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage.	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
			during construction	Appropriate Assessment will be required.	
	Fleet Walk Shopping Centre (upper floors) (21T047)	The South Hams SAC: no impact identified. Lyme Bay to Torbay SAC: the site has hydrological link to the SAC through Fleet Stream.	Nutrient enrichment from wastewater increasing Hope's Nose CSO spills.	Development may increase wastewater loads and storm overflow frequency at Hope's Nose CSO, exacerbating existing capacity issues, thus raising the risk of significant effects in combination with other allocation in Torquay Town Centre. impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment will be required.	See site specific mitigation of Town Hall Car Park (21T032a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1aP1	Paignton Harbour R/o Roundham Road (22P003)	The South Hams SAC: no impact SZ and LCZ identified. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay to Torbay SAC: Site is situated within 100m of the marine SAC.	Recreation pressure on Berry Head. Potential for waterborne contamination during construction	Water Quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment may be required.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
H1aP2	Crossways (21P025)	The South Hams SAC: no impact identified. The site is outside LCZ. The site is within the 8km zone of influence with regards to recreational	Recreation pressure on Berry Head. Potential for waterborne contamination	Water Quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment may be required.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. CEMP already approved and agreed with Natural

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		impacts upon the South hams SAC. Lyme Bay to Torbay SAC: Site is situated within 600m of the marine SAC.	during construction		England which avoid impacts upon the marine SAC.
	12-14 Victoria Street (24P005)	The South Hams SAC: no impact identified. The site is outside LCZ. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay to Torbay SAC: no hydrological link found.	Recreation pressure on Berry Head.	No likely significant effect	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1aP3	Victoria Square (21P027)	The South Hams SAC: no impact identified. The site is outside LCZ. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay SAC: Small watercourse is present to the north of the site. It is unclear whether this watercourse is hydrologically linked to the marine SAC.	Recreation pressure on Berry Head. Potential for waterborne contamination during construction.	Water Quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment may be required.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. Assuming the stream onsite links hydrologically to the marine SAC, pollution control measures will be required throughout construction and operation. Providing this mitigation is secured, it is conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1aP4	Paignton Gateway (21P028)	The South Hams SAC: no impact identified. The site is outside LCZ. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay to Torbay SAC: no hydrological link found.	Recreation pressure on Berry Head.	No likely significant effect	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
	62-70 Victoria Street (21P048)	The South Hams SAC: no impact identified. The site is outside LCZ. The site is within the 8km zone of influence with regards to recreational	Recreation pressure on Berry Head.	No likely significant effect	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		impacts upon the South hams SAC. Lyme Bay and Torbay Marine SAC: no hydrological link found.			
	Hyde Road and Torbay Road Former Woolworths, Peacocks, Superdrug etc. (21P026)	The South Hams SAC: no impact identified. The site is outside LCZ. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay Marine SAC: no hydrological link found.	Recreation pressure on Berry Head.	No likely significant effect	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1aP5	Paignton Hospital	The South Hams SAC: no impact identified. The site is outside LCZ. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay Marine SAC: no hydrological link found.	Recreation pressure on Berry Head.	No likely significant effect	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
H1aB1	Middle Street S W of Apters Hill and Fore Street Upper floors	South Hams SAC: the site is within the GHB sustenance zone. The site is within the 8km zone of influence with regards to recreational	Recreation pressure on Berry Head.	Site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. It is deemed there is no connection between the site	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. Pollution control measures will be required throughout

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		impacts upon the South hams SAC. Lyme Bay and Torbay SAC: Site is situated within 200m of the marine SAC.		and other areas of suitable GHB habitat. No likely significant effect (LSE) on the South Hams SAC alone in combination with regards to GHBs.	construction and operation. Providing this mitigation is secured, then we can conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage.
H1b	**Urban Sustainable Development Corridors**				
DT4/H1b	Grounds of Rowcroft, Avenue Road (24T009)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
SDT4/H1 b. 2	R/O Edinburgh Villas, McKay Avenue, Torre Marine (Specialist housing) (21T095)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	
H1c	**Housing Elsewhere within the Settlement Boundary**				
H1cT.1	Brunel Manor, Conversion of buildings (21T148)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.2	Land at Kingskerswell Road and r/o Barton Hill Road (21T056)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.3	Holiday Parks Kingskerswell (21T016)	South Hams SAC: No impacts identified. Site is outside the SZ and LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	Torquay Holiday Park (21T017)	South Hams SAC: No impacts identified. Site is outside the SZ and LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
	Land North of Nuthatch Drive (21T018)	South Hams SAC: No impacts identified. Site is outside the SZ and LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.4	Babbacombe Business Park, Babbacombe Rd, Torquay (21T072)	The South Hams SAC: no impact identified. The site is outside LCZ. Lyme Bay to Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.5	Land North of Bottompark Lane, Barton Hill Road (21T145)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.6	Grand Hotel Garage Block (21T138)	The South Hams SAC: no impact identified. The site is outside LCZ. Lyme Bay to Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.7	Bancourt Hotel, Avenue Road (21T054)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.8	Maycliffe Hotel, St Lukes Road South (24T002)	The South Hams SAC: no impact identified. The site is outside LCZ. Lyme Bay to Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.9	Site 1 Higher Cadewell Lane (21T021)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.10	Site 2 Higher Cadewell Lane (21T020)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.11	Hatchcombe Lane, Scotts Bridge/Barton (21T129)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.12	Westhill Garage, Chatto Road (21T131)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.13	Seabury Hotel, 11 Manor Road, Torquay (21T080)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.14	Stoodley Knowle, Ansteys Cove Road, Torquay (21T085)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.15	Shelley Court Hotel, 29 Croft Road, Torquay (21T003)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.16	Conway Court, Warren Road (21T060)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.17	Shedden Hall Hotel Site, Shedden Hill (21T124)	The South Hams SAC: no impact identified. The site is outside LCZ. Lyme Bay to Torbay SAC: Site is situated within 100m of the marine SAC.	Potential for waterborne contamination during construction	Water Quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment may be required.	Pollution control measures will be required throughout construction and operation. Providing this mitigation is secured, then we can conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.18	Coppice Hotel (24T004)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.19	Hotel Virginia, Falkland Road (42T010)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.20	Chelston Telephone Exchange Goshen Road (24T005)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.21	Menzies House Parkfield Road (24T007)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.22	St Peters Church, Queensway (25T002)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.23	Shedden Hill Car Park (25T004)	The South Hams SAC: no impact identified. The site is outside LCZ. Lyme Bay to Torbay SAC: Site is situated within 200m of the marine SAC.	Potential for waterborne contamination during construction	Water quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment may be required.	Pollution control measures will be required throughout construction and operation. Providing this mitigation is secured, then we can conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cT.24	Seascape Hotel Queensway (21T077)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cT.25	Burlington Hotel (25T003)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cP1	Summerhill Hotel, Braeside Road (21P055)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cP2	Former Kia Garage, Totnes Road (21P088)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cP3	Totnes Road Service Station (21P075)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cP4	Alan Kerr Garage, Brixham Road (21P033)	South Hams SAC: the site is within the Sustenance zone for GHBs associated with Berry Head SSSI roost. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential Foraging Habitat.	GHBs potentially use woodland edges and boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out. Appropriate Assessment required.	See site specific mitigation of Stoke Road, West of Yalberton Valley (21P065a & 24P001) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cP5	Church site, Belfield Road, Foxhole (21P069)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cP6	3 Keysfield Road (21P085)	The South Hams SAC: no impact identified. The site is outside LCZ. Lyme Bay to Torbay SAC: Site is situated within 200m of the marine SAC.	Potential for waterborne contamination during construction	Water quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment may be required.	See site specific mitigation of Barton Pines (24P006) above.
H1cP7	Former Local Centre (21P081)	South Hams SAC: the site is within the Sustenance	NA	The habitat onsite appears unsuitable in supporting foraging habitat for the species, given the	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		zone for GHBs. associated to Berry Head SSSI roost. Lyme Bay and Torbay SAC – No hydrological links between the site and the Marine SAC.		surrounding land use, levels of artificial illuminance and amenity grass present onsite, it is deemed that impacts to GHB foraging and commuting habitat can be screened out at this stage. No likely significant effect	
H1cP8	Great Parks Phase 2 (21P068)	South Hams SAC: Site is within the GHB sustenance zone. GHBs may use the site for commuting and foraging. The recent Lidl application to the northeast of this site (P/2020/0921), recorded GHBs foraging throughout the survey season.	Loss, damage or disturbance to potential Foraging Habitat. Loss, damage or disturbance at a landscape scale to a network of potential	Impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. Potential for in-combination landscape scale impacts upon GHBs with site North of Luscombe Lane, Great Parks (21P014) Appropriate Assessment required.	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Lyme Bay and Torbay SAC – No hydrological links between the site and the Marine SAC.	commuting routes.		
H1cP9	North of Luscombe Lane, Great Parks (21P014)	South Hams SAC: Site is within the GHB sustenance zone. The Lidl application on part of this site (P/2020/0921), recorded GHBs foraging throughout the survey season. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential Foraging Habitat.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. Potential for in-combination landscape scale impacts upon GHBs with site at Great Parks-Phase 2 (21P068) Appropriate Assessment required.	Assuming that GHBs are using the site for commuting and foraging, mitigation will include: ▪ the creation of dark corridors in line with Devon dark corridors guidance document to maintain connectivity for GHBs across the site and wider landscape. ▪ Mitigation for loss of foraging habitat within a sustenance zone will be

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
					required either within the redline boundary or directly adjacent to the site offsite.
H1cP10	Toyota Garage, Totnes Road (25P006)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H1cP11	YMCA Dartmouth Road (25P009)	South Hams SAC: the site is within the Sustenance Zone for GHBs associated with Berry Head roost.	Loss, damage or disturbance to potential Foraging Habitat.	GHBs potentially use woodland edges and boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out.	See site specific mitigation of Stoke Road, West of Yalberton Valley (21P065a & 24P001) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay to Torbay SAC: No hydrological links between the site and the Marine SAC.	Recreation pressure on Berry Head.	Appropriate Assessment may be required	Pollution control measures will be required throughout construction and operation. Providing this mitigation is secured, then we can conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
H1cP12	Kings Ash House ((25P010))	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links	NA	No likely significant effect	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		between the site and the Marine SAC.			
H1cP13	Corner place Surgery Dartmouth Road (25P008)	South Hams SAC: Site is outside the LCZ for South Hams SAC. The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay to Torbay SAC: No hydrological links between the site and the Marine SAC.	Recreation pressure on Berry Head.	No likely significant effect.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cP14	Orchard End, 9 Brixham Road, Tweenaway Cross (25P007)	South Hams SAC: Site is outside the LCZ for South Hams SAC. The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and this SAC.	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head.	The habitat onsite appears unsuitable in supporting foraging habitat for the species, given the surrounding land use, levels of artificial illuminance and amenity grass present onsite, it is deemed that impacts to GHB foraging and commuting habitat can be screened out at this stage.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
H1cB1	Wall Park Extensions (R/O Wall Park Farm, 39 Wall Park	South Hams SAC: the site is within the greater horseshoe bat (GHB) sustenance zone. And;	Loss, damage or disturbance to potential Foraging Habitat.	The site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. It is existing hardstanding with residential/employment	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	Rd), Brixham (21B006)	The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: the site is situated approximately 200m from Brixham Harbour which is hydrologically linked to the marine SAC.	Recreation pressure on Berry Head. Potential for waterborne contamination during construction and operation.	development present on all sides. It is deemed there is no connection between the site and other areas of suitable GHB habitat. No likely significant effect (LSE) on the South Hams SAC alone or in combination with regards to GHBs. Given the closeness of the proposal area to the Marine SAC, it is deemed that development could lead to waterborne pollutants entering the marine SAC during construction and operation. Appropriate Assessment Required	Pollution control measures will be required throughout construction and operation. Providing this mitigation is secured, then we can conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage.
H1cB.2	Brixham Paint Station, Kings Drive (21B007)	South Hams SAC - Site is within the greater	Loss, damage or disturbance to potential	The site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. The site is existing	Recreational payments will be required via a s.106, to

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		horseshoe bat (GHB) sustenance zone. Site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC	Foraging Habitat. Recreation pressure on Berry Head.	hardstanding with residential/employment development present on all sides. It is deemed there is no connection between the site and other areas of suitable GHB habitat. No likely significant effect (LSE) on the South Hams SAC alone or in combination with regards to GHBs.	ensure recreational impacts on the SAC are mitigated.
H1cB.3	Site of Northcliff Hotel (21B008)	South Hams SAC: the site is within the GHB sustenance zone. The site is within the 8km zone of influence with regards to recreational	Loss, damage or disturbance to potential Foraging Habitat.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone.	Assuming that GHBs are using the site for commuting and foraging, mitigation will include the creation of dark corridors in line with Devon dark corridors guidance

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Recreation pressure on Berry Head.	Appropriate Assessment is required.	document to maintain connectivity for GHBs across the site and wider landscape. Mitigation for loss of foraging habitat within a sustenance zone will be required either within the redline boundary or directly adjacent to the site offsite. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
H1cB.4	St Kildas (21B011)	South Hams SAC: the site is within the GHB sustenance zone.	Recreation pressure on Berry Head.	Site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. The site is bordered to	Recreational payments will be required via a s.106, to

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay SAC: Small watercourse is present to the north of the site.	Potential for waterborne contamination during construction and operation.	the north, south and east by residential development. It is deemed there is no connection between the site and other areas of suitable GHB habitat. No likely significant effect (LSE) on the South Hams SAC alone in combination with regards to GHBs. It is unclear whether this watercourse is hydrologically linked to the marine SAC so for the purposes of this assessment, it is assumed that it is. Appropriate Assessment is required.	ensure recreational impacts on the SAC are mitigated. Assuming the stream onsite links hydrologically to the marine SAC, pollution control measures will be required throughout construction and operation. Providing this mitigation is secured, then we can conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cB.5	Torbay Industrial Estate Part 1 (21B053)	South Hams SAC: the site is within the greater horseshoe bat (GHB) sustenance zone. The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential foraging habitat. loss of supporting habitat General urbanisation effects Recreation pressure on Berry Head.	Site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. It is deemed there is no connection between the site and other areas of suitable GHB habitat. No likely significant effect (LSE) on the South Hams SAC alone or in combination with regards to GHBs Proposals would likely result in additional lighting impacts and loss/degradation of connective habitat unless very carefully designed to maintain vegetation and avoid lighting impacts. Appropriate Assessment is required.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H1cB.6	St Marys Road (Old Dairy Buildings) (22B001)	South Hams SAC: the site is within the greater horseshoe bat (GHB) sustenance zone. The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay to Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential foraging habitat. Recreation pressure on Berry Head.	Site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. The site is bordered to the west, south and east by residential and employment development and to the north by a holiday camp. No likely significant effect (LSE) on the South Hams SAC alone or in combination with regards to GHBs. Appropriate Assessment may be required.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
H1cB.7	Former Jewsons, New Road (21B054)	South Hams SAC: the site is within the greater horseshoe bat (GHB) sustenance zone.	Loss, damage or disturbance to potential	Site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. It is deemed there is no connection between the site	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	foraging habitat. Recreation pressure on Berry Head.	and other areas of suitable GHB habitat. No likely significant effect (LSE) on the South Hams SAC alone or in combination with regards to GHBs. Appropriate Assessment may be required.	
H1cB.8	Brixham Hospital (25B001)	South Hams SAC: the site is within the GHB sustenance zone. Site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC.	Loss, damage or disturbance to potential foraging habitat. Recreation pressure on Berry Head.	Site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. The site is bordered to the north, south and east by residential development. It is deemed there is no connection between the site and other areas of suitable GHB habitat.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. Pollution control measures will be required throughout construction and operation. Providing this mitigation is secured, then we can

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Lyme Bay and Torbay SAC: the site is situated within 200m of the marine SAC.	Potential for waterborne contamination during construction and operation.	No likely significant effect (LSE) on the South Hams SAC alone in combination with regards to GHBs. Water Quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment may be required.	conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage.
21cB.9	Laywell House, Summer Lane (21B032)	South Hams SAC: Within PHBA and at western end of Brixham urban Pinch Point. The site is within the 8km zone of influence with regards to recreational	Potential additional lighting and loss or degradation of connective habitat along the possible	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat and could contribute to reduced connectivity at pinch point in this location. The site could therefore have an LSE on the South Hams SAC alone.	Unresolved at plan level: The October 2026 study recommends against allocation of the site 21B032. Demonstrate, through robust site-specific evidence, that the allocation

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Brixham urban pinch point. Recreation pressure on Berry Head.	Appropriate Assessment is required.	can be delivered without adverse effects on the SAC and associated functional habitat, including lighting and pinch-point continuity; otherwise amend or remove the allocation. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
H1cBCG 1	Copythorne Road (21B025)	South Hams SAC: the site is within the GHB sustenance zone and at western end of Brixham urban pinch point area The site is within the 8km zone of influence with	Loss, damage or disturbance to potential Foraging Habitat.	Foraging habitat appears to be of lower value comprising grassland ley (Google Earth indicates both fields previously ploughed) but has also been used for sheep grazing and has potential for enhancement. Close to edge of	See site specific mitigation of Site of Northcliff Hotel (21B008) above. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC – No hydrological links between the site and the Marine SAC.	Loss of supporting habitat. Recreation pressure on Berry Head.	pinch point so requires robust mitigation to protect hedgerow boundary and ensure no loss of habitat connectivity. The site could therefore have an LSE on the South Hams SAC alone. Appropriate Assessment required.	
H2	**Future Growth Areas**				
H2T.1/SDT3	Torquay Gateway, Edginswell, Torquay (21T122)	South Hams SAC – the site is within the Landscape Connectivity Zone. GHBs potentially use site edges and western hedgerow boundary to commute through landscape.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes	Landscape scale impacts to GHB commuting routes cannot be ruled out. Appropriate Assessment is required.	Assuming that GHBs are using the site for commuting, mitigation will include the creation of dark corridors in line with Devon dark corridors guidance document to maintain connectivity for GHBs across the site and wider

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Lyme Bay and Torbay SAC: no hydrological links between the site and the Marine SAC.			landscape. Providing this mitigation is secured, then we can conclude no adverse effect on integrity of the South Hams SAC at the local plan stage; contribution may be required.
H2P.1	Land adj. Bona Vista Holiday Pk, Totnes Rd (21P042)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	Given the scale of development, it is not deemed that there is potential for landscape scale impacts to GHB commuting routes. No likely significant effect (LSE) on the South Hams SAC alone with regards to GHBs. Potential for in-combination impacts alongside potentially allocated sites 21P080 (Torbay Holiday Motel, Totnes Rd,	Assuming that GHBs are using this site for commuting, mitigation will include the creation of dark corridors in line with Devon dark corridors guidance document to maintain connectivity for GHBs across the site and wider landscape.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Collaton St Mary), 21P043 (Land adj Beechdown Farm Bungalow, Totnes Rd) and 21P041 (Plot 1&2, Totnes Road) due to landscape scale impacts upon potential GHB commuting routes.	
	Land adj. Beechdown Farm Bungalow, Totnes Rd (21P043a)	South Hams SAC – the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	Given the scale of development (10 dwellings), it is not deemed that there is potential for landscape scale impacts to GHB commuting routes. No likely significant effect (LSE) on the South Hams SAC alone with regards to GHBs. Potential for in-combination impacts alongside potentially allocated sites 21P080 (Torbay Holiday Motel, Totnes Rd, Collaton St Mary), 21P042 (Land adj Bona Vista Holiday Pk, Totnes Rd) and	See site specific mitigation of Land adj. Bona Vista Holiday Pk, Totnes Rd (21P042) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				21P041 (Plot 1&2, Totnes Road) due to landscape scale. impacts upon potential GHB commuting routes.	
	Plot 1 & 2, Totnes Road (21P041)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	Given the scale of development (8 dwellings), it is not deemed that there is potential for landscape scale impacts to GHB commuting routes. No likely significant effect (LSE) on the South Hams SAC alone with regards to GHBs. Potential for in-combination impacts alongside potentially allocated sites 21P080 (Torbay Holiday Motel, Totnes Rd, Collaton St Mary), 21P043 (Land adj Beechdown Farm Bungalow, Totnes Rd) and 21P042 (Land adj	See site specific mitigation of Land adj. Bona Vista Holiday Pk, Totnes Rd (21P042) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Bona Vista Holiday Pk, Totnes Rd) due to landscape scale impacts upon potential GHB commuting routes. Appropriate Assessment required.	
	Western half of Taylor Wimpey Site, North of Totnes Rd (21P077)	South Hams SAC: the site is within the GHB sustenance zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential Foraging Habitat.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. Eastern half of the site (21P008) already has consent for 73 dwellings and approved GHB mitigation, which was agreed with NE and has a HRA approved.	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Appropriate Assessment required.	
	Land North of Totnes Road (Bloor now Cavanna Homes) (21P010)	South Hams SAC: the site is within the Sustenance zone for GHBs associated with Berry Head SSSI roost. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	The habitat onsite confirmed as suitable in supporting foraging habitat for the species (i.e. permanent pasture). No likely significant effect	Site specific HRA carried out and approved by NE with outline application P/2019/0281.
	Torbay Holiday Motel, Totnes Rd (21P080)	South Hams SAC: the site within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links	NA	GHBs potentially use southern and boundaries to commute through landscape. Given the scale of development, potential for landscape scale impacts to GHB	Site specific HRA already carried out and approved with NE for outline consent (P/2019/0615).

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		between the site and the Marine SAC.		commuting routes cannot be ruled out. No likely significant effect	
	South of Totnes Rd, Collaton St Mary (21P015)	South Hams SAC: the site is within the GHB sustenance zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential Foraging Habitat. Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. Appropriate Assessment required. GHB mitigation will need to link in with the required GHB mitigation for allocated sites 21P008 (Land to the North of Totnes Road (Taylor Wimpey)) and 21P080 (Torbay Holiday Motel, Totnes Rd, Collaton St Mary).	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				No likely significant effect	
	Land to the North of Totnes Road (Taylor Wimpey) (21P008)	South Hams SAC – the site is within the Sustenance zone for GHBs associated with Berry Head SSSI roost. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	The habitat onsite looks suitable in supporting foraging habitat for the species (i.e. permanent pasture). No likely significant effect	Site specific HRA undertaken and agreed with NE for application P/2020/0405.
	Land North of Totnes Road (21P078)	South Hams SAC: the site is within the Sustenance zone for GHBs. Lyme Bay and Torbay SAC: No hydrological links	Loss, damage or disturbance to potential Foraging Habitat.	The habitat onsite suitable in supporting foraging habitat for the species (i.e. permanent pasture). This area of land was approved as GHB mitigation land for the development referred to in 21P010/SDP31*. GHBs may use	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		between the site and the marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. Appropriate Assessment required.	
H2P.2	Lower Yalberton Holiday Park (21P012)	South Hams SAC: the site is within the GHB sustenance zone. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay SAC: No hydrological links	Loss, damage or disturbance to potential Foraging Habitat. Loss, damage or disturbance at a landscape scale to a network of	GHB mitigation will need to link in with the required GHB mitigation for potential allocated sites 21P067 (Land North of Lower Yalberton Holiday Park, Long Road), the Yalberton Hol Pk/Berry Acres 'Link' site, 21P003 (Land South of Yalberton Road (Berry Acres)), 21P034 (Land North of Wilkins Drive/PMU), 21P060 (White Rock) and 21B002 (Land South of White	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		between the site and the Marine SAC.	potential commuting routes. Recreation pressure on Berry Head.	Rock). GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. Appropriate Assessment required.	
	Yalberton Holiday Park/Berry Acres 'Link' (22P001)	Designated sites. South Hams SAC - Site is within the GHB sustenance zone. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC.	Loss, damage or disturbance to potential Foraging Habitat. Loss, damage or disturbance at a landscape scale to a network of potential	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. GHB mitigation will need to link in with the required GHB mitigation for potential allocated sites 21P012 (Lower Yalberton Holiday Park, Long Road), the Yalberton Hol Pk/Berry	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Lyme Bay and Torbay SAC – No hydrological links between the site and the Marine SAC	commuting routes. Recreation pressure on Berry Head.	Acres 'Link' site, 21P003 (Land South of Yalberton Road (Berry Acres)), 21P034 (Land North of Wilkins Drive/PMU), 21P060 (White Rock) and 21B002 (Land South of White Rock). Appropriate Assessment required.	
H2P.2	Land North of Lower Yalberton Holiday Park, Long Road (21P067)	South Hams SAC - Site is within the GHB sustenance zone. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. The site is within the 8km zone of influence with	Loss, damage or disturbance to potential Foraging Habitat. Loss, damage or disturbance at a landscape scale to a network of potential	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. GHB mitigation will need to link in with the required GHB mitigation for potential allocated sites 21P012 (Lower Yalberton Holiday Park, Long Road), the Yalberton Hol Pk/Berry	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay SAC – No hydrological links between the site and the Marine SAC.	commuting routes. Recreation pressure on Berry Head	Acres 'Link' site, 21P003 (Land South of Yalberton Road (Berry Acres)), 21P034 (Land North of Wilkins Drive/PMU), 21P060 (White Rock) and 21B002 (Land South of White Rock). Appropriate Assessment required.	
H2P2	Land off Brixham Rd (Devonshire Park) (21P001)	South Hams SAC: the site is within the Sustenance Zone for GHBs associated with Berry Head roost. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC.	Recreation pressure on Berry Head	Existing habitat onsite looks to be sub optimal for GHB foraging from aerial photographs, given the urban nature of the site and surrounding artificial illuminance. Site surveys undertaken in 2014 for the outline application recorded no GHBs using the site for foraging. Site specific HRA already undertaken and agreed with NE with outline application.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.		No likely significant effect	
H2P2	R/o Local Centre (May now be employment) (21P053)	South Hams SAC: the site is within the Sustenance Zone for GHBs associated with the Berry Head roost. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head.	The wider site already has planning consent (P/2011/0197) for dwellings and employment. Appropriate Assessment required.	Site specific HRA already carried out and approved with NE for application P/2011/0197. However, in the existing permission this site is approved as 'green space', so any approved HRA for this site would has assessed the impact on this area as green space rather than residential development. Recreational payments will be required via a s.106, to

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
					ensure recreational impacts on the SAC are mitigated.
H2P2	Limekiln Close (21P079)	South Hams SAC: the site is within the Sustenance Zone for GHBs associated with the Berry Head roost. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential Foraging Habitat.	Land adjacent to the site to the south and west already has planning consent (P/2011/0197) for dwellings and employment - the planning application was accompanied by an Ecological Report informed by bat activity surveys conducted in 2010 and 2011. GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone.	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Appropriate Assessment required.	
H2P2/ SDBCG2	Inglewood within BCG Villages) (21B002)	South Hams SAC: the site is within the Sustenance Zone for GHBs associated with the Berry Head roost. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and this SAC.	Recreation pressure on Berry Head.	The wider site already has planning consent (P/2017/1133) for dwellings and employment. No likely significant effect	The planning application was accompanied by an Ecological Report informed by bat activity surveys. The results of these surveys showed irregular use of the site by only a few GHBs, and these were thought to be individuals mainly commuting across the site and occasionally foraging along hedgerows. Site specific HRA already carried out and approved with NE for application P/2017/1133.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
					Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
H2P2/ SDBCG2	Inglewood pub-restaurant site (24BCG001)	South Hams SAC: Site is within the Sustenance Zone for GHBs associated with the Berry Head roost. The site is within the 8km zone of influence with regards to recreational impacts upon the South hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Recreation pressure on Berry Head.	The wider site already has planning consent (P/2017/1133) for dwellings and employment - the planning application was accompanied by an Ecological Report informed by bat activity surveys. The results of these surveys showed irregular use of the site by only a few GHBs, and these were thought to be individuals mainly commuting across the site and occasionally foraging along hedgerows. Site specific HRA already carried out	See Inglewood (21B002) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				and approved with NE for application P/2017/1133. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. No likely significant effect	
H3	**Other Local Plan allocated sites (outside the built-up area in the Adopted Torbay Local Plan 2012-30.**				
H3T.1	Land off Teignmouth Rd, Maidencombe (T21065)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	GHBs potentially use site boundaries to commute through landscape, however the site is surrounded on the east, west and south by development. Landscape scale impacts to commuting routes can be ruled out at this stage.	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	Land North of Junction of Teignmouth Road and Longpark Hill, Maidencombe (21T143)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	GHBs potentially use woodland edges and boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out. Appropriate Assessment required.	See site specific mitigation of South of Longpark Hill Maidencombe (21T126) above.
H3T.2	Sladnor Park, Maidencombe (21T064)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	GHBs could potentially use woodland edges and site boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out.	See site specific mitigation of South of Longpark Hill Maidencombe (21T126) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				Appropriate Assessment is required.	
H3T.3	Land to the north Brunel Manor (23T007)	South Hams SAC: the site is situated within the LCZ. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	The size of development (15 dwellings) not deemed to represent a landscape scale impact to potential GHB commuting routes. No likely significant effect	NA
H3T.4	Land adjacent and south of Watcombe Hall	Land within Undeveloped Coast.		GHBs could potentially use woodland edges and site boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out and would require further assessment.	

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H3T.5	Land adjacent to Broadley Drive, Livermead, Torquay (21T050)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	GHBs potentially use woodland edges and western hedgerow boundary to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out. Appropriate Assessment required.	See site specific mitigation of South of Longpark Hill Maidencombe (21T126) above.
H3T.6	Hollicombe (former gas works) (21T015)	South Hams SAC: the site is within the Landscape Connectivity Zone The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: the site is situated	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes. Potential for waterborne	GHBs potentially use woodland edges and western hedgerow boundary to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out.	See site specific mitigation of South of Longpark Hill Maidencombe (21T126) above. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		within 200m of the marine SAC.	contamination during construction.	Water quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment may be required.	
H3P.1	North of James Avenue (21P087)	South Hams SAC: Site is outside the LCZ for South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	No likely significant effect	NA
H3P.2	Barton Pines (24P006)	South Hams SAC: the site is within the Landscape Connectivity Zone.	Loss, damage or disturbance at a landscape scale to a	The site is already developed as holiday accommodation. GHBs potentially use woodland edges and boundaries to commute	Assuming that GHBs are using the site for commuting, mitigation will include the creation of dark

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	network of potential commuting routes.	through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out. Any additional impacts arising from new development are likely to require Appropriate Assessment.	corridors in line with Devon dark corridors guidance document to maintain connectivity for GHBs across the site and wider landscape.
H3P.3	Land at Preston Down Road North, Paignton (21P017)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	GHBs potentially use woodland edges and boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out. Appropriate Assessment required.	See site specific mitigation of Barton Pines (24P006) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
H3P.4	Land at Preston Down Road south, Paignton (21P018)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes.	GHBs potentially use woodland edges and boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out. Appropriate Assessment required.	See site specific mitigation of Barton Pines (24P006) above.
H3P.5	Hilltop Nursery (21P051)	South Hams SAC: the site is within the GHB sustenance zone. GHBs may use the site for commuting and foraging. The recent Lidl application to the northeast of this site (P/2020/0921), recorded GHBs foraging throughout the survey season.	Loss, damage or disturbance to potential Foraging Habitat. Loss, damage or disturbance at a landscape scale to a network of	Impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. Potential for in-combination landscape scale impacts upon GHBs with site. Appropriate Assessment required.	See site specific mitigation of North of Luscombe Lane, Great Parks (21P014) above

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	potential commuting routes.		
H3BCG.1	Gliddon Ford Filling Station, Dartmouth Road, Churston Ferrers. Access to the Archery Field (21B001)	South Hams SAC: the site is within the greater horseshoe bat (GHB) sustenance zone. The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance to potential foraging habitat. Recreation pressure on Berry Head.	The site is deemed sub-optimal for GHBs given the surrounding land use and existing levels of artificial illuminance. It is existing hardstanding with residential/employment development present to the north and east. The A3022 forms the eastern border of the site and is subject to high levels of artificial illuminance. The west of the site is bordered by a hedgerow and a playing field. It is deemed there is no connection between the site and other areas of suitable GHB	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
				habitat. No likely significant effect (LSE) on the South Hams SAC alone or in combination with regards to GHBs. Appropriate Assessment may be required.	
23BCG.2	Archery Field, Churston (21B005)	South Hams SAC: the site is within the greater horseshoe bat (GHB) sustenance zone. The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC – No hydrological	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat and could contribute to reduced connectivity at pinch point in this location. The site could therefore have an LSE on the South Hams SAC alone. Appropriate Assessment is required.	See site specific mitigation of Site of Northcliff Hotel (21B008) above. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		links between the site and the Marine SAC.			
E1	**Employment Allocations**				
E1T.1	Land at Orchard Way (21T059)	South Hams SAC – the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: no hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes	Given the surrounding residential development and major road network, it is not deemed that the allocation of this site will cause landscape scale impacts to GHB commuting routes, can be screened out	NA
E1T.2	Adj. Ridge Lane and Moles Lane, Edginswell (23T003)	South Hams SAC: the site is within the Landscape Connectivity Zone.	Loss, damage or disturbance at a landscape scale to a network of	GHBs potentially use site edges and western hedgerow boundary to commute through landscape. Landscape scale impacts to GHB	Assuming that GHBs are using the site for commuting, mitigation will include the creation of dark corridors in line with Devon

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC	potential commuting routes	commuting routes cannot be ruled out. Appropriate Assessment required.	dark corridors guidance document to maintain connectivity for GHBs across the site and wider landscape.
E1T.3	Kingsland, Torquay (21T125)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes	GHBs potentially use woodland edges and boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out. Appropriate Assessment required.	Assuming that GHBs are using the site for commuting, mitigation will include the creation of dark corridors in line with Devon dark corridors guidance document to maintain connectivity for GHBs across the site and wider landscape.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
E1T.4	Land adj. Kingsland Torquay (21T)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Loss, damage or disturbance at a landscape scale to a network of potential commuting routes	GHBs potentially use woodland edges and boundaries to commute through landscape. Landscape scale impacts to GHB commuting routes cannot be ruled out. Appropriate Assessment required.	See mitigation requirement of Adj. Ridge Lane and Moles Lane, Edginswell (23T003) above.
E1T.5	Former Market Site, Stantor Barton (21T136)	South Hams SAC: the site is within the Landscape Connectivity Zone. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	NA	Given the small scale of the site, it is not deemed that the allocation of this site will cause landscape scale impacts to GHB commuting routes, can be screened out. No likely significant effect (LSE) on the South Hams SAC alone or in combination with regards to GHBs.	NA

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
E1T.6	Riviera Way adj. Magistrate's Court	The South Hams SAC: no impact identified. The site is outside LCZ. Lyme Bay and Torbay Marine SAC: no hydrological link found.	NA	No likely significant effect	NA
E1P.1	Claylands Cross phase 2 (23P005)	South Hams SAC: the site is within the GHB sustenance zone. Site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. Appropriate Assessment required.	Assuming that GHBs are using the site for commuting and foraging, mitigation will include the creation of dark corridors in line with Devon dark corridors guidance document to maintain connectivity for GHBs across the site and wider landscape. Mitigation for loss of foraging habitat

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		between the site and the Marine SAC.			within a sustenance zone will be required – either within the redline boundary or directly adjacent to the site offsite. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
E1P.2	Land at Yalberton Road/Berry Acres (21P003)	South Hams SAC: the site is within the Sustenance zone for GHBs associated with Berry Head SSSI roost. Site is within the 8km zone of influence with regards to recreational impacts	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head.	The habitat onsite is suitable in supporting foraging habitat for the species (i.e. permanent pasture). Appropriate Assessment required.	Site specific HRA required and already agreed with NE for application P/2019/0173.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.			
P21P.3	Wilkins Drive, Yannons Farm	South Hams SAC: the site is within the GHB sustenance zone. Site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. GHB mitigation will need to link in with the required GHB mitigation for potential allocated sites 21P067 (Land North of Lower Yalberton Holiday Park, Long Road), the Yalberton Hol Pk/Berry Acres 'Link'	

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		links between the site and the Marine SAC.		site, 21P003 (Land South of Yalberton Road (Berry Acres)), 21P012 (Lower Yalberton Holiday Park, Long Road), 21P060 (White Rock) and 21B002 (Land South of White Rock). Appropriate Assessment required.	
21P.4	Land north of Wilkins Drive PMU (21P034)	South Hams SAC: the site is within the GHB sustenance zone. Site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. GHB mitigation will need to link in with the required GHB mitigation for potential allocated sites 21P067 (Land North of Lower Yalberton Holiday Park, Long Road), the	Assuming that GHBs are using the site for commuting and foraging, mitigation will include the creation of dark corridors in line with Devon dark corridors guidance document to maintain connectivity for GHBs across the site and wider landscape. Mitigation for

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		links between the site and the Marine SAC.		Yalberton Hol Pk/Berry Acres 'Link' site, 21P003 (Land South of Yalberton Road (Berry Acres)), 21P012 (Lower Yalberton Holiday Park, Long Road), 21P060 (White Rock) and 21B002 (Land South of White Rock). Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. Appropriate Assessment required.	loss of foraging habitat within a sustenance zone will be required – either within the redline boundary or directly adjacent to the site offsite. Providing this mitigation is Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
E1P.5	Land at Long Road/Lower Yalberton Farm Holiday Park (21P67)	South Hams SAC: the site is within the GHB sustenance zone. Site is within the 8km zone of influence with regards	Loss, damage or disturbance to potential Foraging Habitat.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore	See headline mitigation requirements of Claylands Cross phase 2 (23P005) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Recreation pressure on Berry Head.	have an LSE on the South Hams SAC alone. GHB mitigation will need to link in with the required GHB mitigation for potential allocated sites 21P012 (Lower Yalberton Holiday Park, Long Road), the Yalberton Hol Pk/Berry Acres 'Link' site, 21P003 (Land South of Yalberton Road (Berry Acres)), 21P034 (Land North of Wilkins Drive/PMU), 21P060 (White Rock) and 21B002 (Land South of White Rock). Appropriate Assessment required.	Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.
E1P.6	Land at Devonshire Park	South Hams SAC: the site is within the Sustenance	Loss, damage or disturbance to potential	Existing habitat onsite looks to be sub optimal for GHB foraging from aerial photographs, given the urban nature of the site and	Site specific HRA already undertaken and agreed with NE with outline application.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	Long Road (21P001)	Zone for GHBs associated with Berry Head roost. Site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC	Foraging Habitat. Recreation pressure on Berry Head.	surrounding artificial illuminance. Site surveys undertaken in 2014 for the outline application recorded no GHBs using the site for foraging.	
E1P.7	Land at White Rock (South of Woodview Road) (21P060)	South Hams SAC: the site is within the Sustenance Zone for GHBs associated with the Berry Head roost. Site is within the 8km zone of influence with regards	Recreation pressure on Berry Head.	The wider site already has planning consent (P/2011/0197) for dwellings and employment - the planning application was accompanied by an Ecological Report informed by bat activity surveys conducted in 2010 and	Site specific HRA already carried out and approved with NE for application P/2011/0197

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.		2011. The results of these surveys showed irregular use of the site by only a few GHBs, and these were thought to be individuals mainly commuting across the site and occasionally foraging along hedgerows.	
21P.8	Land North of Peters Copse, Long Road (West of Graphics Contol, Western Bowl). (23P002)	South Hams SAC: the site is within the GHB sustenance zone. Site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone. GHB mitigation will need to link in with the required GHB mitigation for potential allocated sites 21P012 (Lower Yalberton Holiday Park, Long Road), 21P003 (Land South	See headline mitigation requirements of Claylands Cross phase 2 (23P005) above. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		between the site and the Marine SAC.		of Yalberton Road (Berry Acres)), 21P034 (Land North of Wilkins Drive/PMU), 21P060 (White Rock) and 21B002 (Land South of White Rock). Appropriate Assessment required.	
	Epic Phase 2 Waddeton Approach, White Rock				
E1P.9	Land South of Peters Copse, Long Road. (To the West of Graphic	South Hams SAC: site is within the GHB sustenance zone. Site is within the 8km zone of influence with regards to recreational impacts	Loss, damage or disturbance to potential Foraging Habitat.	GHBs may use the site for commuting and foraging and impacts to GHB commuting and foraging habitat could therefore have an LSE on the South Hams SAC alone.	See headline mitigation requirements of Claylands Cross phase 2 (23P005) above. Recreational payments will be required via a s.106, to

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
	Controls) (23P003)	upon the South Hams SAC. Lyme Bay and Torbay SAC: No hydrological links between the site and the Marine SAC.	Recreation pressure on Berry Head.	GHB mitigation will need to link in with the required GHB mitigation for potential allocated sites 21P012 (Lower Yalberton Holiday Park, Long Road), 21P003 (Land South of Yalberton Road (Berry Acres)), 21P034 (Land North of Wilkins Drive/PMU), 21P060 (White Rock) and 21B002 (Land South of White Rock). This site is located where the WhiteRock Mitigation Land planting was secured. Appropriate Assessment required.	ensure recreational impacts on the SAC are mitigated.
E1B.1	Oxen/Freshwater Cove (22B002a)	South Hams SAC: the site is within the GHB sustenance zone. Site is within the 8km zone of influence with regards	Loss, damage or disturbance to potential Foraging Habitat.	GHBs may use the site for commuting and impacts could therefore have an LSE on the South Hams SAC alone.	Assuming that GHBs are using the site for commuting, mitigation will include the creation of dark corridors in line with Devon

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
		to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: the site is situated adjacent to harbour which is hydrologically linked to SAC.	Recreation pressure on Berry Head. Potential for waterborne contamination during construction	Water quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment is required.	dark corridors guidance document to maintain connectivity for GHBs across the site and wider landscape. Providing this mitigation is secured, then we can conclude no adverse effect on integrity of the South Hams SAC at the local plan stage. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. Pollution control measures will be required throughout construction and operation. Providing this mitigation is secured, then we can

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
					conclude no adverse effect on integrity of the Lyme Bay and Torbay SAC at the local plan stage
E1B.3	Northern Arm Breakwater	South Hams SAC: the site is within the GHB sustenance zone. The site is within the 8km zone of influence with regards to recreational impacts upon the South Hams SAC. Lyme Bay and Torbay SAC: the site is situated adjacent to harbour which is hydrologically linked to SAC.	Loss, damage or disturbance to potential Foraging Habitat. Recreation pressure on Berry Head. Potential for waterborne contamination during	The scale and magnitude of impact on GHB is limited due to the site location. Recreational payments will be required via a s.106, to ensure recreational impacts on the SAC are mitigated. Water quality impacts to the marine SAC cannot be ruled out at this stage. Appropriate Assessment required.	See headline mitigation requirements of Oxen/Freshwater Cove (22B002a) above.

Policy	Site (HELAA ref.)	Designated site affected	Potential risks	Screening outcome	Headline mitigation requirements
			construction and operation.		

Appendix D: Plans with the Potential for In-combination Effects with Torbay Local Plan

The plans in Appendix D provide the structure for the in-combination assessment and should be completed with the most recent plan, permission and infrastructure information available at submission and examination. For each plan or project, the HRA should record the relevant growth quantum, spatial relationship to the affected European site, impact pathway, mitigation relied upon and residual conclusion. Where information is unavailable, uncertain or still emerging, the HRA should identify the uncertainty and explain whether the precautionary conclusion remains robust or whether further assessment, plan wording, phasing or mitigation is required before a no adverse effect conclusion can be relied upon.

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions
Teignbridge Local Plan 2020-2040	Adopted plan for Teignbridge outside Dartmoor National Park for 2020–2040. The plan sets the housing requirement at 720 homes per year for the first five years following adoption and identifies land for homes, employment, business infrastructure and	European sites potentially affected include Exe Estuary SPA/Ramsar, Dawlish Warren SAC, South Hams SAC, Dartmoor SAC, South Dartmoor Woods SAC, East Devon Heaths SPA, East Devon Pebblebed Heaths SAC and Lyme Bay and Torbay Marine SAC. Relevant pathways include recreational pressure, urbanisation, habitat	The HRA concluded that, with mitigation and modifications, the Local Plan would not result in adverse effects on the integrity of European sites, either alone or in combination.

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions
	community facilities across the district.	loss/fragmentation, water quality and air quality.	
Dartmoor Local Plan 2018-2036	Spatial strategy, detailed policies and site allocations for Dartmoor National Park to 2036. Planning data identifies a housing requirement of 1,125 dwellings.	European sites potentially affected include Dartmoor SAC, South Dartmoor Woods SAC and South Hams SAC, with wider consideration of mobile greater horseshoe bat features and functionally linked habitat. Potential pathways include air quality, disturbance, habitat loss, fragmentation, hydrological change and recreation.	The HRA screened policies and allocations and undertook Appropriate Assessment where required. Effects were addressed through policy safeguards and mitigation, with no residual adverse effect identified where measures were secured.
Plymouth and South West Devon Joint Local Plan 2014-2024	Joint Local Plan for Plymouth City, South Hams District and West Devon Borough, covering 2014–2034 and	European sites potentially affected include Plymouth Sound and Estuaries SAC, Tamar Estuaries Complex SPA/Ramsar, Dartmoor SAC,	The adopted plan includes Policy SPT14 to secure mitigation for recreational impacts from development. The 2024 five-year review concluded that the Joint Local Plan remains effective and sound when read as a whole.

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions
	adopted in 2019. It provides for strategic growth across the plan area, including new homes under Policy SPT3, employment floorspace under Policy SPT4, retail development, infrastructure and growth in Plymouth, the main towns, smaller towns, key villages and sustainable villages.	South Hams SAC and marine/coastal European sites within visitor influence. Main pathways include recreational pressure, disturbance, water quality, air quality and effects on functionally linked habitat.	
Exeter City Core Strategy 2012-2026	Core Strategy adopted in 2012 as part of Exeter's Local Plan to 2026. The supporting Core Strategy work planned for substantial	European sites assessed include Exe Estuary SPA/Ramsar, Dawlish Warren SAC and East Devon Pebblebed Heaths SAC/SPA. Key pathways include	The HRA informed the adopted Core Strategy and identified the need for plan-level safeguards and mitigation to protect the integrity of internationally important nature sites.

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions	
	growth, including up to 12,000–15,000 dwellings over 2006–2026, alongside strategic employment, retail, transport and infrastructure growth, with major development focused within the urban area and strategic growth areas to the east and south-west of the city.	recreational pressure from housing growth, disturbance to wintering birds, air quality, water quality and possible in-combination effects with nearby authorities.		
West Dorset, Weymouth & Portland Local Plan	Adopted joint Local Plan for West Dorset, Weymouth and Portland covering 2011–2031. It plans for around 15,500 homes across the plan area, equivalent to about 775 homes per year, alongside employment, town centre, infrastructure and community growth, including strategic locations at Weymouth, Portland, Dorchester, Chickerell,		European sites potentially affected include Chesil and the Fleet SAC/SPA/Ramsar, Isle of Portland to Studland Cliffs SAC, St Alban's Head to Durlston Head SAC, Dorset Heathlands	The HRA for the adopted Local Plan screened the pre-submission draft, submission draft and proposed modifications, including cumulative effects. The HRA

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions	
	Crossways, Bridport, Beaminster, Lyme Regis and Sherborne.		SAC/SPA/Ramsar, Dorset Heaths (Purbeck and Wareham) and Studland Dunes SAC, Poole Harbour SPA/Ramsar, River Avon SAC, Avon Valley SPA/Ramsar, Fontmell and Melbury Downs SAC, Cerne and Sydling Downs SAC, Sidmouth to West Bay SAC and Lyme Bay and Torbay Marine SAC. Potential pathways include recreational pressure, disturbance, urbanisation, air quality, water quality, nutrient enrichment, hydrological change, habitat fragmentation, coastal squeeze and in-combination effects.	concluded that the Local Plan would not adversely affect the integrity of European sites, either alone or in combination, subject to the plan's policy safeguards, site-specific requirements and mitigation measures. Further project-level HRA would be required where individual proposals could give rise to likely significant effects.

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions	
Devon and Torbay Local Transport Plan 4, 2025-2040	Strategic transport plan for Devon and Torbay covering 2025–2040. It sets priorities for transport investment to support sustainable growth, decarbonisation and net zero by 2050, improved travel choice, reliability and resilience, active travel, public transport, road safety, asset management and connectivity across Exeter, Torbay, growth areas, rural Devon, market towns and coastal towns.		European sites potentially affected include Lyme Bay and Torbay Marine SAC, South Hams SAC, Exe Estuary SPA/Ramsar, Dawlish Warren SAC, East Devon Pebblebed Heaths SAC/SPA, Dartmoor SAC, South Dartmoor Woods SAC, Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA/Ramsar. Relevant pathways include air quality effects from traffic, disturbance during construction or operation, recreational access changes, lighting, noise, hydrological change, water quality, habitat fragmentation and in-	The LTP4 is accompanied by a Strategic Environmental Assessment and Habitat Regulations Assessment. The HRA considers the environmental implications of the proposed policies and plans at a strategic level. As LTP4 provides a framework for future transport investment rather than consenting individual schemes, any transport intervention with potential likely significant effects on European sites would require further project-level HRA, option refinement

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions	
			combination effects with growth supported by local plans.	and mitigation before implementation.
Devon Waste Plan 2014-2031	County-level waste planning framework for Devon to 2031, excluding Plymouth, Torbay and the National Parks. It establishes waste planning principles, policies and strategic energy recovery locations.	European sites potentially affected depend on waste facility location but may include Dartmoor SAC, South Dartmoor Woods SAC, Exe Estuary SPA/Ramsar, Dawlish Warren SAC, East Devon Pebblebed Heaths SAC/SPA, South Hams SAC, Culm Grasslands SAC, Braunton Burrows SAC and other Devon Natura 2000 sites. Pathways include traffic emissions, dust, disturbance, hydrology and water quality.	The Devon Waste Plan HRA concluded that the plan would not adversely affect the integrity of European sites, alone or in combination, provided that plan policies and development management safeguards are applied. Potential effects from strategic waste facilities are controlled through site selection, environmental criteria and the requirement for project-level HRA where proposals could affect European sites.	

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions
Devon Minerals Plan 2011-2031	Minerals planning framework for Devon, adopted in 2017 for the period 2011–2033. It maintains mineral supply, safeguards resources and manages the environmental impacts of mineral working and restoration.	European sites potentially affected depend on mineral site location but may include Dartmoor SAC, South Dartmoor Woods SAC, South Hams SAC, Culm Grasslands SAC, Beer Quarry and Caves SAC, Exe Estuary SPA/Ramsar, Dawlish Warren SAC and East Devon Pebblebed Heaths SAC/SPA. Main pathways include habitat loss, disturbance, dust, hydrological change, water quality, traffic emissions and restoration effects.	The Devon Minerals Plan HRA concluded that the plan would not result in adverse effects on the integrity of European sites, either alone or in combination, where the plan's environmental protection policies and site-specific safeguards are implemented. Any minerals proposal with potential pathways to European sites would still require project-level HRA and mitigation as necessary before consent.
Water Resources Management Plan 2025-2050	South West Water's WRMP sets out how supply and demand will be managed over a 25-	European sites potentially affected are water-dependent and option-specific, including riverine, wetland, estuarine	The HRA concluded that the plan can provide a secure supply-demand balance while protecting the environment, but that some supply-side and drought-resilience options may require further scheme-level HRA and mitigation before

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions	
	year period, covering five water resource zones and planning for resilience, demand management and environmental protection to 2050.	and coastal SAC/SPA/Ramsar sites within South West Water's resource zones. Relevant sites may include Dartmoor SAC, South Hams SAC, Exe Estuary SPA/Ramsar, Dawlish Warren SAC, Plymouth Sound and Estuaries SAC and other catchment-linked European sites. Pathways include abstraction changes, reservoir and river management, drought measures, water quality and hydrological effects.	implementation. No adverse effects on the integrity of European sites should occur where the plan's safeguards, option-specific requirements and subsequent project-level assessments are applied.	
Neighbourhood Plans within Torbay	Neighbourhood Plans considered in this assessment include the made Torquay, Paignton and Brixham Peninsula Neighbourhood Plans, all adopted by Torbay Council on 19 June 2019 following referendum. They		European sites relevant to the Torquay, Paignton and Brixham Peninsula Neighbourhood Plans include	The Torquay, Paignton and Brixham Peninsula Neighbourhood Plan HRAs proceeded to Appropriate

Plan/Project	Quantum of growth	Empact on European site	HRA conclusions	
	form part of the Torbay Development Plan and are used alongside the Local Plan when determining planning applications. The Brixham Peninsula Plan remains in force across the Brixham and Broadsands, Churston and Galmpton areas unless replaced by new plans.		Lyme Bay and Torbay Marine SAC and South Hams SAC, including the Berry Head component and greater horseshoe bat sustenance and landscape connectivity zones. Potential pathways include recreational pressure, disturbance, urbanisation, water quality, air quality, lighting and effects on habitat connectivity.	Assessment. The assessments concluded that, with recommended modifications, safeguards and reliance on the Local Plan policy framework where relevant, the plans would not adversely affect the integrity of European sites, either alone or in combination.

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TORBAY COUNCIL

Report title: Torbay Creates: Culture & Community – A Revised Cultural Strategy for Torbay, 2027 - 2036

Report to:	Cabinet
Date:	24 November 2026
Lead Cabinet Member:	Councillor Jackie Thomas, Cabinet Member for Tourism, Culture & Events and Corporate Services
Email:	Jackie.thomas@torbay.gov.uk
Lead Director:	Alan Denby, Director of Pride in Place
Email:	alan.denby@torbay.gov.uk
Wards affected:	All

1. Summary of Report:

This report seeks to update Cabinet of the draft revised *Torbay Cultural Strategy 2027–2036: Torbay Creates – Culture & Community* and seek authority to launch the formal consultation. This consultation will involve contributions and workshops with Torbay's cultural sector. The strategy will replace the previous cultural strategy, *Enjoy, Talk, Do, Be (2014–2024)* and responds to findings from the independent 2025 Torbay Culture & Heritage Review undertaken by independent consultants, Genecon. An associated point of consideration is that a bid to Arts Council England (ACE) is currently in preparation. The Place Partnership involves five strands of work, the first of which – Strand 1: Leadership & Governance – tasks the Torbay Place Leadership Board with working with the cultural sector to refine and shape the draft Cultural Strategy, so that the final strategy has been designed in collaboration with delivery partners (Torbay's cultural sector organisations).

The draft revised Strategy positions culture, heritage, and creativity as key drivers of community wellbeing, pride in place, regeneration, skills development, economic growth, and inward investment. It aligns with Torbay Council's Community and Corporate Plan, the Torbay Story, Pride in Place, Torbay Heritage Place, the Destination Management Plan and shared priorities with Arts Council England, the National Lottery Heritage Fund and Historic England.

The Strategy establishes a ten-year framework built around four strategic aims:

1. Increase participation, inclusion and wellbeing through culture.
2. Maximise Torbay's cultural, heritage and environmental assets.
3. Grow the creative and cultural economy.
4. Create a strong Cultural Partnership for Torbay.

2. Recommendations and Proposed Decision:

That Cabinet:

1. approve the commencement of consultation on the draft Torbay Cultural Strategy 2027–2036: Torbay Creates – Culture & Community; and

2. authorise the Torbay Place Leadership Board, in consultation with the Director of Pride in Place and the Cabinet Member for Culture, to develop the governance arrangements, business plan and delivery framework required to establish a Torbay Cultural Partnership, or equivalent body, to support delivery of the Strategy.

3. Reasons for Recommendations/Proposed Decision:

Culture and heritage are among Torbay's greatest assets. Torbay benefits from internationally significant heritage, including the UNESCO English Riviera Global Geopark, internationally important museums and heritage sites, a growing creative sector and a vibrant voluntary and community cultural sector.

The independent Genecon review concluded that while cultural activity across Torbay is strong, delivery is fragmented and would benefit from improved coordination, leadership, advocacy, evidence gathering and partnership working.

Taking the time to ensure that the Cultural Strategy is fully refined with the sector (delivery partners of cultural activity) will:

- Increase opportunities for residents to engage with culture and creativity.
- Support community health, wellbeing, social cohesion, and prosperity
- Strengthen pride in place and local identity
- Support regeneration and revitalisation of town centres.
- Encourage skills development and creative and rewarding career pathways for young people.
- Strengthen the year-round domestic and international visitor economy
- Increase Torbay's ability to attract external funding and investment.
- Provide a clear strategic framework for partnership working and investment decisions.

Initially, the existing Torbay Place Leadership Board will provide the strategic leadership required to make suggestions on how to refine and shape the revised draft Cultural Strategy, coordinate delivery, improve collaboration and maximise the impact of cultural investment across Torbay.

Success will be measured through increased participation across all demographics and the whole of Torbay, improved engagement from underrepresented communities, growth in creative employment, increased external investment, strengthened organisational resilience, and improved health and wellbeing outcomes.

Following the formal consultation period the revised document will then be presented, firstly to Cabinet, before then Full Council in accordance with the procedure for Policy Framework Documents.

4. Background and Context:

Torbay's previous Cultural Strategy covered the period 2014–2024. Aside from substantive changes to the economic climate globally and extended political instability nationally, significant changes have occurred locally since the adoption of the previous Cultural Strategy, including:

- Increased recognition of culture as a driver of place-based regeneration.
- Development of the Torbay Heritage Place programme.
- Initial delivery phase of the Pride in Place programme.
- Designation of Torbay as a DCMS Culture Priority Place.
- Vastly improved partnership working with Arts Council England, Historic England, and the National Lottery Heritage Fund.
- Completion of the 2025 Genecon Culture and Heritage Review
- Successful Expression of Interest made to Arts Council England for a Torbay Place Partnership (full application is in preparation).

The review identified opportunities to strengthen coordination across the sector and recommended the creation of a revised Cultural strategy, supported by a new governance model.

The proposed Strategy provides a long-term framework to 2036 and identifies priority programmes for the period 2026–2029, including:

- Strengthening strategic cultural development.
- Supporting Paignton's creative ecology.
- Developing cultural and heritage engagement opportunities across Torbay
- Supporting major heritage and cultural regeneration projects.
- Improving creative skills and career pathways.
- Coordinated marketing and promotion of Torbay's cultural offer.

The revised draft Cultural Strategy (appended) provides more detailed framework supporting the recommendations in this report, although it is important for the cultural sector to be fully engaged to inform and make recommendations on the final document.

5. Alternative Options Considered:

Option 1 – Do Nothing

Retain the existing expired strategy and continue current arrangements.

Not recommended because this would fail to address the findings of the Genecon review, weaken opportunities for external investment and leave the sector without a contemporary strategic framework.

Option 2 – Produce a revised strategy without governance reform

Adopt a new strategy but retain existing governance and delivery arrangements.

Not recommended as it would not address identified weaknesses relating to coordination, shared leadership, advocacy and evidence gathering.

Option 3 – Approve the Torbay Place Leadership Board to provide strategic leadership to support the revision of the draft Cultural Strategy with the cultural sector

Recommended option.

This provides a clear strategic framework, strengthens partnership working, is the only option likely to result in attracting much needed external investment from public funding bodies, and increases the likelihood of achieving community, economic, and regeneration outcomes as outlined in the Council's Community & Corporate Plan.

6. Contribution to Council Priorities:

The proposed revised Culture Strategy directly supports the Council's priorities in the following ways:

Community and People

- Improves overall access to culture and creativity
- Supports physical and mental wellbeing
- Strengthens community cohesion
- Increases volunteering and participation

Pride in Place

- Celebrates Torbay's heritage and identity and boosts pride in place
- Improves and enhances sustainable use of cultural and heritage assets
- Supports town centre regeneration.
- Strengthens residents' sense of belonging and supports the retention and attraction of younger people in Torbay

Economic Growth

- Supports creative industries and cultural tourism
- Develops creative skills and pathways to rewarding and well remunerated cultural careers
- Attracts external funding and investment
- Encourages year-round economic activity, including secondary spend in hospitality

7. Consultation and Engagement:

The Strategy has been informed by:

- The independent 2025 Genecon Culture and Heritage Review, which included 6 weeks of independent Torbay wide consultation
- Regular engagement with cultural and heritage organisations across Torbay e.g. via the Torbay Culture & Heritage Forum, Creative Cluster, and the cultural organisations of Torbay
- Ongoing discussions with Arts Council England, National Lottery Heritage Fund and Historic England.
- Input from Council officers, Members, and strategic partners.

The revised draft Cultural Strategy contains a strong commitment to improving opportunities for children and young people through creative learning, skills development, apprenticeships, work experience opportunities and participation in cultural activity.
The proposed Torbay Cultural Partnership, to grow from strategic leadership initially provided by the Torbay Place Leadership Board, will include representation from each of the three towns, young people and underrepresented communities, ensuring ongoing engagement and influence over delivery priorities.

8. Implications:

Financial Implications:

Adoption of the Strategy does not commit the Council to immediate additional expenditure beyond existing approved budgets, although, to fund the Torbay Cultural Partnership as recommended by the Genecon report would cost £105,000 per annum. In recognition of immediate financial constraints facing the Council, a creative and solution-focused approach is suggested in the Strategy: The Strategy proposes development of a business plan for the Torbay Cultural Partnership via the Torbay Place Leadership Board initially, working with the cultural sector.

Future funding requirements will be subject to separate approval processes where necessary. Implementation will seek to maximise external funding from Arts Council England, National Lottery Heritage Fund, Historic England, DCMS and other sources. The Strategy is expected to strengthen Torbay's ability to attract external investment into culture, heritage and regeneration activity, and thereby create the conditions in which a fully resourced Torbay Cultural Partnership can become a reality. The successful Expression of Interest to Arts Council England (ACE) and invitation to submit a full application valued at £1.4m over the two or three years demonstrates how genuine partnership working is a strong step towards attracting significant investment for Culture in Torbay.

Legal Implications:

There are significant legal implications if the Council does not comply with its responsibility to maintain and protect specific elements of the built and natural environment e.g. Ancient Scheduled Monuments, such as Torre Abbey and Sites of Special Scientific Interest (SSSI), such as Lummaton Quarry and Berry Head.

Corporate Parenting/Children and Young People:

The Strategy has positive long-term impacts for children and young people.

Key benefits include:

- Increased access to cultural experiences and creative participation and play
- Enhanced creative learning opportunities
- Improved skills and employment pathways in the cultural sector

- Increased opportunities for volunteering and giving back to their communities
- Support for wellbeing and confidence building, which support greater educational outcomes

Specific measures relating to care-experienced young people are already delivered e.g. at Torre Abbey and would be expanded via partnership programmes. Similarly, the Strategy recognises the valuable contribution made by the cultural sector to forms of alternative provision e.g. by Sound Communities CIC. Adoption of the Strategy would support the development of similarly successful programmes, reducing the number of disadvantaged young people from becoming chronically NEET.

Associated Risks, Risk Tolerance Level and Mitigations:

Full risks are set out below:

Risk	**Risk score before mitigations (likelihood x impact)**	**Mitigations**	**Risk Score after mitigations (likelihood x impact)**	**Risk tolerance**
Failure to secure external funding	12	Coordinated funding strategy and partnership approach	6	Managed
Insufficient sector capacity to deliver ambitions	12	Establish Cultural Partnership and capacity-building support.	6	Managed
Fragmented delivery continues	16	Governance review and partnership coordination	8	Managed

Contributions to tackling climate change or achieving carbon neutrality:

Supportive of one of the four funding principles of the National Lottery Heritage Fund and a funding priority of Arts Council England and Historic England, the Strategy supports sustainable reuse of heritage buildings, town-centre regeneration and place-based cultural activity.
Greater use of existing community and heritage assets can reduce pressure for new development while strengthening local sustainability. In seeking to support better understanding of the English Riviera UNESCO Global Geopark, the Strategy aims to ensure that environmental impacts are positive and promote greater sustainability e.g. through promoting the Local Cycling & Walking Infrastructure Plan (LCWIP).

Social Value Considerations:

The Strategy provides significant social value through:

- Increased community participation in culture and creativity, leading to improved health an wellbeing and decreasing loneliness and isolation
- Skills and employment opportunities
- Volunteering opportunities
- Improved wellbeing and increased opportunities for engaging in physical activities
- Stronger communities
- Support for local businesses and the visitor economy

Procurement Implications:

At the current time, no procurement activity is required directly through approval of the Strategy. Any future commissioned services, programmes or projects will follow the Council's procurement procedures and relevant legislation.

Other Implications:

No significant IT, HR or data protection implications arise from adoption of the Strategy at this stage. Future delivery programmes may require governance, staffing and information-sharing arrangements which will be considered separately and follow the Council’s relevant procedures and processes.

9. Equalities Impact Assessment:

The Strategy will have a positive impact across protected characteristics by increasing access to cultural opportunities and reducing participation barriers.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	• 18% of Torbay residents are aged under 18 years old. • 55% of Torbay residents are aged between 18 to 64 years old. • 27% of Torbay residents are aged 65 and older.	Children and young people may face cost, transport, confidence and awareness barriers; older residents may face mobility, digital exclusion and unsuitable timing. The strategy should increase participation by both groups and prevent programmes being designed mainly for existing audiences. Positive impacts for children, young people and older residents through participation opportunities	Where possible, provide free or low-cost places, concessionary pricing, accessible daytime and evening sessions, travel support where feasible, non-digital booking, targeted outreach through schools, youth services and older people's networks, and age-inclusive co-design. Monitor attendance, repeat participation and satisfaction by age.	Culture & Events, 2026 - 2036

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Carers	• At the time of the 2021 census there were 14,900 unpaid carers in Torbay. • 5,185 of these carers provided 50 hours or more of care.	Expand the programme of cultural opportunities for carers at Torbay's cultural and heritage assets Unpaid carers may be excluded by caring schedules, cost, transport and lack of replacement care. Flexible cultural opportunities should improve access without requiring carers to identify publicly or attend at fixed times	Where possible, offer flexible and short-format sessions, advance and late booking options, carer concessions, companion tickets, accessible online participation and outreach through carers' organisations. Explore support for replacement-care or travel costs and monitor take-up with carer partners.	Culture & Events, –with Adult Social Care
Care experienced	• As of January 2026, there were 277 former care experienced young people aged 18-24 in Torbay.	Care-experienced young people and care leavers may face cost, transport, low confidence, disrupted education and lack of trusted support. The strategy should provide sustained routes into participation, training, volunteering, employment and creative leadership.	Targeted programming and accessible activities Co-design activity with care-experienced young people; where possible, provide free	Culture & Events, 2026 – 2036 with Childrens Services and care experienced partners

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
			places, travel and equipment support	
Disability	• In the 2021 Census, 23.9% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	Positive impact through improved inclusive access Disabled people may face physical, sensory, communication, digital, financial and attitudinal barriers. Venues, information and programmes must be accessible from planning through delivery, including for people with non-visible disabilities.	Provide step-free routes, accessible toilets and seating, quiet spaces and relaxed sessions, where possible use British Sign Language interpretation, captioning, audio description and alternative formats where needed. Build accessibility costs into commissions, involve disabled people in design	Culture & Events and the Heritage & Design teams, 2026 - 2036
Gender reassignment	• In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not	Trans people and people undergoing gender reassignment may face harassment, misgendering, unsafe facilities and under-representation. Cultural spaces and programmes	Equality monitoring and inclusive practice Use inclusive language and booking practices,	Culture & Events and the Heritage &

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	the same as their sex registered at birth.	should be visibly inclusive, safe and representative.	consult LGBTQ+ organisations, and review participation and feedback	Design teams, 2026 - 2036
Marriage and civil partnership	• Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	Married people and civil partners should have equal access. Programming, ticketing and communications must not assume a particular family structure or exclude same-sex couples or civil partners.	Use inclusive wording and imagery, recognise different family and partnership structures in offers and events, brief staff and suppliers on equal treatment, and review complaints and feedback for evidence of differential treatment.	Culture & Events and the Heritage & Design teams, 2026 - 2036
Pregnancy and maternity	• Between 2013 and 2024, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 56.0 per 1,000) than the Southwest (53.4) and	Pregnant people, new parents and those on maternity leave may face fatigue, timing, transport, cost, feeding and baby-care barriers. Programmes should enable participation without stigma or loss of access.	Provide seating, rest and feeding spaces, accessible toilets and baby-changing facilities, flexible booking, daytime and parent-and-baby options, clear venue information and staff	Culture & Events and the Heritage & Design teams, 2026 - 2036

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	broadly in line with England (56.3). • For the period 2022 to 2024, rates in Torbay (44.6) have been significantly below England (50.0).		awareness. Monitor feedback from parents and maternity services.	
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as the following: • 1.6% as Asian, Asian British or Asian Welsh • 0.3% as Black, Black British, Black Welsh, Caribbean or African • 1.5% as being of Mixed or Multiple ethnic groups • 96.1% as White • 0.4% described their ethnicity another way. • Black, Asian and minoritised ethnic communities are more	Black, Asian and minoritised ethnic communities may face cost, location, limited representation, language barriers, discrimination and low trust arising from historic exclusion. The strategy should increase influence, participation,	Inclusive commissioning and engagement take activity into trusted community venues; remove cost and transport barriers; Monitor audiences, commissions, workforce and funding by ethnicity where lawful and proportionate	Culture & Events and the Heritage & Design teams, 2026 - 2036

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.			
Religion and belief	The 2021 Census showed that the residents in Torbay identify their religion and/or belief as the following; • 48.5% are Christian • 0.4% are Buddhist • 0.2% are Hindu • 0.6% are Muslim • Less than 0.1% are Sikh • 0.1% are Jewish • 0.7% have another religion • 43.2% have no religion • 6.3% did not answer	Inclusive participation opportunities People of different religions or beliefs, including people with no religion, may face scheduling, dietary, dress, worship-space or content barriers. Programming should respect belief while protecting freedom of expression and avoiding stereotyping	Community engagement and co-design Consult faith and belief groups; consider major observances when scheduling; publish content information; provide appropriate food options and quiet space where practicable; use inclusive commissioning; and monitor feedback and participation across belief groups	Culture & Events and the Heritage & Design teams, 2026 - 2036

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Sex	• 51.3% of Torbay's population are female. • 48.7% of Torbay's population are male.	Women and men may experience different safety, caring, cost and representation barriers. The strategy should address unequal participation, commissioning rather than assuming equal access.	Review participation, paid commissions, panels and leadership by sex; address under-representation through targeted outreach and open, transparent selection;	Culture & Events team, 2026 - 2036
Sexual orientation	In the 2021 Census, residents described their sexuality as follows; • 89% as Straight or Heterosexual • 1.7% as Gay or Lesbian • 1.1% as Bisexual • 0.1% as Pansexual • 0.1% described their sexuality another way • 7.4% of people didn't answer the question	Lesbian, gay, bisexual and other minority sexual-orientation communities may face harassment, invisibility, stereotyping and concerns about safety. Cultural activity should be safe, representative and accessible throughout the year.	Engage with LGBTQ+ organisations; provide clear reporting routes for harassment; avoid tokenistic programming; and monitor participation,	Culture & Events team, 2026 - 2036

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Armed Forces Community	• In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. • In Torbay, 5.9% of the population have previously served in the UK armed forces.	Veterans, serving personnel and families may face disability, trauma, isolation, mobility and transition barriers. Activity should support connection without stereotyping the Armed Forces community	Community outreach and engagement with Armed Forces veterans Offer engagement opportunities for veterans' and families' organisations;	Culture & Events and Public Health teams, 2026 - 2036
Additional considerations:				
Socio-economic impacts (Including impacts on child poverty and deprivation)	• Torbay is ranked as the 39th most deprived upper tier local authority in England in the Index of Multiple Deprivation 2025.	People on low incomes and residents in deprived neighbourhoods may be excluded by ticket prices, travel, equipment, digital booking, unfamiliar venues and perceptions that culture is not for them. Investment should narrow, not reinforce, geographic and income inequalities.	Set an access offer covering free and low-cost places, concessions, travel and equipment support;; deliver activity in community venues; publish transparent eligibility; and map participation and investment by deprivation and ward	Culture & Events and Public Health teams; working with Community Builders, 2026 - 2036

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Public Health impacts (Including impacts on the general health of the population of Torbay)	• For the five-year period 2020 to 2024, data shows there is a 6-year life expectancy gap between males who live in Torbay's least and most deprived areas and, a 3-year gap for females.	People experiencing poor physical or mental health may face cost, mobility, anxiety, fatigue and communication barriers. Cultural participation should support wellbeing without replacing clinical support or excluding people with complex needs	Engage with Public Health and ensure we reach deep into deprived communities to make the opportunities available	Culture & Events team, Public Health; community builders, 2026 – 2036
Human Rights impacts		Improved Human Rights understanding and representation of different ways to be human The strategy should support rights to participate in cultural life, freedom of expression, privacy, dignity and non-discrimination. Exclusion can arise where decisions are inaccessible, participation data is mishandled or cultural expression is restricted inconsistently	Apply transparent and proportionate decision-making; provide accessible complaints and challenge routes; protect personal data;	Culture & Events team, 2026 - 20236
Child Friendly (Children's Rights Impact Assessment (CRIA) considerations): *Summarise*		Increased access to arts, culture, creativity, learning and skills	Work closely with CYP voluntary sector, schools and colleges,	Culture & Events team, 2026 - 2036

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
the CRIA considerations for this proposal, including which groups of children and young people may be affected (e.g., care experienced children/young people, care leavers, children with SEND), how their rights and best interests have been considered, and any engagement undertaken with children/young people and/or their representatives. Set out any mitigations to address identified adverse impacts and how these will be monitored.		development for children and young people Children and young people—including care-experienced children, care leavers, children with SEND, young carers and those in low-income households—may face cost, transport, accessibility, safeguarding and adult-led decision-making barriers. Their best interests, views, safety and rights to participate in cultural life must shape delivery	and alternative provision providers Undertake age-appropriate and accessible co-design through schools, colleges, youth services, SEND and care-experienced networks; use accessible information report back on how views influenced decisions; and monitor reach, retention and outcomes by relevant group	

10. Cumulative Council Impact:

The Strategy complements existing Council priorities and programmes, including Pride in Place, Torbay Heritage Place, regeneration initiatives and economic development activity.
No adverse cumulative impacts have been identified.

11. Cumulative Community Impact:

The Strategy aligns positively with the aims and objectives of the Torbay Community & Corporate Plan and the Joint Health & Wellbeing Strategy. The Strategy complements community ambitions of the Arts Council England, Historic England, National Lottery Heritage Fund, educational institutions, and voluntary sector organisations and community groups across Torbay.
No adverse cumulative community impacts have been identified.

12. Monitoring and Evaluation:

Under the supervision of the Director of Pride in Place, senior responsible officers will oversee monitoring arrangements supported by the proposed Torbay Cultural Partnership.
An annual impact report will be produced and cover:

- Cultural participation levels
- Engagement from underrepresented groups
- Volunteer numbers
- Wellbeing outcomes
- External funding secured
- Creative employment and skills outcomes
- Organisational resilience.
- Town centre footfall and visitor activity where available
- Contributions to regeneration outcomes

The Strategy will be reviewed periodically to ensure it remains aligned with Council priorities, funding opportunities and Local Government Reorganisation arrangements.

Appendices:

Torbay Creates: Culture & Community – a revised cultural strategy for Torbay, 2026 – 2036 (DRAFT)

Background Documents:

Torbay Council's Community & Corporate Plan, Torbay Story, Destination Management Plan, the Genecon Culture and Heritage Review, Torbay Heritage Place programme and associated Heritage Strategy, Pride in Place programme, DCMS Culture Priority Place status and the emerging Place Partnership programme.

Torbay Creates: Culture & Community

A Revised DRAFT Cultural Strategy for Torbay 2027–2036

Vision

Torbay: a connected coastal and maritime place where culture, heritage and creativity strengthen communities, improve wellbeing, grow pride in place, unlock opportunity, support regeneration, and attract long-term investment.

Building on the previous Torbay Cultural Strategy, *Enjoy, Talk, Do, Be*, and informed by the 2025 *Torbay Culture & Heritage Review* undertaken by independent consultants, Genecon, this refreshed strategy sets out an evolving strategic framework for culture-led transformation in Torbay. It aligns cultural ambition with the emerging Place Partnership programme, *Torbay Creates: Culture, Community and Opportunity*, and positions culture as a practical mechanism for strengthening communities, improving wellbeing, supporting regeneration, growing pride in place, developing skills and attracting investment.

Why Refresh the Strategy?

This strategy should be read alongside Torbay Council's Corporate Plan, the Torbay Story, the Destination Management Plan, the Genecon Culture and Heritage Review, Torbay Heritage Place, Pride in Place, Culture Priority Place status and the emerging Place Partnership programme. Together, these agenda follow a distinct direction of travel: culture is not an optional add-on or 'nice to have', but a core part of how Torbay builds confidence, opportunity, identity and inclusive economic growth across its three towns.

Torbay has significant cultural strengths:

- UNESCO English Riviera Global Geopark
- Internationally recognised cultural and natural heritage assets
- A growing Creative Industries sector
- Strong community and voluntary action programmes
- Expanding culture and heritage-led regeneration programme
- New long-term investment through Torbay Heritage Place, the Pride in Place programme, and recently announced by the Department of Culture, Media & Sport (DCMS) as a Culture Priority Place.

The 2025 Review found that while cultural activity in Torbay is vibrant, delivery remains fragmented, with insufficient coordination, advocacy, shared evidence, capacity-building, and strategic leadership. This strategy responds to those findings by setting out a more connected cultural system: one that can align partners, build organisational resilience,

support community participation, develop investment-ready projects and demonstrate the contribution of culture to wider place outcomes.

Aims:

- More people, across all communities, experience and shape high-quality cultural and creative opportunities throughout the year. Culture creates stronger connections and shared understanding across all communities and sectors, leading to fruitful collaborations that attract significant inward investment
- Residents, communities, and organisations actively create, shape, and lead cultural activity
- Torbay expresses its distinct cultural identity, celebrates and conserves its internationally significant heritage, and creates opportunities for people of all ages and backgrounds, to participate, develop skills, build confidence, and contribute to Torbay's future.

Strategic Principles 2026–2036

1. Partnership First

Culture succeeds when organisations work together rather than compete. ACE, NLHF, HE and Torbay Council will work together to support Torbay's cultural sector to develop integrated and complementary programmes of work and to facilitate necessary funding.

2. Community Ownership

Residents help to shape priorities, programmes, and investment - feel ownership and support the Council with delivery

3. Culture for Everyone

Culture must be accessible, inclusive, and relevant across all communities

4. Creativity Drives Growth

Creative industries, cultural tourism, and digital innovation contribute directly to Torbay's prosperity, through increased economic benefit and rewarding jobs.

5. Heritage Shapes the Future

Natural, built, and cultural heritage are central to placemaking and regeneration – Torbay's internationally significant heritage is what makes it unique.

6. Health and Wellbeing Matter

Culture and heritage contribute directly to healthier, happier, and better-connected communities – creating beautiful, peaceful and fun places to live, work, and play.

7. One Torbay, Three Distinct Towns

The Torbay Story will be revised to include a chapter dedicated to Torbay's unique culture and heritage. Torquay, Paignton, and Brixham each have distinct identities, assets, and community strengths. The strategy supports a shared Torbay-wide cultural system while allowing each town to develop a role that reflects its own heritage identity, communities, visitor economy, and regeneration priorities.

Paignton will be the principal demonstration place for culture-led regeneration in the first phase of this strategy. It brings together significant heritage assets, active cultural organisations, regeneration priorities, community need,and Pride in Place investment opportunities. Paignton Picture House, Palace Theatre, Doorstep Arts, Sound Communities and wider regeneration activity create a practical test bed for showing how culture can build participation, confidence, skills, pride, and local economic benefit. Learning from Paignton will inform work in Torquay, Brixham, and Torbay as a whole.

Strategic Aim 1

Increase Participation, Inclusion and Wellbeing Through Culture

Objectives

1.1 Broaden Cultural Participation

- Increase cultural participation across the three towns; enable greater engagement among underrepresented communities
- Reduce financial, social, and physical barriers to cultural participation
- Support local cultural leadership across Torbay

1.2 Support Creative Learning and Talent Development

- Strengthen cultural education pathways to rewarding creative jobs
- Build links between schools, colleges, creative employers, and cultural organisations to improve access to cultural skills training
- Support young people in developing creative careers through Culture & Creativity , apprenticeships, work experience opportunities

1.3 Embed Culture in Health and Wellbeing

- Expand creative health and alternative provision initiatives
- Promote social prescribing and cultural prescribing e.g. expand and deliver more programmes similar to Torre Abbey's successful foster carer model
- Develop partnerships with health, care, and the voluntary & community sector

What would success look like?

- Increased participation rates across all demographics and the whole of Torbay
- Greater engagement from young and deprived people
- Improved health & wellbeing outcomes
- Increased volunteering and community involvement in culture, creativity & the arts

Strategic Aim 2

Maximise Torbay's Cultural, Heritage, and Environmental Assets

Objectives

2.1 Activate Heritage Assets

- Support sustainable use of historic buildings and natural heritage assets
- Encourage year-round cultural activity in underused spaces
- Strengthen links between heritage, regeneration, and community development

2.2 Create a Year-Round Cultural Place for residents and visitors

- Develop Torbay as a year-round cultural place where residents can take part in, shape and benefit from cultural activity throughout the year. This will strengthen local participation, support community-led culture, animate town centres, connect major events with local heritage and creative programming, and contribute to a visitor economy that reflects Torbay's distinctive identity.
- Support year-round cultural activity that residents can access, shape, and enjoy
- Connect major events with community-led culture, local heritage, and creative programming
- Extend visitor activity beyond peak summer months to year-round
- Strengthen Torbay's cultural tourism offer & market effectively

2.3 Strengthen Place Identity

- Celebrate Torbay's local stories, maritime identity, coastal heritage, UNESCO English Riviera Global Geopark, Agatha Christie legacy, International Agatha Christie Festival, Torquay Pavilion opportunity and community-led cultural activity as assets that support participation, identity, regeneration, skills, cultural tourism and economic growth.
- Promote the UNESCO English Riviera Global Geopark as a cultural and natural heritage asset, offering diverse experiences for residents and visitors
- Improve cultural visibility across all three towns

What would success look like?

- Increased cultural and heritage tourism – diverse audiences, day and nighttime economy, year-round, longer dwell time and overnight stays
- More heritage assets in active, viable, and long-term sustainable use
- Increased town footfall across all three towns
- Stronger resident sense of belonging and Pride in Place

Strategic Aim 3

Grow the Creative and Cultural Economy

Objectives

3.1 Support Creative Businesses and Freelancers

- Support for creative businesses and freelancers will be developed in line with Torbay's wider economic development activity and based on clear evidence of need. The strategy will focus on practical interventions where culture can add distinct value: networking, skills pathways, workspace development, investment readiness, links with digital and hi-tech sectors, and stronger connections between cultural activity, employment and business growth.
- Develop creative career pathways, affordable production space and peer networks that help local creative talent stay, grow, and progress in Torbay. In Year One, we will test the evidence-based need for a creative hub or networked creative workspace model; building on existing business support rather than duplicating it. This work will connect creative practitioners with skills providers, employers, the Creative Cluster, the Hi-Tech Cluster and wider economic development activity.
- Develop creative career pathways linked to local employment, skills and progression opportunities
- Improve access to affordable production, rehearsal, studio and collaboration space where gaps are evidenced
- Connect creative talent with existing business support, investment readiness advice, mentoring and sector networks
- Combine and expand opportunities for networking and collaboration between the cultural and creative digital sectors
- Strengthen links between the Torbay Culture & Heritage Forum, the Creative Cluster, and the Hi-Tech Cluster

3.2 Retain and Attract Talent

- Develop creative career pathways by connecting local schools and colleges with employers and skills needs

- Increase the number of accessible spaces for creative production
- Support younger, more affluent people to stay or move to live and work in Torbay

3.3 Increase Investment in Culture and Heritage

- Build fundraising capability across the sector e.g. expand the grant writing capacity within and beyond the Council
- Coordinate major funding opportunities more effectively
- Increase external investment into Torbay by showcasing our offer inter/nationally

What would success look like?

- Growth in creative employment and enjoyment
- Increased cultural investment from public & private sectors
- Increased business and community participation in culture and the arts
- Improved creative sector sustainability and increased number of accessible creative work-space and studios

Strategic Aim 4

Create a Strong Cultural Partnership for Torbay

New Governance Model

Governance arrangements will be reviewed during Year One to confirm the relationship between the Torbay Place Leadership Board, the proposed Torbay Cultural Partnership, Council officer governance, Pride in Place delivery structures, Torbay Heritage Place arrangements, and any future Place Partnership programme board. The aim is for a simple model in which strategic accountability, cultural leadership, and operational delivery are clearly delineated but well connected. This will also allow the strategy to remain flexible as Local Government Reorganisation develops.

The 2025 Genecon Review recommends replacing the previous Torbay Culture Board with a more democratic, representative, dynamic, and agile structure - the Torbay Cultural Partnership.

Torbay Cultural Partnership: a strategic Board

The Torbay Cultural Partnership will provide cultural leadership, sector coordination, and constructive challenge. It will not duplicate the role of the Torbay Place Leadership Board, Council governance or existing programme boards, rather, provide culture-focused expertise that support the Council's wider socioeconomic aims. The value of the Torbay Cultural Partnership lies in its capacity to connect cultural organisations, communities,

funders, and strategic partners so that cultural activity contributes meaningfully to Torbay's wider place, regeneration, health, skills and economic priorities.

Alongside the regular strategic Board membership, we will invite senior leadership from the Council and public funding body representatives to attend, together with an Independent Critical Friend (ideally, someone from outside Torbay who has experience in developing a similar partnership in a region of the UK with similar demographic challenges).

Recruitment & Governance Principles

- Openness and transparency
- Equality of opportunity and equity of voice
- Geographic balance across Torquay, Paignton, and Brixham
- Representation of young people, diverse communities, and underrepresented groups
- The Cultural Partnership will strengthen accountability by publishing an annual impact report, setting out membership terms, using transparent recruitment processes, and reviewing its governance arrangements regularly.

Partnership Functions

The Torbay Cultural Partnership will:

- Champion culture and heritage and highlight the ways in which these contribute to the Council's wider socio-economic aims
- Coordinate sector collaboration and provide support
- Build organisational capacity
- Support fundraising and advocacy
- Influence policy and regeneration
- Measure and communicate impact e.g. gather participation data and feedback from events and activities
- Actively drive closer connections between culture, the local creative digital economy, health, education and placemaking

Funding and Resourcing the Torbay Cultural Partnership

- **Three-year rolling core funding agreement**
  Year One resourcing will be developed through a clear business plan that distinguishes core coordination costs, community engagement activity, sector capacity-building, evaluation and project development. The funding model will identify confirmed resources, potential partner contributions and future funding asks separately, so that the strategy remains

credible with Council decision-makers, Arts Council England, National Lottery Heritage Fund, Historic England, and local partners.

The funding model recommended in the 2025 Review by Genecon (unconfirmed):

Recruitment of FTE Project Co-ordinator role, including on costs & overheads £52k
Contracting of freelance cultural mobilisers £23k
Business Plan / Strategy & Action Plan Development £12k
Administration & Working Budget £10k
Sector & Community Engagement and Consultation Activities (including participation support costs, specialist support, facilitators, activity practitioners, admin, IT costs, travel) £8k
Total £105,000

- Contributions from Torbay Council, Arts Council England, National Lottery Heritage Fund, Heritage Places, Pride in Place and other strategic partners to be agreed during Year 1; Torbay Place Leadership Board to be mobilised in the first instance (see below).
- Core funding necessary to support a Torbay Cultural Partnership Programme Manager, Cultural Mobilisers, administration, communications, engagement and evaluation.
- Additional project funding sought through: ACE/NLHF grants, creative health commissioning and expanding alternative provision contracts, corporate sponsorship, social value investment, universities and research partnerships.
- Requirement for a three-year business plan and annual funding strategy

Relationship with Torbay Council

The Torbay Cultural Partnership should be independent in its voice and membership, while remaining strategically aligned with Torbay Council's place, regeneration, health, skills, economy and community objectives.

Torbay Council will:

- Be a strategic partner, not owner
- Provide officer and member representation
- Embed culture across regeneration, health, placemaking, and economic development
- Support investment and funding opportunities

Torbay Cultural Partnership will:

- Act as the independent voice of the cultural sector
- Provide constructive challenge, advice, and evidence
- Help to shape cultural and creative policy and delivery
- Connect communities and cultural organisations with decision-makers and vice versa

Year One will focus on creating the *conditions for success* rather than attempting to deliver every ambition immediately. Priority actions should include reviewing governance, establishing the Cultural Partnership, agreeing delivery structures, gathering baseline participation data, strengthening community engagement, developing an investment pipeline, continuing to nurture relationships with Arts Council England, the National Lottery Heritage Fund, Historic England, and supporting organisational capacity across Torbay's cultural and heritage sector.

This strategy's ambitions need to be phased and tested against available capacity, evidence, and resources. Some activity can begin immediately through existing partnerships and programmes; other ambitions will require dedicated coordination, external investment, stronger data, and agreed governance. A phased approach will avoid the strategy becoming a 'wish list' and will give funders confidence that Torbay is committed to leadership, evidence, and the delivery capacity needed for long-term success.

Priority Programmes 2026–2029

1. Creative Torbay: Strengthening Strategic Developments for Culture & Heritage Across Torbay

- **Partnership & Governance:** strengthen the relationship between ACE, NLHF, HE, and Torbay Council through regular engagement and participation in the Torbay Place Leadership Board.
- **Strategic Approach to Culture & Heritage Development:** Acknowledging findings of the 2025 Review by Genecon, this strategy proposes a delivery plan that addresses key challenges and opportunities across Torbay's culture and heritage sector. We aim to strengthen capacity, attract investment, and deliver shared priorities over the next 2–3 years, creating strong foundations for the sector and communities across Torbay to 2036 and beyond.
- **Sector engagement and support:** ACE, NLHF, HE and Torbay Council are committed to engaging with the cultural and heritage sector and providing support through advocacy, capacity-building, and investment.

2. Strengthening Paignton's Creative Ecology

- **Paignton Picture House:** complete the capital project and support PPHT to establish a viable, sustainable operating model, with opening planned for early 2027.

- **Support for Local Organisations:** provide core funding, where possible, to local cultural organisations, to support organisational resilience and long-term sustainability, including capital.
- **Strengthen Paignton's cultural and heritage ecology:** improve the historic character and cultural ecology of the town centre by better connecting programmes such as Pride in Place, Historic England's Heritage At Risk, and Torbay Heritage Place, with the priorities for Arts Council England and Torbay Council's Community & Corporate Plan

3. Developing Torbay's Cultural & Heritage Engagement Offer

- **Enhance Torbay's existing major events** to increase cultural participation and showcase Torbay's creative talent to wider audiences. Focus first on augmenting the Agatha Christie International Festival, Torbay Airshow, Tor Vybz, and Bay of Lights, with locally produced cultural and creative work.

- **Strengthen Torbay's internationally significant museum sector** by supporting accredited museums - Torquay Museum, Torre Abbey, and Brixham Museum; to ensure sustainability, resilience, capital developments, continued relevance, and to improve Torbay's cultural visitor economy.

- **Maximise the value of the English Riviera UNESCO Global Geopark status** by recognising and demystifying its international value to residents through improved signage and inclusion across all aspects of local branding and a diverse range of Geopark experiences.

- **Highlight the Agatha Christie's legacy** to raise the cultural and heritage profile of Torbay, nationally and internationally, to boost local pride in place and vastly increase domestic and international tourism to Torbay.

4. Significant Long-Term Transformation through Culture & Heritage

- **Torquay Pavilion:** building on findings from the Options Appraisal (April 2026), continue to develop the network of stakeholders and funding necessary to identify a viable and sustainable future year-round use for the building, that includes all local communities and attracts visitors.

- **Torre Abbey:** continue to deliver exemplary restoration and enhancement projects and identify further ways to diversify its role in social prescribing and maximise commercial opportunities in ways sensitive to its designation as a scheduled ancient monument.

5. Torbay Heritage Place

- This strategy aligns closely with the updated Torbay Heritage Strategy and the aims and ambitions of the Torbay Heritage Place programme. Torbay Heritage Place is delivered by a cross-sectoral team – the Heritage & Design team and the Culture & Events team. We see the H&D team as focused on built and natural heritage and the C&E team focused on how people engage with and enjoy built and natural heritage – together, we shape and make Torbay Heritage Place.

6. Young Creators Torbay

- Supporting creative learning, career progression, and employment, through better connected creative skills development, paid work experience, and apprenticeships.

7. One Torbay Cultural Marketing Programme

- Promoting the full cultural and heritage offer through a shared identity (Torbay Story, with a new chapter on Culture & Heritage), and coordinated communications approach e.g. an easily navigated website with a clear calendar of events and booking capacity.

Measuring Success

The Torbay Cultural Partnership will publish an annual impact report covering participation and audience reach, engagement from underrepresented communities, community influence and ownership, wellbeing outcomes, volunteer involvement, external investment secured, creative career pathways, organisational resilience, partnership effectiveness, audience development, and the contribution of cultural activity to regeneration outcomes.

2036 Outcome

By 2036 Torbay will be recognised as a place where culture, heritage, creativity, and community are central to civic life and place transformation. Residents will have greater influence over cultural activity; cultural and heritage organisations will be more resilient and better connected; creative pathways will support local talent into rewarding careers, reducing the need for young people to leave Torbay; heritage and creativity will contribute to regeneration and economic prosperity; and the Torbay Cultural Partnership will provide

the leadership, coordination, evidence and advocacy needed to sustain a confident, inclusive and prosperous Torbay.

TORBAY COUNCIL

Report title: Local Outcome Framework - Homelessness and Rough Sleeping Action Plan 2026- 2028

Report to: Cabinet

Date: 24 November 2026

Lead Cabinet Member: Hayley Tranter - Cabinet Member for Adult Social Care and Public Health and Inequalities plus Communities

Email: Hayley.Tranter@Torbay.gov.uk

Lead Director: Anna Coles – Director of Adults and Communities

Email: Anna.Coles@Torbay.gov.uk

1. Summary of Report:

1.1 Torbay Council has an adopted Homelessness and Rough Sleeping Strategy and accompanying action plan. While the strategy is a statutory requirement under the Homelessness Act 2002, the action plan is not currently required by legislation. However, it has provided an important framework for delivery, monitoring and accountability.

1.2 Since the current plan was developed, national requirements have changed. The Government has introduced the Local Outcomes Framework, setting out key homelessness and rough sleeping outcomes that local authorities are expected to achieve and monitor. MHCLG grant funding now also requires local authorities to have an action plan demonstrating how these outcomes will be delivered.

1.3 This report proposes replacing the current action plan with a refreshed *Homelessness and Rough Sleeping Action Plan 2026–2028*. The new plan will align with national requirements, support compliance with funding conditions, and reflect progress made under the previous plan. It also incorporates updated local evidence, including Torbay's Housing Needs Assessment, and has been informed by consultation with MHCLG, council services, statutory partners, voluntary and community sector organisations and people with lived experience where appropriate.

2. Recommendations and Proposed Decision:

2.1 That Cabinet approve the Homelessness and Rough Sleeping Action Plan 2026–2028.

3. Reasons for Recommendations/Proposed Decision:

3.1 The Action Plan responds to updated MHCLG requirements. An action plan demonstrating delivery against the Local Outcomes Framework is now a condition of Homelessness, Rough Sleeping and Domestic Abuse Grant.

3.2 Engagement with council services, statutory partners and voluntary and community organisations has strengthened shared ownership and helped ensure the actions are deliverable across the homelessness system.

4. Background and Context:

4.1 The Government's *A National Plan to End Homelessness* introduced the Local Outcomes Framework (LOF), which focuses on outcomes for residents. The homelessness and rough sleeping measures are:

- Households with children in temporary accommodation per 1,000 households.
- Families in bed and breakfast accommodation for more than six weeks.
- Successful prevention and relief of homelessness.
- Successful prevention and relief for people experiencing multiple disadvantage.
- People sleeping rough on a single night through the autumn snapshot.
- People sleeping rough during the month who are long-term rough sleepers.

4.2 As a condition of homelessness grant funding, MHCLG requires local authorities to set out how they will deliver the LOF measures and associated targets through an Action Plan.

4.3 Torbay's Homelessness and Rough Sleeping Strategy 2024–2030 and existing Action Plan provided a strong foundation. However, as the plan pre-dates the LOF, it has been revised to link local actions directly to the new measures.

4.4 More than 40% of existing actions were completed in the past year. The refresh updates actions to reflect changes in demand, services, national policy and local need, ensuring the plan remains relevant, deliverable and aligned with the Strategy.

4.5 The revised plan is supported by a stronger evidence base, including Torbay's Housing Needs Assessment, improved homelessness and rough sleeping data, and commissioned insight from people with lived experience of homelessness and substance misuse. This evidence has strengthened understanding of local pressures, barriers and emerging needs.

5. Alternative Options Considered:

5.1 An alternative option was to retain the existing Homelessness and Rough Sleeping Action Plan and develop a separate Action Plan to meet the requirements of the Local Outcomes Framework. This option was not recommended as it would create duplication, increase complexity and reduce clarity in relation to delivery and performance monitoring. The preferred option is therefore to adopt a single refreshed Action Plan that incorporates both the LOF requirements and Torbay's wider homelessness and rough sleeping priorities, providing a clear and accountable framework for delivery.

5.2 The content and format of the Action Plan have been developed in accordance with relevant Government guidance.

6. Contribution to Council Priorities:

6.1 The Homelessness and Rough Sleeping Action Plan supports delivery of Torbay Council's Community and Corporate Plan 2023-2043. The Homelessness and Rough Sleeping Strategy 2024-2030 was developed to support the Council's strategic themes. The refreshed Action Plan continues to support these priorities whilst incorporating the requirements of the LOF:

- **Community and People:** Supporting improved health, wellbeing and independence through the prevention and relief of homelessness, reduction in rough sleeping, and increased access to stable housing.
- **Pride in Place:** Supporting stronger, safer and more resilient communities through reduced homelessness and rough sleeping and improved access to suitable accommodation.
- **Economic Growth:** Supporting access to employment, education and training through increased housing stability and reduced impacts associated with homelessness.

7. Consultation and Engagement:

7.1 The Action Plan has been informed by engagement with MHCLG, Council services, statutory partners, and voluntary and community sector organisations.

7.2 The MHCLG Homelessness Adviser reviewed the draft Action Plan and provided feedback on the proposed LOF targets and MHCLG expectations.

7.3 The Homelessness and Rough Sleeping Forum considered the LOF and associated outcome measures through a partner workshop held in July 2026. Actions within the refreshed Action Plan were developed collaboratively, with lead organisations and supporting partners identified where appropriate.

8. Implications:

8.1 Financial Implications:

8.1.1 Any expenditure arising from delivery of the Action Plan beyond existing operational activity will be subject to a business case and considered through the Council's appropriate governance and decision-making processes.

8.1.2 Approval of the Action Plan will support compliance with MHCLG grant funding requirements and the delivery of the LOF. The Action Plan will provide a framework for coordinating homelessness and rough sleeping activity and targeting available funding towards agreed priorities. Effective delivery may also help reduce demand for high-cost interventions, including temporary accommodation and rough sleeping services, through earlier prevention and improved housing outcomes.

8.2 Legal Implications:

8.2.1 Maintaining an Action Plan aligned to LOF is a condition of MHCLG homelessness funding. Failure to do so could place future funding at risk. There are no other significant legal implications arising from the recommendations in this report

8.3 Corporate Parenting/Children and Young People:

8.3.1 Children's Services have been consulted in the development of the Action Plan. The Local Outcomes Framework includes measures relating to families in temporary accommodation and bed and breakfast accommodation. In setting local targets and actions, consideration has been given to wider outcomes for children and families across the Council, supporting a whole-system approach to preventing homelessness and maintaining housing stability.

8.3.2 Further consideration of impacts on care leavers, families, and young people is set out within the Equality Impact Assessment.

8.4 Associated Risks, Risk Tolerance Level and Mitigations:

8.4.1 The risks of not approving the recommendations include non-compliance with funding requirements, reduced strategic oversight of homelessness and rough sleeping activity, and the potential loss of future grant funding. Overall risk exposure is assessed as acceptable within the Council's risk tolerance appetite.

Risk	Risk score before mitigations	Mitigations	Risk Score after mitigations
LOF targets may not be achieved due to changes in demand, housing market conditions, funding, or wider system pressures.	(4x3) 12	Targets have been developed using historical performance data, current evidence, local intelligence, and partner input. Progress will be monitored through existing governance arrangements, with actions reviewed and adjusted where required.	(3x3) 9
The Action Plan may become less relevant following proposed LRG due to changes in geography, need, priorities, or resources.	(4x3) 12	The Action Plan will be subject to regular review and updated as required. A revised Action Plan can be developed to reflect any new authority arrangements.	(2x2) 4
Failure to adopt the Action Plan could result in non-compliance with MHCLG funding conditions and place future homelessness funding at risk.	(5x4) 20	Adoption of the Action Plan will ensure compliance with current funding requirements and demonstrate how Torbay intends to deliver against LOF.	(1x4) 4

8.5 Contributions to tackling climate change or achieving carbon neutrality:

8.5.1 There are no significant climate change implications.

8.6 Social Value Considerations:

8.6.1 The Action Plan will deliver social value through the prevention and relief of homelessness, helping residents to sustain accommodation and achieve more stable housing outcomes. It is also expected to reduce rough sleeping, improve wellbeing, and support better outcomes for individuals and families.

8.6.2 Through partnership working, the Action Plan will support access to accommodation, support services, employment, training and financial resilience, helping residents at risk of, or experiencing, homelessness to achieve greater independence and economic participation.

8.7 Procurement Implications:

8.7.1 Delivery of individual actions may require future commissioning or procurement activity, including activity linked to the Rough Sleeping Programme. Procurement support will be required to support delivery against programme milestones and commissioning requirements scheduled for July 2027. Any procurement activity will be undertaken in accordance with the Council's procurement and governance processes.

8.8 Other Implications:

8.8.1 A separate proposal has been developed to address the requirements of the Government's Rough Sleeping Programme. Relevant actions and requirements have been incorporated within this Action Plan and referenced throughout where appropriate. As a result, delivery of specific elements of the Plan will be subject to enhanced monitoring, performance reporting and grant funding requirements.

9. Equalities Impact Assessment:

Protected characteristics under Equality Act /groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe
Age	Torbay population: 18% under 18; 55% aged 18–64; 27% aged 65+. Housing Options approaches, Jan–Sep 2026: 1.3% under 18; 90.5% aged 18–64; 8.2% aged 65+.	B&B for families, strengthening homelessness prevention, and improving access to support. Children, young people and older people may continue to face barriers arising from temporary accommodation, housing affordability, accessibility of services, and accommodation suitability. Actions include Early Help, improved access to Housing Needs and RSI services, and ongoing monitoring of temporary accommodation.	Monitor family placements and avoid B&B stays exceeding six weeks. Use Early Help and youth pathways to identify housing risks early. Provide face-to-face access to Housing Needs and RSI support. Consider age-related needs when assessing accommodation suitability. accommodation suitability, including children's schooling, older people's mobility, health, care, and support networks.	See Action Plan.
Carers	2021 Census: 14,900 unpaid carers in Torbay; 5,185 provided 50+ hours of care.	Improves prevention and support for carers, who may face access barriers or disruption to caring arrangements where temporary accommodation is unsuitable or distant from essential services and support networks.	Identify caring responsibilities throughout housing support.	See Action Plan.

			Consider caring responsibilities when assessing accommodation suitability. Provide flexible, accessible Housing Needs support, including face-to-face appointments.	
Care experienced	January 2026: 277 former care experienced people aged 18–24 in Torbay. Care experienced young people face increased homelessness and housing insecurity. The Children's Wellbeing and Schools Act 2026 protects relevant care leavers under 25 from intentional homelessness decisions. Updated guidance emphasises joint housing and Children's Services protocols for care leavers.	Supports earlier prevention, clearer pathways and stronger partnership working for care experienced young people, who may still face financial, practical and support barriers to sustaining accommodation.	Maintain the Care Experienced Lead role, strengthen joint working and ensure housing support reflects care leaver legislation and individual needs.	See Action Plan.
Disability	2021 Census: 23.9% of residents reported activity-limiting health conditions.	Supports more suitable specialist accommodation. Disabled people may still face accessibility, communication and support barriers, increasing the risk of placement breakdown or homelessness.	Use evidence to procure suitable accommodation, assess disability and support needs, provide accessible services and monitor outcomes.	See Action Plan.
Gender reassignment	2021 Census: 0.4% reported a gender identity different from sex registered at birth.	Respectful, safe and trauma-informed services should improve access. Trans people may still face discrimination, safety,	Provide respectful, trauma-informed support; consider safety, privacy and dignity in placements; apply current guidance; and	See Action Plan.

	The Supreme Court judgment and updated EHRC guidance affect consideration of single-sex services. Past six months: three rough sleepers identified with a different gender from that assigned at birth.	privacy, accommodation and healthcare barriers.	handle identity documents sensitively.	
Marriage and civil partnership	2021 Census: 44.2% of residents aged 16+ were married or in a civil partnership. Housing Options, Jan–Sep 2026: domestic abuse caused 13.9% of homelessness; relationship breakdown 8.9%.	Strengthens prevention following relationship breakdown or domestic abuse. Housing, financial, discrimination and accommodation barriers may remain.	Strengthen domestic abuse prevention and pathways and ensure staff can identify and address discrimination.	See Action Plan.
Pregnancy and maternity	2013–2024 birth rate: Torbay 56.0 per 1,000, South West 53.4 and England 56.3. 2022–2024: Torbay's rate was 44.6, below England's 50.0.	Supports low B&B use and self-contained accommodation for families. Location, health, transport and overlapping support needs may still affect pregnant people and families.	Prioritise self-contained accommodation, consider pregnancy and family needs, and use Early Help links to identify housing risk early.	See Action Plan.
Race	2021 Census ethnicity: • Asian: 1.6% • Black: 0.3% • Mixed/multiple: 1.5% • White: 96.1% • Other: 0.4% • Minoritised ethnic communities are more likely to live in Torbay's most deprived areas.	Minoritised ethnic communities may face language, cultural, discrimination and harassment barriers affecting access, placements and housing outcomes.	Provide accessible information and interpretation, consider cultural and safety needs, address discrimination and monitor outcomes by ethnicity.	See Action Plan.

Religion and belief	2021 Census religion/belief: • Christian: 48.5% • Buddhist: 0.4% • Hindu: 0.2% • Muslim: 0.6% • Sikh: <0.1% • Jewish: 0.1% • Other religion: 0.7% • No religion: 43.2% • Not stated: 6.3%	Face-to-face support may improve access, although faith-based venues, religious needs and harassment may create barriers for some people.	Ensure support is non-conditional, offer alternative access, consider religious needs and respond to related discrimination or harassment.	See Action Plan.
Sex	Torbay population: 51.3% female;48.7% male. Housing Options, Jan–Sep 2026: 55.3% male; 43.4% female. Rough sleeping, Jan–Sep 2026: 74% male; 26% female. The Supreme Court's definition of sex is relevant to single-sex services.	Improves understanding and support for women's and men's differing experiences of rough sleeping. Safety, visibility and sex-specific accommodation needs may affect outcomes.	Use census and lived-experience evidence, trauma-informed practice and sex-specific safety, privacy and dignity considerations.	See Action Plan.
Sexual orientation	2021 Census sexual orientation: • Straight/heterosexual: 89% • Gay/lesbian: 1.7% • Bisexual: 1.1% • Pansexual: 0.1% • Other: 0.1% • Not stated: 7.4%	Improves early prevention and access. LGBQ+ people may still face discrimination, harassment, family rejection, abuse and barriers within accommodation or services.	Provide inclusive, trauma-informed support, record information sensitively, address discrimination and consider safety and privacy in placements.	See Action Plan.

Armed Forces Community	Veterans: England 3.8%; Torbay 5.9%.	Veterans may face additional health, trauma and support barriers. Failure to identify veteran status may limit access to specialist advice and housing options.	Ensure staff understand veterans' housing needs and strengthen links with specialist support and accommodation services.	See Action Plan.
Socio-economic impacts (Including impacts on child poverty and deprivation)	IMD 2025: Torbay is England's 39th most deprived upper-tier authority.	Poverty, additional living costs, digital exclusion, transport barriers and limited affordable housing may restrict access and housing outcomes.	Provide non-digital access, consider affordability and essential connections when assessing placements, and monitor poverty-related barriers.	See Action Plan.
Public Health impacts (Including impacts on the general health of the population of Torbay)	Life expectancy gap between Torbay's least and most deprived areas: six years for males; three for females. Stable accommodation among treatment cohorts fell from 86% in 2019 to 67% in 2025; national performance remained stable. Leonard Stocks Centre: 95–100% of residents have drug or alcohol challenges.	Accessible support may improve engagement for people with health, trauma, substance use or multiple disadvantage, who remain at greater risk of homelessness and crisis.	Use vulnerability, pathway and lived-experience evidence to target coordinated support and ensure accommodation reflects health, recovery and safety needs.	See Action Plan.
Human Rights impacts	Relevant rights include life, dignity, private and family life, property and non-discrimination.	Rough sleeping and unsuitable placements may affect safety, dignity, health, family life and access to support, particularly for people with complex needs.	Consider dignity, safety, health, family life and support networks in placements; limit family B&B use; and target support to those at greatest risk.	See Action Plan.

Child Friendly (Children's Rights Impact Assessment (CRIA)		Supports prevention, low B&B use and self-contained family accommodation. Temporary placements may still disrupt children's education, health, routines and support, particularly for those with additional needs.	Avoid family B&B stays over six weeks, monitor placements, consider children's needs and use Early Help to prevent crisis.	See Action Plan.

10. Cumulative Council Impact:

10.1 The Action Plan supports a whole-Council approach to preventing and relieving homelessness. It is expected to improve housing stability, reduce repeat homelessness, strengthen partnership working, and support more effective use of resources through reduced reliance on crisis interventions and temporary accommodation.

11. Cumulative Community Impact:

11.1 The Action Plan is expected to deliver positive community outcomes through preventing homelessness, reducing rough sleeping, and supporting residents to access and sustain suitable accommodation. Delivery through partnership working across statutory, voluntary, community and housing sector organisations will support improved housing stability, reduced repeat homelessness, and better outcomes for individuals and families.

11.2 The Action Plan is also expected to contribute to improved health and wellbeing, increased opportunities for employment, education and training, and stronger, more resilient communities. Collectively, these outcomes will support safer, healthier and more inclusive neighbourhoods.

12. Monitoring and Evaluation:

12.1 Delivery of the Action Plan will be monitored through existing governance and performance management arrangements. The Action Plan will be subject to regular review to ensure that actions, targets and priorities remain relevant to local needs, national requirements and organisational priorities.

12.2 Each action within the Plan has an identified lead, supporting partners where appropriate, and a target completion date. Progress will be recorded through a dedicated action plan tracker, with quarterly updates completed to assess delivery against agreed actions and milestones.

12.3 The Local Outcomes Framework measures have been incorporated into Torbay Council's existing performance management framework and included within relevant corporate performance indicators and monthly management reporting processes. This ensures that progress against the LOF is monitored through established Council governance arrangements, alongside other corporate priorities, rather than through a separate reporting mechanism.

12.4 Finally, quarterly progress reports on action plan delivery and performance against the LOF targets will be reviewed through the Homelessness and Rough Sleeping Forum Steering Group, providing oversight, identifying barriers to delivery, and enabling corrective action where required.

Background Documents:

Homelessness and Rough Sleeping Strategy 2024-2030.pdf

Housing Needs Assessment- corporate assessment of organisational needs

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TORBAY COUNCIL



Torbay Homelessness and Rough Sleeping Action Plan

Local Outcomes Framework 2026-2028

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1 Background and Purpose of Action Plan

Torbay is a coastal unitary authority comprising the towns of Torquay, Paignton, and Brixham, with a population of approximately 139,500[1]. Preventing and reducing homelessness and rough sleeping continues to be an important priority for Torbay Council, supporting the Community and Corporate Plan's ambition for a healthy, happy, and prosperous Torbay, particularly through its focus on improving residents' wellbeing, creating stable homes, and reducing inequalities.

In December 2025, the Ministry of Housing, Communities and Local Government (MHCLG) published a new national homelessness strategy, *A National Plan to End Homelessness*, which set out ambitions to make homelessness rare, brief, and non-recurring by strengthening prevention across public services, increasing access to stable housing and support, and taking targeted action to halve long-term rough sleeping. The strategy also introduced a new Local Outcomes Framework (LOF) covering a range of local government services and priorities. In relation to homelessness and rough sleeping, councils will be required to set local targets, publish regularly updated action plans, and demonstrate measurable progress in preventing homelessness and reducing rough sleeping.

Whilst Torbay already had a Homelessness and Rough Sleeping action plan, that set out how the Homelessness and Rough Sleeping Strategy 2024-2030 would be delivered, it did not include the new LOF targets, and therefore a revision was required. This document sets out the new action plan, including the LOF targets Torbay has set, and the actions that have been developed to meet these targets.

Torbay's homelessness response extends beyond Local Authority provision, working in collaboration with local statutory, community, voluntary and faith organisations to support those at risk of or experiencing homelessness. In 2025, the Torbay Homelessness and Rough Sleeping Forum was established, bringing together over 35 organisations to coordinate action and contribute to the shared ambitions of preventing and reducing homelessness in Torbay. This partnership approach is reflected throughout the action plan and will be central to its delivery.

[1] Torbay Joint Strategic Needs Assessment, 2025/2026

1.1.1 Homelessness in Torbay

Homelessness remains a significant challenge in Torbay. Local rates of homelessness are more than twice the national and South West averages, while levels of rough sleeping also exceed regional and national benchmarks[2].

1417 households approached the Council for homelessness assistance between 2025-2026, representing a 44% increase from the year before, and the trend has continued into 2026/2027. The immediate reasons for homelessness vary depending on the point at which households seek support. The most recent HCLIC data[3] shows that between January and March 2026, the ending of a private rented tenancy was the most commonly recorded reason among households owed a prevention duty, accounting for 58% of cases, and this has continued to be the trend throughout 2026[4] and 2025. Most of these cases involved landlords wishing to sell or re-let their properties, highlighting the effect of instability within the private rented sector on households at risk of homelessness.

Among households already homeless and owed a relief duty, the pattern was more varied. Domestic abuse was the most commonly recorded immediate reason for the loss of the last settled home, accounting for 23% of cases. This was followed by family or friends being unable or unwilling to continue providing accommodation at 18%, non-violent relationship breakdown at 15%, and the loss of private rented accommodation at 21%. A further 4% of households had been evicted from supported housing. No single reason accounted for a majority of relief duties, demonstrating the range and complexity of pathways into homelessness. These trends have continued throughout 2026, with the same drivers represented in September 2026[5].

Demand for temporary accommodation also remains high. At the end of August 2026, approximately 174 households were living in temporary accommodation, comprising 64 families and 110 single-person households, a 6% increase from August 2025[6]. Despite this pressure, Torbay has consistently maintained no families in bed and breakfast accommodation beyond the six-week statutory limit.

Rough sleeping continues to be a particular concern. In August 2026, 23 people were recorded as sleeping rough on any one night (with an average of 18 across 2026), while 56 different people

[2] LGA Inform, 2026
[3] National case-level data on statutory homelessness, January-March 2026 reporting period. Tables on homelessness - GOV.UK
[4] Housing Options Service Data, September 2026
[5] Housing Options Service Data, September 2026
[6] Monthly service data

were recorded as sleeping rough at some point during the month (with an average of 50 across the year)[7] . The 2025 annual rough sleeping snapshot identified 26 people sleeping rough on a single night. The difference between these measures shows that a single-night count does not capture everyone who experiences rough sleeping over a longer period, with people moving into and out of rough sleeping during the month.

Overall, the evidence highlights pressures across the homelessness system, from households approaching for early assistance through to the continued use of temporary accommodation and rough sleeping. The action plan therefore focuses on strengthening prevention and relief outcomes, reducing the number of families in temporary accommodation, improving move-on into settled housing, and minimising both new and long-term rough sleeping, in alignment with the Local Outcomes Framework.

1.1.2 Challenges in Torbay

Torbay faces a number of structural and system-wide challenges that affect its ability to prevent homelessness, reduce rough sleeping, and support timely move-on into settled accommodation.

Limited social and affordable housing supply

Torbay has a limited supply of social and affordable housing meaning move-on into social housing is constrained and often slow. Social housing accounts for around 8%[8] of housing stock in Torbay, compared with a national average of 16%[9] . The Devon Home Choice Monitoring Report (2026) shows that 1648 households in housing need were registered for Devon Home Choice in Torbay, with the greatest need for 1-bedroom properties. This broadly reflects the position across Local Authorities in Devon (except Plymouth and North Devon where the need for 2-bedroom properties is higher). Torbay receives on average 455 new applications for Devon Home Choice per quarter[10].

However, the number of homes let through Devon Home Choice has been decreasing yearly since 2020/2021. In the first quarter of 2026, just 26 homes were let in Torbay. Delivery of affordable and social housing has also declined since 2013.

[7] Monthly service data.
[8] ONS **Census** 2021
[9] **English Housing Survey** 2024 to 2025
[10] Devon Home Choice Monitoring Report, July 2026

High demand, combined with historically low delivery of new affordable housing, has placed significant pressure on Torbay's social housing supply. However, the Community and Corporate Plan and Housing Strategy set goals to increase and make better use of Torbay's housing stock, including innovative approaches to delivering more social housing. This is explored further in section 1.1.3.

Private rented sector affordability and access

The private rented sector is an important route for preventing and relieving homelessness in Torbay, but affordability remains a major challenge. Around 42% of households renting privately rely on Universal Credit Housing Costs Element[11] (which has replaced Housing Benefit for most working-age households), compared with a national average of 25% and a regional average of 26% [12]. Local rents are significantly above Local Housing Allowance rates, reducing the availability of affordable options for households at risk of homelessness. The end of a private rented tenancy remains a major driver of homelessness locally, accounting for around 39% of homelessness approaches in Torbay[13].

High levels of support need and multiple disadvantage

Homelessness in Torbay is frequently associated with multiple and complex support needs. The Torbay Housing Needs Assessment 2025-2030 found that seven in ten homeless households have at least one identified support need and two in five have three or more support needs. Compared with the national average, households owed a homelessness prevention or relief duty in Torbay are significantly more likely to have a history of mental ill-health (45% compared with 26%), physical ill-health or disability (34% compared with 19%), domestic abuse (20% compared with 12%), offending (18% compared with 8%), and rough sleeping (17% compared with 6%)[14]. These factors can create additional barriers to accessing and sustaining accommodation and highlight the importance of coordinated trauma-informed responses across housing, health, social care and community services.

The Torbay Joint Strategic Needs Assessment (JSNA) highlights opportunities to improve health, educational, and social outcomes across the Bay. It identifies Torbay as the most deprived local authority area in the South West and shows that outcomes remain consistently poorer than the

[11] Universal Credit Housing Costs Element data does not include all households receiving support with housing costs. Some households continue to receive Housing Benefit, including many pension-age households and some residents of supported accommodation.
[12] LG Inform, May 2026
[13] Housing Options service data, January 2026-September 2026
[14] Torbay Housing Needs Assessment, 2026

England average. Significant inequalities also exist between communities within Torbay, including an almost eight-year gap in life expectancy between residents living in the most and least affluent areas.

Wider system and legislative pressures

Alongside other local authorities, Torbay is responding to significant legislative and policy change, including the Renters' Rights Act 2025, the Children's Wellbeing and Schools Act 2026, and the Supported Housing (Regulatory Oversight) Act 2023, all of which are designed to improve accessibility and quality of accommodation. Locally, the delivery of this Action Plan will take place alongside wider organisational change. These changes form part of a wider period of transformation across local government and partner agencies, providing an important context for the delivery of this Action Plan and reinforcing the need for strong partnership working and effective strategic planning.

1.1.3 Opportunities for growth in Torbay

Despite these challenges, Torbay has a number of opportunities to strengthen homelessness prevention, improve housing pathways, and develop accommodation and support that is better aligned to local need.

Improving housing supply and quality

The Torbay Housing Strategy outlines the upcoming plans for increasing accessibility to housing in Torbay, including:

- Delivering new homes through partnerships with Homes England, landowners, registered providers, and local communities.
- Maximising existing social housing through Devon Home Choice and the Rightsizing and empty homes project

Affordable housing delivery is up by 1044%, from 9 homes in 2023/2-24 to 103 homes in 2025/2026.There are currently 484 affordable housing units at various stages in the planning process, with the potential to be build out within the next 5-10 years.

In addition, Torbay Council is using increased enforcement activity through the Renters Rights Act powers to challenge poor housing conditions, landlord behaviour, and illegal evictions for those living in private rented properties. Finally, new units of specialist Temporary Accommodation are being explored following the Housing Needs Assessment. These actions provide an opportunity to

improve both the availability and quality of accommodation options across the homelessness pathway, including prevention, temporary accommodation, supported accommodation, and move-on.

Aligning Accommodation and Support with Local Need

A recent cross-directorate Torbay Housing Needs Assessment identified the housing needs of those experiencing homelessness or housing insecurity in Torbay. This assessment provides a robust evidence base of current and future housing need in Torbay, enabling the Council and to make better-informed decisions about where investment is required, helping to ensure that future housing development is targeted and aligned to local need.

A further piece of Insights research has complemented the Housing Needs Assessment by exploring the experiences of people experiencing homelessness who also have drug and alcohol support needs. The findings suggest that current accommodation and support options do not always meet people's recovery needs. The research also highlighted that people at different stages of recovery require different types of housing and support environments, reinforcing the need for a broader range of accommodation options and clearer pathways through the system.

Together, these two pieces of work enable Torbay to focus on developing the right housing, in the right places, with the right support, based on a clearer understanding of both housing need and lived experience. This will help ensure future investment is directed towards accommodation and support that better meets local need and improves outcomes for residents.

1.1.4 Action Plan

As per the Homelessness Act (2002) and the Homelessness Code of Guidance, Torbay already has a Homelessness and Rough Sleeping Strategy and an Action Plan that sets out how this strategy will be delivered. The Torbay Homelessness and Rough Sleeping Action Plan is regularly reviewed to monitor delivery.

The purpose of this Action Plan is to support delivery of the targets within the new Local Outcomes Framework for homelessness and rough sleeping in Torbay, as per the requirements set out by MHCLG in the *Homelessness, Rough Sleeping and Domestic Abuse Grant*. It sets out the local targets, the evidence and rationale used to establish them, the actions required to achieve them, and the governance arrangements that will be used to monitor progress and performance. This Action Plan complements other relevant documents, strategies, and action plans within Torbay Council, including but not limited to:

- Homelessness and Rough Sleeping Strategy, 2024-2030
- Homelessness and Rough Sleeping Action Plan 2024-2026[15]
- Torbay Housing Needs Assessment
- Torbay Housing Strategy 2023-2030
- Torbay Joint Strategic Needs Assessment 2025/26
- Torbay Domestic Abuse and Sexual Violence Strategy 2023-2030

Relevant documents can be found in Appendix 7.3.

2 Targets

The Local Outcomes Framework has been set nationally by MHCLG and provide a consistent basis for measuring homelessness and rough sleeping outcomes across local authorities. MHCLG will use H-CLIC submissions, monthly rough sleeping returns, and the annual rough sleeping snapshot to monitor performance against these measures. Local monitoring arrangements are set out in Section 5.1.2.

This section sets out the targets within the Local Outcomes Framework and the baseline against which progress will be measured. Where there are known limitations in the baseline data, it provides the relevant context and outlines the work being undertaken to improve data quality moving forward. This section also explains the rationale and methodology used to determine the overall targets and interim government checkpoints for Torbay. The actions that will support delivery of these targets are set out in Section 2.5.

[15] This Action Plan builds on the progress established through the 2024-2026 Action Plan and sets out the priorities and actions for 2026-2028.

Local Outcome	Baseline	Current Position (Sept 2026)	Annual Checkpoint 2 (Sept 2027, Nov 27 for RS)	Final Target (Sept 2028 for HCLIC, Nov 28 for RS)
Households with Children in Temporary Accommodation - Per 1000 households	0.98	1.01	0.95	0.87
Families in B&B over 6 weeks - Number of households	0	0	0	0
Success at preventing and relieving homelessness - % of all duties owned where homelessness was prevented or relieved	31%	33%	48%	50%
Success at preventing and relieving homelessness for those experiencing multiple disadvantages - % of all duties owned where homelessness was prevented or relieved	29%	Data unavailable	45%	47%
People sleeping rough on a single night (autumn snapshot) - number of people	26	26	25	20
People sleeping rough over the month who are long term - Number of people	8	22	6	4

Table 1: Summary of Targets for Local Outcomes Framework. Further detail can be found in the definitons table in Appendix 7.1.

2.1 Benchmarking

To support performance management, this Action Plan uses benchmarking data from other local authorities that are considered demographically similar. Comparator authorities have been selected by MHCLG based on characteristics shared with Torbay including but not limited to population, indices of multiple deprivation, mediation house prices, and evictions (number of court orders).

Where possible, this benchmarking has informed target setting by providing an evidence base of performance achieved in comparable areas, helping to ensure that targets are both realistic and appropriately ambitious. However, as some of these metrics are newly introduced, comparative data is not yet available across all local authorities. The following comparator authorities were selected by MHCLG to provide a benchmarking group.

Local Outcome	Torbay	Isle of Wight	Fenland	Kings Lynn and West Norfolk	East Lindsey
Households with Children in Temporary Accommodation Per 1000 households	62 0.98	176 2.64	21 Data Unavailable	8 Data Unavailable	23 Data Unavailable
Families in B&B over 6 weeks - Number of households	0	2	0	0	0
Success at preventing and relieving homelessness - % of all duties owned where homelessness was prevented or relieved	31.0% 112 households	57.5% 100 households	81.5% 75 households	58.3% 63 households	61.2% 123 households
Success at preventing and relieving homelessness for those experiencing multiple disadvantages - % of all duties owned where homelessness was prevented or relieved	29% (number individuals unknown gov estimate)	Data Unavailable New Indicator	Data Unavailable New Indicator	Data Unavailable New Indicator	Data Unavailable New Indicator
People sleeping rough on a single night (autumn snapshot) - Number of people	26	10	7	1	12
People sleeping rough over the month who are long term - Number of people	8	Data Unavailable	Data Unavailable	Data Unavailable	Data Unavailable

Table 2 Benchmarking Metrics of LOF Comparator Local Authorities

While the MHCLG benchmarking group provides a useful national comparator, Torbay also uses LG Inform data to benchmark performance against its CIPFA Nearest Neighbours. This statistical model identifies local authorities with characteristics similar to Torbay, helping to provide a more comparable peer group for understanding relative performance against Local Outcomes Framework measures. The following local authorities are included within Torbay's CIPFA Nearest Neighbours group: North East Lincolnshire; North Somerset; Cumberland; North Tyneside; York; Darlington; Wirral; Sefton; Calderdale; Warrington; Stockport; Bournemouth, Christchurch and Poole; Bury; Isle of Wight; and Southend-on-Sea.

Exeter and Plymouth have also been included as additional comparators due to their geographical proximity and their role as the nearest major cities to Torbay. While not part of the CIPFA Nearest Neighbour group, they provide a valuable regional benchmark and reflect authorities that members and stakeholders commonly use for comparison. Their inclusion also provides context within the changing local government landscape.

2.2 Households with Children in Temporary Accommodation

Baseline Data Context and Quality Considerations

There are no concerns surrounding the accuracy of this data.

Rationale and Approach to Target Setting

Torbay's baseline position for the rate of households with children in temporary accommodation is 0.98 per 1,000 households, which equates to 62 households. The graph below shows the number of households in TA on any one night over a two-year period. Over this period, the average number of families is 68, with the numbers in Temporary Accommodation fluctuating throughout this period but showing a consistent increase of the total number in TA across the past six months.

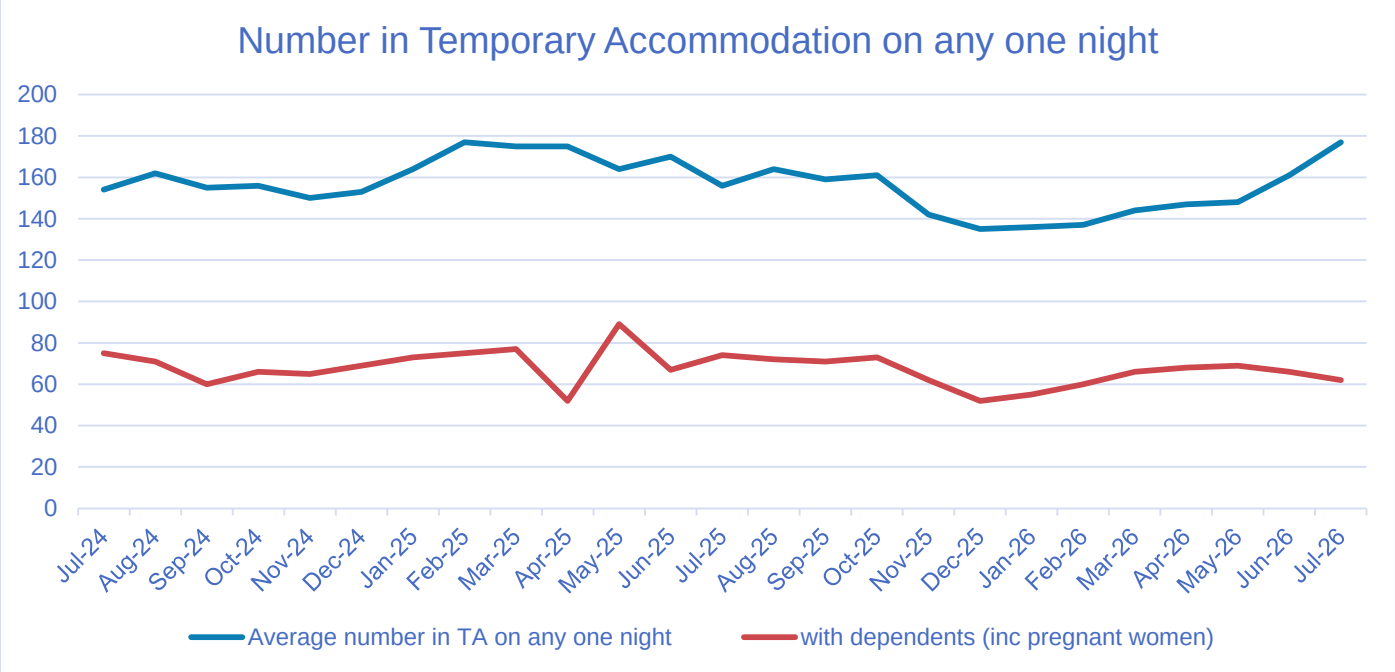

Figure 1: The Number of Households in Temporary Accommodation on any one night

Data Source: Torbay Housing Options Service Data

Figure 2 below shows the proportion of dependents in Temporary Accommodation. Whilst overall TA use has risen in recent months, the number of households with dependent children in TA remains lower than in previous years, suggesting that recent growth has been driven primarily by non-family households.



Figure 2 The Proportion of Households with dependent children (families) in Temporary Accommodation. Date source: Torbay Housing Options Service Data

Understanding the reasons households lose their settled accommodation provides further context for pressures on homelessness services. Among approaches in 2026 where a reason was recorded, the ending of a private rented tenancy was the most common reason for loss of settled home, accounting for 39.0% of cases[16]. This was followed by domestic abuse (13.9%) and family no longer being willing or able to accommodate (13.1%).

Whilst understanding the local and historical context forms part of the picture, it is also helpful to look at performances in other Local Authorities. The following graph shows Torbay's performance against the CIPFA nearest neighbourhood comparator authorities, as of July 2026.

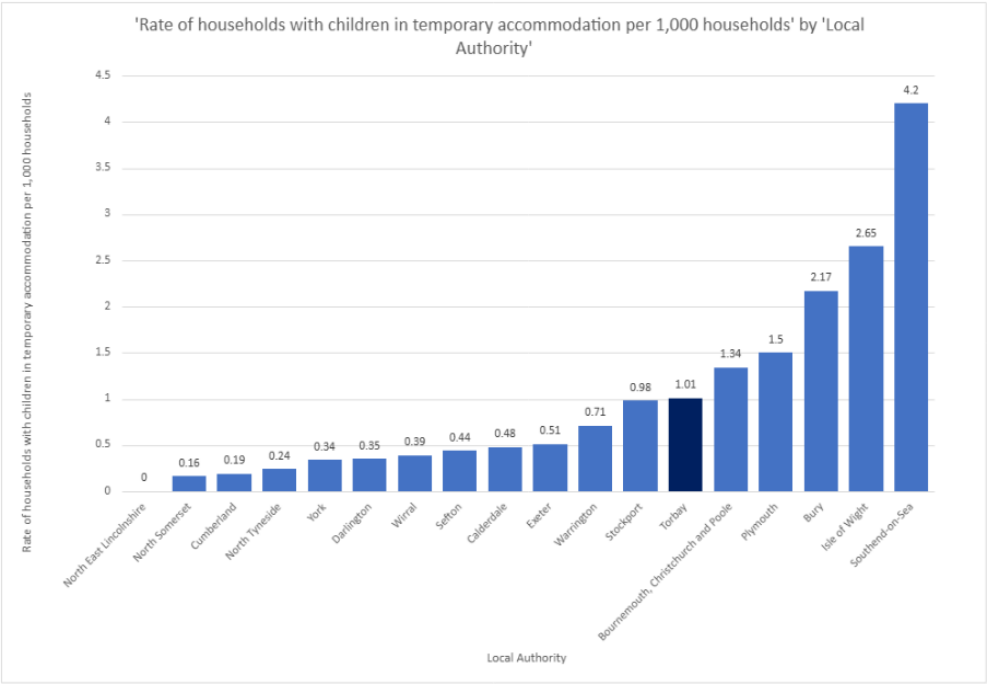

Figure 3 CIPFA performance comparison for families in temporary accommodation per 1000 households. Data source: LG Inform, using HCLIC 2025/26 Q4 (1 January-31 March 2026)

[16] Housing Options service data, January 2026-September 2026

Torbay has shown a decline in performance since the November 2025 0.98 baseline figure of households with children in temporary accommodation per 1000 households (62 families). Therefore, the targets reflects the need to first recover to, and then improve upon, baseline performance. The first target is 0.95 (60 families), reducing further to a final target of 0.87 (55 families).

The target trajectory firstly reflects that there are several factors which may influence the number of families approaching the Housing Options Service and requiring temporary accommodation. Increased prevention and early intervention activity, including work to raise awareness of the service, strengthen access to support, and encourage earlier help-seeking, may increase the identification of housing need at an earlier stage. This means that improvements in prevention activity may not translate immediately into reduced demand for homelessness services or temporary accommodation. Over the longer term, effective prevention should increase opportunities to resolve housing difficulties before homelessness occurs and reduce the need for temporary accommodation.

Demand is also influenced by circumstances that may be less directly influenced by housing interventions alone. Domestic abuse is a significant driver of homelessness locally, and households may approach Torbay after leaving accommodation in other areas. Whilst individual presentations cannot always be prevented, there is scope for wider partnership activity to better understand and address the relationship between domestic abuse, homelessness, and temporary accommodation. This includes strengthening the evidence base around where households have approached from and the factors influencing their decision to seek assistance in Torbay, alongside wider preventative activity delivered through the Domestic Abuse and Sexual Violence Strategy.

Secondly, the need for temporary accommodation for families should be understood within Torbay's wider approach to preventing housing instability and avoiding more disruptive accommodation arrangements. Where a family is found to be intentionally homeless, there is a potential need for accommodation to be provided through Children's Services under Section 17 of the Children Act 1989. Partnership working between Housing and Children's Services, however, has helped to significantly reduce the need for families to be accommodated through this route. This has been achieved through a dedicated Early Help team that works closely with families to maintain their temporary accommodation This has contributed to a 64% reduction in the number of intentionally homeless decisions made for families in 2025 compared to 2024, with the reduction sustained into 2026.

As a result, more families have been supported to remain in temporary accommodation while appropriate housing solutions are identified, avoiding more disrupting accommodation

arrangements and providing greater stability for families. This approach also supports another Local Outcomes Framework target to eliminate the use of bed and breakfast accommodation for families beyond the six-week statutory limit.

However, the overall ambition is to improve performance by reducing the number of families requiring temporary accommodation and enabling those who do enter temporary accommodation to move on into sustainable housing more quickly. This will be achieved through the actions set out in 2.6, including earlier intervention activity such as increased use of Family Group Planning to support families to remain in their existing accommodation or avoid the need for council provided accommodation where possible. The Early Help team will continue to help families sustain temporary accommodation whilst identifying suitable move-on options, as well as supporting families to sustain their new homes and reducing the risk of repeat homelessness.

Increasing access to social and affordable housing, and improving access to the private rented sector, will increase the suitable move-on options for families. Alongside this, improved data sharing between Housing and Children's Services, will strengthen performance monitoring and provide a clearer understanding of how families move into, through, and out of temporary accommodation, supporting more targeted interventions and ongoing service improvement.

Together these measures are intended to support a sustained reduction in the number of families in temporary accommodation, while ensuring that improvements are achieved through appropriate and sustainable housing outcomes.

2.3 Families in B&B's over 6 weeks

Baseline Data Context and Quality Considerations

There are no concerns surrounding the accuracy of this data.

Rationale and Approach to Target Setting

This is an area of strong performance for Torbay, with effective processes and partnership working already in place to minimise the use of bed and breakfast accommodation for families and to move households into more suitable accommodation as quickly as possible. Figure 4 shows that Torbay is one of eight local authorities performing well against this measure, outperforming the remaining 10 authorities within the CIPFA comparator group used to benchmark performance in this report.

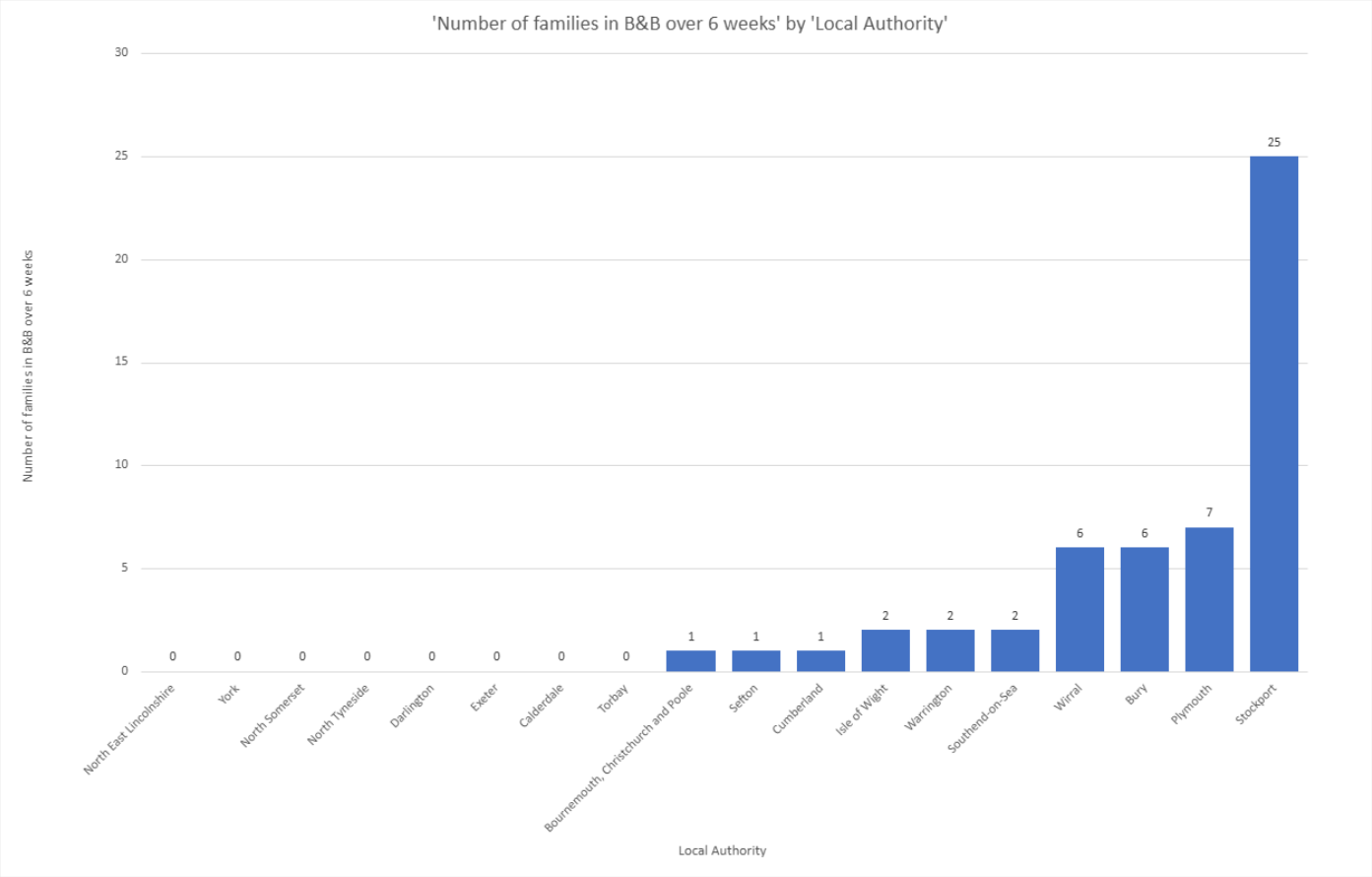

Figure 4 CIPFA Number of Families in B&B over 6 weeks.

Data source: LG Inform, using HCLIC 2025/26 Q4 (1 January-31 March 2026)

Torbay has sustained this strong performance throughout 2026, with no families accommodated in B&B's for longer than six weeks at any point during the year[17]. Building on this position, Torbay's ambition is to eliminate the use of B&B's altogether, recognising it is both costly and unsuitable for any type of household. The target is therefore to maintain the current position of having no families accommodated in bed and breakfast accommodation beyond six weeks.

2.4 Success at preventing and relieving homelessness, including sub-metric for those experiencing multiple disadvantages.

The target for prevention and relief activity has been set as a modest but positive improvement trajectory. Comparator data indicates that Torbay's current prevention and relief performance is below that of available benchmark authorities, suggesting scope for improvement. However, the

[17] Housing Options Service Data, 2026

target also needs to reflect local housing market conditions, including limited social housing supply, restricted access to affordable private rented accommodation, and pressures within supported accommodation and move-on pathways.

Baseline Data Context and Quality Considerations

There were some concerns regarding the baseline metric for sub-metric target (for those experiencing multiple disadvantages), as HCLIC support needs data has historically under-represented the true level of need. This has largely reflected a number of data quality challenges:

- Data capture depends on applicants recognising and disclosing their own support needs, which can be particularly limited in relation to drug and alcohol needs.
- Some applicants may under-report support needs due to concerns that disclosure could affect their access to accommodation.
- Within Locata, the Support Needs task has previously been optional, meaning it was not completed consistently in all cases.
- Support needs information has not always been updated as applications progressed, resulting in incomplete or outdated records.

To address this, a number of operational changes have now been introduced to strengthen data quality going forward.

Rationale and Approach to Target Setting

The table below show the historic rates at which prevention and relief duties have had a successful outcome. The baseline figure for Torbay is 45%, which is an improvement to 2024 performance, but below the national average.

	November 2023	November 2024	November 2025	July 2026
Torbay	57%	41%	31%	Data not yet released
England	42%	47%	48%	Data not yet released

Table 3 Historic performance of rate of successful prevention and relief outcomes

Data Source: HCLIC, October to December reporting period. November taken as benchmark reference data comparable to LOF snapshot.

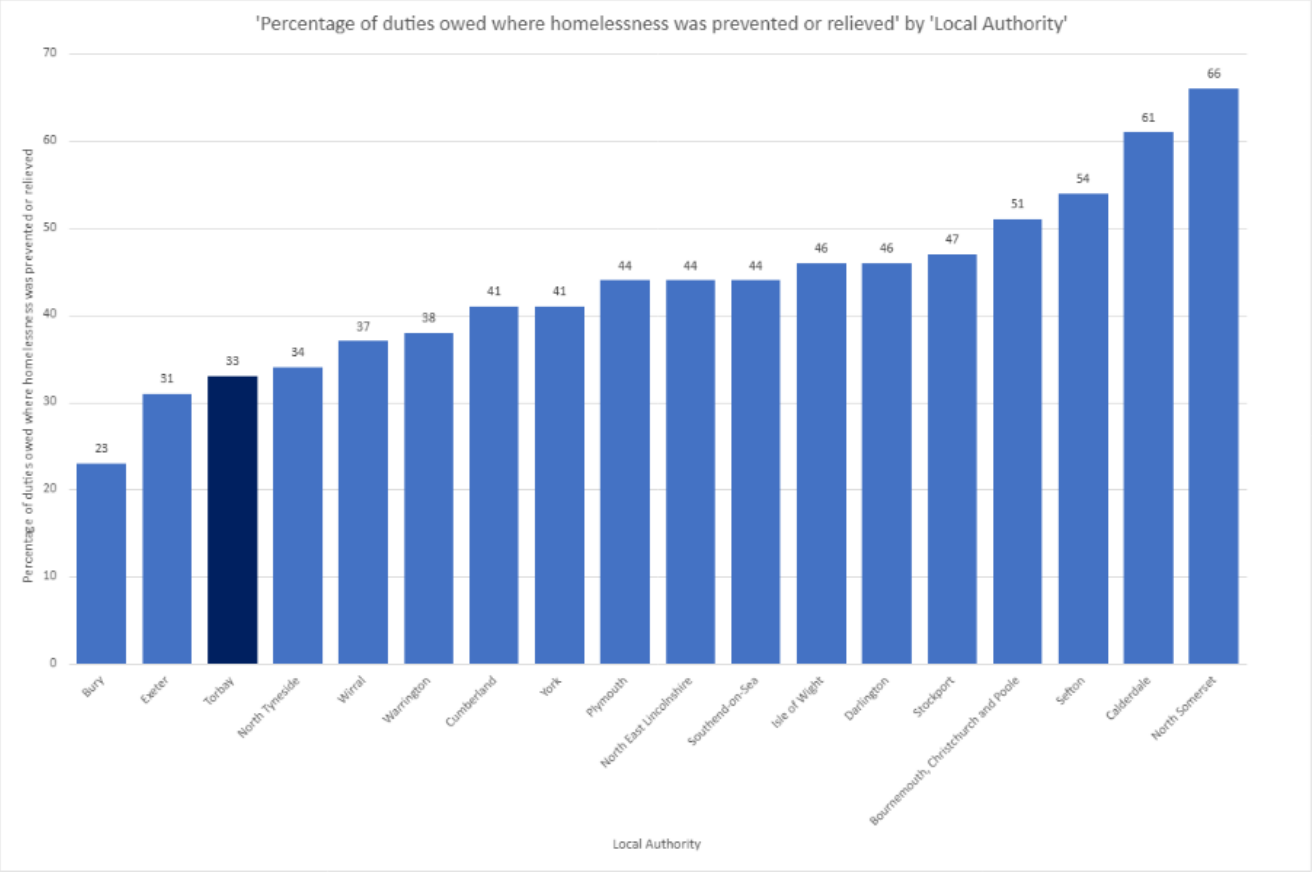

Figure 5 CIPFA performance comparison for success at preventing and relieving homelessness Data source: LG Inform, using HCLIC 2025/26 Q4 (1 January-31 March 2026)

Figure 5 shows Torbay's performance compared with its CIPFA nearest neighbours. Torbay is not in a strong position, and performance has declined since the November baseline. As outlined previously, Torbay has limited social housing and supported accommodation available to secure prevention and relief outcomes, resulting in greater reliance on the private rented sector, which can be unaffordable for households reliant on LHA. Figures 6 and 7 suggest that several higher-performing authorities have access to a broader range of accommodation options, particularly social housing and supported accommodation. This is most apparent at relief stage (Figure 7), where social housing and supported accommodation account for around half or more of successful outcomes in North Somerset (60%), Calderdale (47%), and Sefton (73%). In Torbay, these accommodation types account for only 31% of successful relief outcomes, while 60% are secured through the private rented sector. This suggests that Torbay's comparatively limited range of alternative accommodation pathways may constrain its ability to secure successful outcomes for households where the private rented sector is unaffordable or otherwise inaccessible.

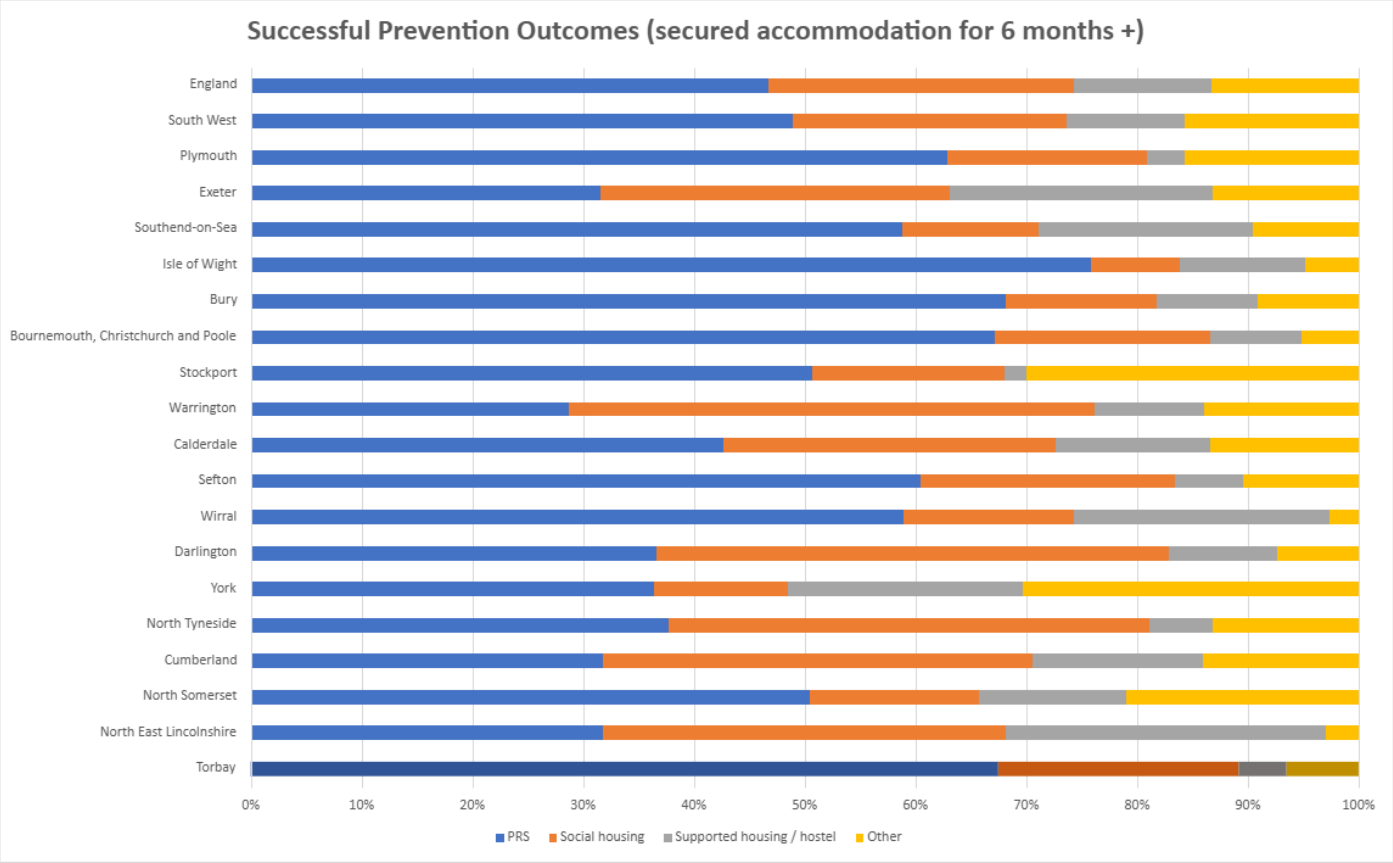

Figure 6 Successful Prevention Outcomes by accommodation type across CIPFA comparators.

Data source: HCLIC January-March 2026

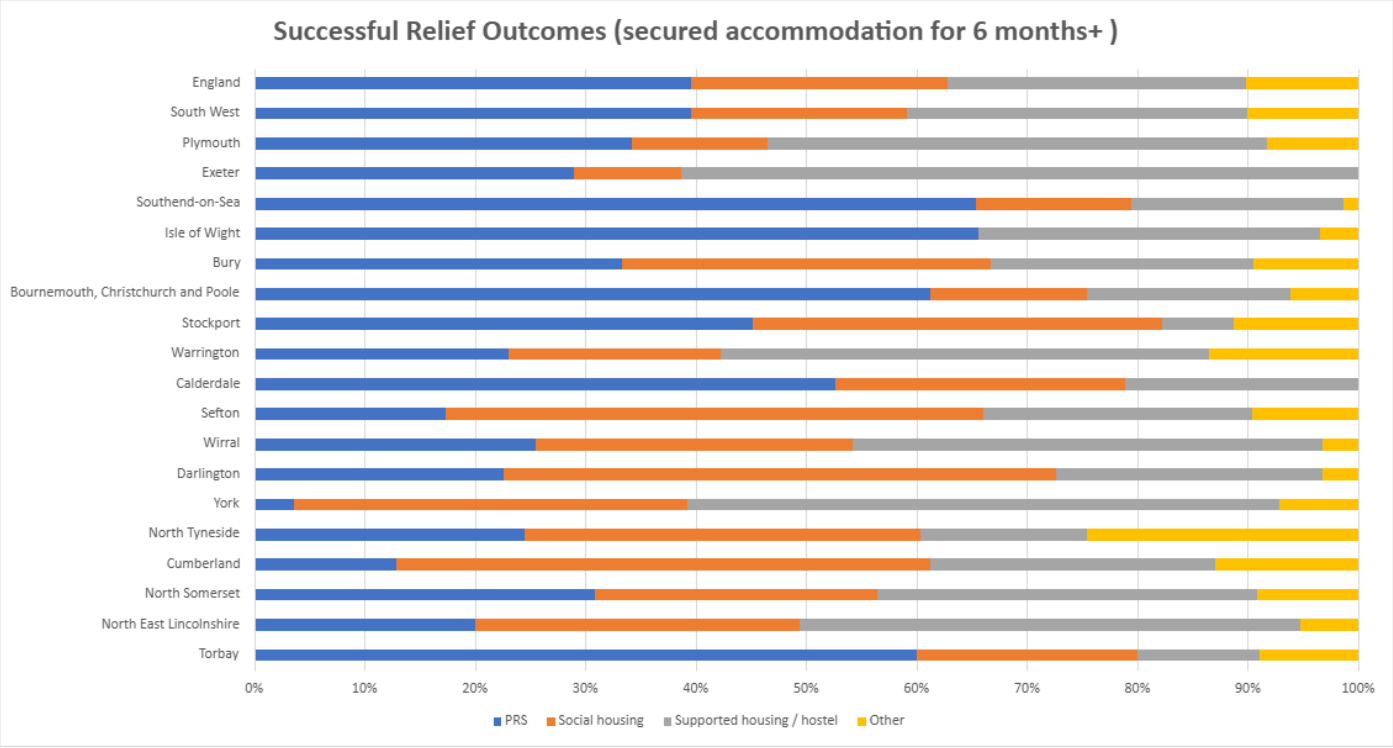

Figure 7 Successful Relief Outcomes by accommodation type across CIPFA comparators

Data source: HCLIC January-March 2026

Furthermore, the Local Outcome Framework metric does not capture positive outcomes under a Main Duty. In Torbay, 55.9% of Main Duties that ended with accommodation secured were ended through an offer of social housing (55.9%)[18]. Therefore, increasing the availability and effective use of social housing may improve outcomes for households experiencing homelessness without necessarily being reflected in the prevention and relief metric.

The target has been set in recognition of the significant housing market pressures currently affecting Torbay. Limited availability of affordable private rented accommodation, social housing and supported housing options can create challenges in securing suitable accommodation and achieving successful prevention and relief outcomes. These pressures are compounded by Torbay's reliance on a relatively small number of private landlords to provide accommodation used to prevent and relieve homelessness, making the local system particularly vulnerable to changes in market conditions and housing supply.

Despite these constraints, there are opportunities to improve performance. This action plan is supported by wider targets to increase the accessibility of affordable housing and make more effective use of existing social housing stock, alongside closer working between Housing Options and Housing Delivery to maximise access to new affordable housing opportunities for households experiencing homelessness. It also includes a more coordinated approach to private rented sector engagement and enforcement under the Renters' Rights Act, alongside work to strengthen the landlord offer and encourage more landlords to work with the Council. Together, these actions aim to broaden the range of accommodation available to prevent and relieve homelessness and reduce Torbay's reliance on a limited section of the private rented market.

This action plan recognises the scale of these challenges and the time needed for this activity to have an impact. As performance has declined since the baseline was set, the trajectory first aims to recover and improve performance, before progressing towards national and comparator levels.

- Baseline: 31%
- 2027 target: 48%, bringing Torbay in line with the national average at the time the target was set.
- 2028 target: 50%, moving Torbay towards the performance of better-performing CIPFA nearest neighbours.

The targets have been calculated based on the level of improvement required from the baseline, with the 2027 target representing an improvement of approximately 55% and the 2028 target

[18] HCLIC January to March 2026

approximately 61%. The same approach has been used to set the trajectory for people experiencing multiple disadvantage.

- Baseline: 29%
- 2027 target: 45%
- 2028 target: 47%

People experiencing multiple disadvantage can face additional barriers to accessing and sustaining accommodation, including those associated with mental health, substance use, experiences of trauma, contact with the criminal justice system, and limited support networks. The housing market pressures described above can therefore create additional challenges in achieving successful prevention and relief outcomes for this group.

This action plan includes specific activity to address these barriers and improve outcomes for people experiencing multiple disadvantage. This includes developing a multiple disadvantage pathway, with actions relating to prison release, drug and alcohol support, health, and greater involvement of people with lived experience in shaping services, alongside wider actions to improve responses to rough sleeping and domestic abuse. Together, these actions aim to strengthen coordination across services, improve access to appropriate support and accommodation, and support people experiencing multiple disadvantage to achieve the same positive prevention and relief outcomes as the wider population. Setting the same target trajectory for both groups reflects our ambition to achieve the same positive outcomes, while recognising that additional action may be needed to address the barriers experienced by people experiencing multiple disadvantage.

2.5 People sleeping rough in Torbay

2.5.1 People sleeping rough on a single night (autumn snapshot)

Baseline Data Context and Quality Considerations

Torbay uses a combination of a physical count and intelligence-based estimate for its autumn snapshot. This is the standard approach for Torbay and was used for the years cited below.

Homeless Link confirmed there were not any significant issues or concerns with the accuracy of the annual snapshot figure in 2025.

Rationale and Approach to Target Setting

The annual count in Torbay for the past 3 years is as follows:

2023	2024	2025
27	29	26

The annual autumn snapshot count in Torbay over the past three years has remained relatively stable, with a mean of 27. Given the limited variation in these figures, the three-year trend above provides a narrow evidence base for setting targets for the LOF. Therefore, additional local rough sleeping data was used to develop a more informed target trajectory.

Monthly rough sleeping data from the previous 12 months was used to estimate the likely composition of the single-night rough sleeping cohort. This estimated that 14.3% of the cohort would be experiencing long-term rough sleeping, with the remaining 85.7% comprising the wider cohort.

Different reduction rates were then applied to the two groups. For long-term rough sleeping, the trajectory assumes a 25% reduction by 2027, increasing to 50% by 2028, in line with the separate Local Outcomes Framework target. For the remaining cohort, a 5% reduction is sought by 2027, increasing to 20% by 2028. This reflects current pressures on rough sleeping, alongside an expectation of greater improvement as planned activity and additional investment take effect.

Because the two groups make up different proportions of the overall rough sleeping cohort, their reductions are combined according to their relative size. This gives an overall reduction of 8% by 2027 and 24.3% by 2028. Applied to the three-year average of 27 people, this produces targets of 25 and 20 people respectively. Table 4 summarises the trajectory.

	2027	Final Target
Target	25	20

Table 4 Single-night rough sleeping target trajectory.

The 2027 target reflects the current level of pressure on rough sleeping in Torbay, which has increased during 2026[19].The stronger reduction sought by 2028 reflects the scale of activity within

[19] Service Data, September 2026

the Action Plan specifically focused on reducing rough sleeping and wider activity to prevent homelessness, reduce repeat rough sleeping, and improve access to accommodation and support.

Whilst the Outreach team already reduce numbers of people rough sleeping in Torbay through securing accommodation options for people, with 91[20] accommodated off the streets in the past year, the new Rough Sleeping Programme provides additional funding and services to accelerate reductions in rough sleeping. It will offer everyone sleeping rough a route off the street for before Christmas 2026. The programme will expand prevention, night shelter and supported HMO provision. It will also improve move-on from hostels and existing properties and provide peer-led support along with specialist support for mental health and substance misuse to reduce repeat and long-term rough sleeping.

The 2028 target therefore reflects the increased opportunity and expectation to accelerate reductions in rough sleeping as this additional provision is implemented. As the Rough Sleeping Programme is implemented, it is proposed that the target is reviewed at Checkpoint 2 (November 2027), when there will be greater evidence of its impact and an opportunity to consider whether the 2028 target should be made more ambitious.

2.5.2 People sleeping rough over the month who are long term

Baseline Data Context and Quality Considerations

In November 2025, only 1 individual was identified as experiencing long-term rough sleeping as per the government definition. This figure was not typical for a month in Torbay, with the surrounding months returning higher figures as indicted in table 5 below.

Furthermore, Torbay has completed a rigorous review of the data and methodological approach used to assess rough sleeping over the past six months. This has strengthened the accuracy of identification and reporting, including in relation to the number of people experiencing long-term rough sleeping. Although this has led to an initial increase in reported figures, it is considered to present a more accurate picture of the scale of rough sleeping in Torbay.

Reflecting this improved understanding of the data, Torbay has adopted 8 as the baseline figure for long-term rough sleeping. This baseline has been derived from both the mean number of long-term rough sleepers recorded over the previous six months and the mean number recorded in

[20] Local service data, Sept 2025-2026.

November 2024 and November 2025. Taken together, these measures indicate that 8 provides a more representative estimate of the long-term rough sleeping cohort in Torbay than the figure of 1 referenced above.

Rationale and Approach to Target Setting

The number of long-term rough sleepers in Torbay shows little variation between months, with April presenting a particularly high number.

Reporting Month	Total People Rough Sleeping	Total Long-Term Rough Sleepers	Long-Term Rough Sleepers (% of Rough Sleeping Cohort)
Jun-25	43	6	14%
Jul-25	54	5	9%
Aug-25	70	5	7%
Sep-25	58	8	14%
Oct-25	68	2	3%
Nov-25	39	1	3%
Dec-25	46	5	11%
Jan-26	38	7	18%
Feb-26	33	10	30%
Mar-26	36	6	17%
Apr-26	53	18	34%
May-26	55	12	22%
Jun-26	53	10	19%

Table 5 Number and proportion of long-term rough sleepers in Torbay during a 12 month period.

The long-term rough sleeping cohort is not a fixed group of individuals and changes monthly, with around four individuals identified as sleeping rough long-term consistently in any given month. Approximately half of these individuals are part of the target priority group (TPG) cohort. Across the six-month reporting period, 28 unique individuals were identified as experiencing long-term rough sleeping. Of these, 23 were men and five were women, with four of the five women also included within the Complex Lives Navigators cohort.

The cohort is characterised by high levels of multiple and overlapping support needs. Eighteen individuals had identified mental health needs, 15 had substance misuse needs, and 4 had alcohol-related support needs. Fifteen people experienced two of these support needs, while one individual experienced all three. This demonstrates the prevalence of co-occurring needs within the long-term rough sleeping population and highlights the complexity of the challenges faced by many individuals.

Consistent with the national ambition to halve rough sleeping over the course of the current Parliament, Torbay is committed to achieving a 50% reduction against the baseline of 8. This represents a high level of ambition in the context of the current position. Long-term rough sleeping has increased substantially during 2026, reaching 22 in August 2026 compared with the baseline of 8. The targets therefore require a substantial reduction in long-term rough sleeping from current levels.

The trajectory is supported by specific activity within the Action Plan to reduce rough sleeping, alongside the additional investment and provision being introduced through the new Rough Sleeper Programme. Together, these provide increased capacity to address both the flow into long-term rough sleeping and barriers to moving away from the street. The final target of 4 therefore remains deliberately ambitious, requiring a substantial reduction from the current position as well as a 50% reduction against the agreed baseline. The remaining target trajectory is:

- Checkpoint 1 – November 2027: achieve a 25% reduction against the baseline, reducing long-term rough sleeping from 8 to 6.
- Final target (End of Parliament): achieve a 50% reduction against the baseline, reducing long-term rough sleeping from 8 to 4.

Long-term rough sleeping has increased significantly during 2026, reaching 22 at the end of August. The targets of 6 and 4 therefore represent a substantial reduction from the current position.

2.6 Actions supporting delivery of Local Outcomes Targets

Delivery of the Local Outcomes Framework targets will be supported through the actions set out below. Together, these actions provide the strategic framework for improving homelessness prevention, reducing rough sleeping and strengthening housing outcomes across Torbay. These actions have been developed in collaboration with other Council departments and partners through the Homelessness and Rough Sleeping Forum and reflects both the activity required to deliver the wider Homelessness and Rough Sleeping Strategy and priorities identified by partners.

Table 6 provides a summary of the Homelessness and Rough Sleeping Action Plan, including how each area of activity will support delivery of the Local Outcomes Framework targets. The detailed action plan is included at Appendix

Theme	Summary of key actions and activity	Contribution to delivery of LOF targets
Reduce use of Temporary Accommodation	• Strengthen early intervention and support for families to prevent entry into temporary accommodation. • Improve move-on from temporary accommodation through Early Help, resettlement support, and increased housing options. • Maintain oversight of family placements and improve monitoring of flows into and out of temporary accommodation. • Increase social, affordable, step-down, and move-on accommodation to reduce reliance on temporary accommodation.	Directly supports the targets to reduce families in temporary accommodation and maintain zero families in B&B beyond six weeks. Earlier intervention will reduce avoidable entries into TA, while increased housing options and move-on support will reduce length of stay. Continued scrutiny of family placements will protect Torbay's strong B&B performance.
Prevention and Relief	• Strengthen prevention through improved PRS engagement, enforcement, and earlier identification of housing insecurity. • Develop more accessible and coordinated routes into homelessness advice and support, including for hidden homelessness. • Strengthen specialist pathways for people experiencing multiple disadvantage, domestic abuse, leaving prison, and other specific needs. • Improve joint working with health services around early identification, mental health, and hospital discharge. • Improve tenancy sustainment, information sharing, commissioning, funding coordination, and multi-agency risk management. • Develop employment, skills, and training opportunities for people experiencing homelessness or housing insecurity. • Improve partnership communications and understanding of available services and pathways.	Directly supports the target to increase successful prevention and relief outcomes to 50% and improve outcomes for people experiencing multiple disadvantage. Activity focuses on intervening earlier, preventing loss of existing homes, widening routes into suitable accommodation, and addressing the additional barriers that can prevent people with multiple needs from achieving successful housing outcomes.

Theme	Summary of key actions and activity	Contribution to delivery of LOF targets
Rough Sleeping	• Improve access to RSI, Housing Options, and flexible advice for people sleeping rough. • Develop a sustainable Off the Streets accommodation offer with clear move-on pathways. • Use data and the Vulnerability Matrix to better target support, resources, and interventions. • Improve access to daytime facilities, safe spaces, health services, and inclusive SWEP provision. • Strengthen the system-wide response to women experiencing rough sleeping and complex needs. • Improve intelligence on pathways into, through, and out of rough sleeping.	Directly supports the reduction in both overall and long-term rough sleeping. Faster access to housing support and Off the Streets accommodation will help people move away from the street sooner, while targeted support for those with the highest levels of need will tackle barriers to ending long-term rough sleeping. Improved prevention and pathway intelligence will also help reduce new and repeat rough sleeping.
Youth Homelessness	• Improve coordination, visibility, and understanding of youth homelessness services and pathways. • Strengthen early identification and intervention through schools, colleges, Early Help, and homelessness services.	Contributes to prevention and relief targets by identifying housing insecurity earlier and creating clearer routes to support before young people become homeless. Earlier intervention should reduce escalation into homelessness, temporary accommodation, and rough sleeping.
Lived Experience	• Develop a coordinated and trauma-informed approach to lived experience engagement across the homelessness system. • Ensure lived experience and qualitative evidence routinely inform decision-making, service design, and system improvement.	Supports all LOF targets by identifying barriers that performance data alone cannot explain. Using lived experience to improve access, pathways, accommodation, and support will help ensure interventions are responsive to the needs of people experiencing homelessness, particularly those experiencing multiple disadvantage and rough sleeping.

Table 6 Summary of actions supporting delivery of Local Outcomes Framework Targets

2.7 Anticipated Risks and Challenges to Delivery

The successful delivery of the Local Outcomes Framework targets may be affected by a number of system-wide risks and structural barriers. These are outlined below, alongside mitigating actions that Torbay is taking to navigate these challenges.

2.7.1 Lack of Supported Accommodation and Move-On

Torbay's supported accommodation offer remains relatively narrow, with the main adult provision centred on hostel accommodation which is an abstinence-based project; and separate young people's accommodation. This creates two related risks: first, that the current offer does not provide sufficient range or volume to meet differing levels of need; and second, that limited move-on options reduce throughput, resulting in people remaining in supported settings for longer than is intended and restricting access for new referrals.

Mitigating actions

The Housing Needs Assessment and associated insight work will be used to strengthen understanding of the scale and type of supported accommodation required locally, including the gaps in current provision and move-on pathways. This evidence base is being used to inform service design and any commissioning activity, which is ongoing.

2.7.2 Restricted Access to Private Rented Sector

Access to the PRS remains limited and may become more challenging as landlords respond to the new legal and regulatory environment introduced through the Renters' Rights Act 2025. Alongside this, recent commissioned research in Torbay indicates that some people are reluctant to consider PRS options because social housing is perceived to offer greater security, stability and clearer access to ongoing support. These perceptions are important because they can narrow the range of housing options people are willing to pursue, adding further pressure to an already constrained social housing system.

Mitigating actions

There is scope to further strengthen landlord engagement in order to maintain and widen PRS access, build confidence in working with households who may have support needs, and improve relationships with the sector. There is also an opportunity to test whether a stronger floating support offer, alongside clearer communication about tenancy rights and support available in the PRS, can improve confidence among both landlords and prospective tenants.

3 Partnerships

3.1 Homelessness and Rough Sleeping Forum

Torbay has an established Homelessness and Rough Sleeping Forum, which brings together a range of partners including accommodation services, statutory agencies, advice services, voluntary sector organisations and health partners. The Forum is a multi-agency working group that supports delivery of Torbay's *Homelessness and Rough Sleeping Strategy 2024–2030*, providing a structure for partners to coordinate activity, maintain oversight of priorities and strengthen partnership working across the system. Torbay's current strategy aims to adopt a collaborative approach with collective delivery, oversight and responsibility across local partners, structured through its action plan. The Forum is supported by sub-groups focused on data, communications, training and prevention, which lead targeted workstreams and projects to help progress priority actions within the Strategy. This action plan was codesigned by the group and hence therefore has wider partnership actions.

4 Policy for Ensuring Suitability of TA

Torbay has a Temporary Accommodation Placement Policy that sets out the Council's approach to procuring, allocating, and ensuring the suitability of temporary accommodation. This section summarises how temporary accommodation is planned, allocated, monitored, and reviewed to ensure it is suitable, decent, and used as part of a wider prevention and move-on pathway.

4.1 Assessing Demand and Procuring Sufficient Units

The Council procures temporary accommodation in accordance with relevant legal duties and guidance. Accommodation should be affordable, sustainable, safe, compliant with health and safety requirements, and maintained in a decent condition. Torbay uses a range of supply routes, including bed and breakfast accommodation, self-contained accommodation, longer-term leased properties, private rented sector options, and specialist hostel provision.

A number of existing temporary accommodation contracts are approaching their end dates. Future procurement will be informed by the Torbay Housing Needs Assessment, which provides evidence on the scale and type of temporary accommodation likely to be required in Torbay. This will support the Council to identify gaps in current provision, including accommodation for people with

complex needs, physical health needs, disabilities, and additional support requirements. It will also help ensure that future temporary accommodation provision is better aligned to local need and able to support safe, suitable, and sustainable placements.

4.2 Allocation and Suitability of Temporary Accommodation

Temporary accommodation is allocated following an assessment of household need and suitability. Placement decisions consider affordability, property size, condition, location, health and mobility needs, education, employment, transport, healthcare, support networks, care responsibilities, and any identified safeguarding or vulnerability issues.

The Council will seek to place households within Torbay wherever possible and avoid unnecessary moves. Where out-of-area placements are unavoidable, the Council will seek to minimise disruption and complete appropriate liaison and notification arrangements.

Suitability is assessed in line with relevant homelessness legislation, statutory guidance, and the Council's Temporary Accommodation Placement Policy. Accommodation must be safe, suitable, and appropriate to the needs of the household.

Suitability considerations include property condition, affordability, household composition, health and disability needs, location, and access to essential services. Accommodation should be free from serious hazards and meet relevant fire, electrical, damp, mould, overcrowding, and wider health and safety standards.

For families, consideration will also be given to access to cooking, laundry, storage, Wi-Fi, and adequate space for a cot where required.

4.3 Use of Bed and Breakfast Accommodation

The Council avoids using bed and breakfast accommodation for families with children, pregnant women, and 16–17-year-olds (except where no suitable alternative is available). Families will not be accommodated in bed and breakfast accommodation beyond the statutory six-week limit.

Torbay has established oversight arrangements to support this position, including senior sign-off for proposed family bed and breakfast placements and regular placement planning to identify suitable alternatives.

4.4 Resident Feedback and Service Improvement

Suitability is considered both during placements, through ongoing contact and support, and after placements, through feedback and learning from people's experiences. Households living in temporary accommodation are supported by dedicated officers who provide a consistent point of contact throughout the placement. This helps ensure that any concerns about accommodation, including repairs, property condition, safety, suitability, or changes in household circumstances, can be raised and responded to at an early stage. Where concerns are identified, officers work with accommodation providers and relevant colleagues to resolve issues and escalate matters where needed. This helps ensure that temporary accommodation remains suitable, safe, and appropriate for the household while they are living there.

The Council also seeks feedback from households when they enter and leave temporary accommodation. These feedback forms provide an opportunity to understand people's experiences of the accommodation and the support they received. Feedback is reviewed to identify common themes, inform quality assurance, and support future improvements to temporary accommodation provision.

5 Local Governance Structures

Delivery of the Local Outcomes Framework requires coordinated action across housing, health, social care, criminal justice agencies, accommodation providers and the voluntary, community and faith sector.

5.1 Internal Governance and Performance Monitoring

5.1.1 Governance

The Action Plan will be approved through the Council's governance process, progressing through Directors' Oversight Meetings, Cabinet and Directors meeting, Overview and Scrutiny, and ultimately Cabinet. This ensures appropriate governance and oversight of the Action Plan and Local Outcomes Framework.

5.1.2 Performance Monitoring

To ensure effective delivery of the Local Outcome Framework targets, performance will be monitored through a combination of operational oversight, management review, and corporate governance arrangements.

Operational Monitoring

- Weekly Housing Options meetings to review demand, caseloads, emerging risks, and service pressures.
- Weekly Temporary Accommodation audits to monitor occupancy, suitability, compliance, and move-on activity.
- Fortnightly hostel performance and service review meetings to monitor occupancy, outcomes, support needs, and pathway progression.
- Monthly Rough Sleeping Initiative (RSI) meetings to review trends in data, outreach activity, accommodation pathways, and emerging issues.

Monthly and quarterly monitoring

- Monthly performance monitoring reports reviewing key indicators, trends, service demand, outcomes, and delivery against service priorities.
- Review of temporary accommodation usage, prevention and relief activity, rough sleeping data, move-on outcomes, and financial performance.
- Identification of risks, challenges, and areas requiring corrective action.

Corporate dashboard and monitoring

- Performance reported through the Council's quarterly corporate performance dashboard to provide oversight of key homelessness and housing indicators, including LOF indicators reported to Directors and Cabinet.
- Additional indicators will be included to capture wider activity outside of the LOF indicators, including successful Main Duty outcomes and number of rough sleepers assisted into accommodation.
- Quarterly performance reporting and review through established governance arrangements to monitor progress against strategic objectives, identify trends, and inform service improvement activity.
- Annual review by Overview and Scrutiny and Cabinet.

5.2 External Governance and Scrutiny

Torbay has an established Homelessness and Rough Sleeping Forum, supported by a multi-agency Steering Group and task-focused subgroups. Together, these groups provide oversight of the Homelessness and Rough Sleeping Strategy and associated action plans.

The Homelessness and Rough Sleeping Forum and Steering Group will:

- Review progress against Local Outcomes Framework targets.
- Monitor delivery of agreed actions.
- Identify barriers and risks to delivery and work together to resolve challenges.
- Share intelligence, learning and good practice.
- Support coordination across partner agencies.

The Homelessness Strategy and Delivery Officer will coordinate monitoring and reporting against the Action Plan and Local Outcomes Framework, supporting the Forum and Steering Group to oversee delivery and identify risks, barriers and opportunities for improvement.

6 Reference to Specific Plans

Torbay has not been identified as a Local Authority that is required to produce a Long-Term Rough Sleeping Partnership Plan or a B&B Elimination Plan.

7 Appendix

7.1 Definitions

Term	Definition
B&B	Bed and breakfast accommodation used as short-term emergency accommodation. The Action Plan specifically monitors the number of families with children placed in B&B accommodation for more than six weeks.
Families in B&B over 6 weeks	This LOF metric measures the number of families in Bed & Breakfast accommodation who have been resident for more than six weeks.
HCLIC	Homelessness Case Level Information Collection. The national data return used by local housing authorities to report statutory homelessness activity, including prevention, relief and temporary accommodation data.
Households in Temporary Accommodation with Children	This LOF metric measures the number of households with children who are in temporary accommodation on the last day of the reporting period, per 1,000 households in the population. Temporary accommodation is accommodation secured by a local authority under their statutory homelessness functions.
LOF	Local Outcomes Framework. The national framework used to monitor priority outcomes, including homelessness prevention and relief, family temporary accommodation, B&B use, rough sleeping and long-term rough sleeping.
Long-term rough sleeping	A rough sleeping cohort used in national monitoring and local target-setting to identify people with sustained or repeated experiences of rough sleeping over time. In this Action Plan, it is used to monitor progress towards reducing long-term rough sleeping.
Multiple disadvantage	The experience of overlapping needs or barriers, which may include homelessness, mental ill-health, substance use, domestic abuse, contact with the criminal justice system, trauma, poor physical health or limited support networks.
People sleeping rough on a single night (autumn snapshot)	This metric measures the number of people sleeping rough on a single night between 1 October and 30 November.
Prevention duty	A statutory homelessness duty requiring the local authority to take reasonable steps to help an eligible household avoid becoming homeless where they are threatened with homelessness.

Relief duty	A statutory homelessness duty requiring the local authority to take reasonable steps to help an eligible household secure accommodation where they are already homeless.
Rough sleeping	People sleeping, about to bed down, or bedded down in the open air or in places not designed for habitation, such as streets, doorways, tents, cars, sheds or other makeshift locations.
RSI	Rough Sleeping Initiative outreach team. In Torbay, RSI refers to the local outreach team working with people who are sleeping rough, or at risk of sleeping rough, to support engagement, assess need, coordinate access to housing and support services, and help people move away from rough sleeping.
Success at preventing and relieving homelessness	This LOF metric measures the percentage of successful outcomes (secured accommodation for 6+ months) at preventing or relieving homelessness in a quarter relative to the number of new prevention or relief duties owed that quarter. This does not include successful outcomes following activity captured under Triage or Main Duties.
Success at preventing and relieving homelessness for those experiencing multiple disadvantages	This LOF metric will be measured as per the 'Success at preventing and relieving homelessness', but for the cohort of people who have three or more of the following support needs recorded on Homelessness Case Level Information Collection quarterly publications: • Offending history • Domestic abuse - victim • History of repeat homelessness or history of rough sleeping • Drug dependency needs or alcohol dependency needs • History of mental health problems
TPG	Target Priority Group. Using the MHCLG definition, this refers to people who have been sleeping rough in two or more years out of the last three, and in two or more months out of the last twelve.
Vulnerability Matrix	An assessment tool developed by Torbay Council to understand an individual's vulnerability across ten indicators. It is predominantly used by the RSI team to build a holistic understanding of the support needs of people who are rough sleeping, or who are being supported by the Tenancy Sustainment Team, so that support can be targeted, coordinated and adjusted accordingly.

7.2 Vulnerability Matrix

The Vulnerability Matrix is an assessment tool developed by Torbay Council to identify the level and nature of vulnerability experienced by individuals who are rough sleeping or being supported

by the Tenancy Sustainment Team. Its purpose is to build a holistic understanding of each individual's support needs, enabling support to be targeted, coordinated and adjusted accordingly.

The 10 indicators are outlined below:

Score	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
Support level needed/vulnerability	**Low vulnerability, Low/minimal support needed**			**Moderate vulnerability, Some support needed**				**High vulnerability, Higher support needed**		
Survival Skills and Ability to Manage Basic Needs										
Alcohol and substance misuse										
Mental Health and Emotional Wellbeing										
Physical Health										
Offending behaviours										
Experiences of domestic abuse/sexual violence										
Communication										
History of homelessness										
Current living situation										
Neurodiversity and learning disability										

7.3 Relevant Documents

The Action Plan supports and compliments the following documents:

7.3.1Homelessness and Rough Sleeping Strategy 2024-2030

Homelessness and Rough Sleeping Strategy 2024-2030.pdf

7.3.2. Torbay Council Housing Needs Assessment

Torbay Housing Needs Assessment 2025 - 2030 - Torbay Council

7.3.4. Torbay Joint Strategic Needs Assessment

Joint Strategic Needs Assessment - Torbay Council

7.3.5. Full list of actions supporting Torbay and Homelessness Rough Sleeping Action Plan 2026-2028

The following table includes the full list of actions that will support the delivery of the Local Outcomes Framework and Homelessness and Rough Sleeping Strategy.

	Action	Description of Activity	Responsible for Delivery	Timeline for Delivery
1	**Reducing use of Temporary Accommodation**			
1.1	Sustain prevention activity through the Early Help Team to help families maintain their accommodation.	Engage families at the earliest opportunity through Family Hubs and multi-agency partnerships to identify housing issues before they reach crisis point. Provide targeted support to prevent homelessness and sustain existing accommodation, including temporary accommodation where appropriate.	Head of Housing Need	Nov-26 to Sep-28
		Establish a shared dataset with Children's Services to improve oversight and understanding of Section 17 accommodation placements.	Head of Housing Need, Children's Services	Aug-27
1.2	Promote successful move-on from temporary accommodation for families through Early Help support.	Provide targeted Early Help support to families living in temporary accommodation to remove barriers to move-on, including access to the private rented sector, financial assistance, tenancy readiness and practical move-in support.	Head of Housing Need	Ongoing - Sep-28
1.3	Maintain oversight and scrutiny of family placements into temporary accommodation.	Continue Head of Service approval for all proposed family B&B placements and maintain weekly placement planning meetings to review accommodation options and minimise reliance on B&B accommodation.	Housing Needs Manager	Ongoing - Sep-28
1.4	Reduce the number of families entering temporary accommodation through earlier intervention.	Expand the use of Family Network Meetings as an early intervention to support families to remain in their existing accommodation or identify alternative solutions before temporary accommodation is required, including upskilling partners and professionals to increase the number of meetings offered.	Children's Services, Head of Housing Need	Jun-28

		Improve data sharing between Housing and Children's Services to track the use and outcomes of Family Network Meetings, including whether families subsequently enter temporary accommodation.	Children's Services	Jun-27
		Analyse the reasons families enter temporary accommodation and use this intelligence to identify opportunities for earlier intervention.	Head of Housing Need, Housing Need Manager	Sep-27
1.5	Increase the supply of social and affordable housing available to reduce reliance on temporary accommodation.	Delivering 484 new homes across the next 5-10 yrs through partnerships with Homes England, landowners, Registered Providers, and local communities.	Head of Strategic Housing and Delivery	As per delivery plan.
		Maximising existing social housing through Devon Home Choice and the Rightsizing and Empty Homes project.	Head of Strategic Housing and Delivery and wider Torbay Council as part of empty homes.	Sep-28
		Ensuring banding for people in Temporary Accommodation is regularly reviewed to enable timely move on from TA and that appropriate review process are in place.	Head of Housing Need	Jan-27
		Utilise the Housing Needs Assessment Group to provide strategic oversight of housing and support needs, ensuring a coordinated, multi-agency approach to service planning, resource allocation and programme delivery.	Head of Strategic Housing and Delivery and Divisional Director Community and Customer Services	Ongoing - Jan-28
1.6	Develop step-down accommodation and a structured accommodation pathway to support planned move-on and reduce reliance on crisis responses and temporary accommodation.	Develop accommodation pathway for specialist Temporary accommodation working across Adult Social Care and homelessness services	Divisional Director Community and Customer Services	Sep -27
1.7	Additional performance monitoring of flow into and out of family temporary accommodation	Monitor households entering and leaving temporary accommodation, including households receiving adverse homelessness decisions and households losing temporary accommodation placements.	Housing Needs Manager	Mar-27

1.8	Sustain Resettlement Team capacity	Maintain dedicated resettlement support to help households move on from temporary accommodation and sustain settled housing outcomes.	Head of Housing Need	Ongoing - Sep-28
2	**Prevention and Relief**			
2.1	Coordinate private rented sector enforcement and engagement	Maximise opportunities to join-up approaches to private rented sector engagement and enforcement within Housing Options, focused on achieving better outcomes for landlords and households.	Head of Housing Need	Apr-27
		Use Renters' Rights Act enforcement powers and robust procedures to improve private rented sector standards, protect tenants' rights, and prevent homelessness, including supporting reinstatement where appropriate.	Head of Housing Need	Ongoing
		Support people who may not feel confident approaching housing services about poor housing conditions.	Housing Standards Manager, Citizens Advice	Ongoing
		Ongoing analyse data and 12 month review of reasons for homelessness; Renters' Rights Act breaches; and household characteristics to identify patterns in private rented sector tenancy loss, compliance issues, and barriers to access, and use this intelligence to inform targeted prevention, landlord engagement, and incentives.	Head of Housing Need, Housing Need Manager	Jun-27
2.2	Develop a Communications Strategy within the Homelessness and Rough Sleeping Forum	Develop a communications strategy that identifies key messages, target audiences, communication channels and responsibilities across the homelessness partnership.	Communications Subgroup - Homelessness and Rough Sleeping Forum	Dec-27
2.3	Improve the accessibility and navigation of homelessness support services.	Review existing provision and explore opportunities for more integrated and accessible one stop shop support models.	Homeless and RS Forum	Dec-27

2.4	Enhance the system-wide identification of hidden homelessness through strengthened partnership working, intelligence sharing, and earlier recognition of housing insecurity across services.	Develop and deliver training and guidance for partner agencies to improve awareness of hidden homelessness, housing insecurity, and early indicators of homelessness risk.	Head of Housing Need, Homeless Strategy Delivery Officer, Homelessness and Rough Sleeping Forum	Ongoing – Jun-27
		Pilot and evaluate approaches to identifying hidden homelessness within partner services, using learning to inform wider roll-out across the system.	Homeless Strategy Delivery Officer, Devon Rape Crisis	Mar-27
2.5	Design and Implement a Coordinated Early Intervention Pathway	Work with partner agencies to strengthen referral arrangements that enable individuals experiencing housing insecurity, hidden homelessness, or at risk of homelessness to access Housing Options at the earliest opportunity.	Prevention Subgroup - Homelessness and Rough Sleeping Forum	Jun-27
		Co-design a coordinated early intervention offer, identifying the most appropriate support, delivery arrangements, and partnership contributions to improve housing outcomes and prevent escalation of need.	Head of Housing Need, Prevention Subgroup - Homelessness and Rough Sleeping Forum	Sep-27
2.6	Capture hidden prevention activity	Identify opportunities to capture homelessness prevention work currently delivered through services such as the hostel, RSI accommodation and tenancy sustainment team which is not routinely recorded on homelessness systems and develop processes to capture this activity consistently.	Head of Housing Need, Strategic Lead for Community Protection	Mar-27
		Ensure all approaches to Housing Options, and any prevention activity undertaken, are consistently recorded within Locata.	Housing Needs Manager	Ongoing - Sep-28
2.7	Sustain specialist roles within Housing Options and expand partnership knowledge of them	Maintain specialist roles, including the Prison Navigator, Care Experienced Lead, Domestic Abuse Specialists and Hostel Lead, whilst increasing awareness and utilisation of these roles across partner agencies.	Head of Housing Need, Comms Sub Group - Homelessness and Rough Sleeping Forum	Sep-28
2.8	Strengthen multiple disadvantage pathway	Work with partners across housing, health and substance use services to ensure housing pathways support recover and are informed by the Insights report.	Strategic Lead for Community Protection, Head of Housing Need	Dec-27

		Develop a stronger move-on pathway from the hostel, including expansion of the supported HMO model.	Head of Housing Need, Strategic Lead for Community Protection	Aug-27
		Build on the Prison Leaver Protocol through a multi-agency review and improvement of the prison leaver pathway.	Head of Housing Need, Strategic Lead for Community Protection	Sep-27
2.9	Identify indicators for people at risk of rough sleeping and improve information gathering before rough sleeping occurs.	Review 12 months of rough sleeping data to understand routes to rough sleeping and identify opportunities to develop wider partnership preventative interventions.	Strategic Lead for Community Protection, Prevention Subgroup - Homelessness and Rough Sleeping Forum	Mar-27
2.10	Strengthen tenancy sustainment support for people moving into independent accommodation.	Co-design a tenancy sustainment information which provides practical move-in support, access to essential household items, and guidance to help people successfully establish and maintain their tenancy.	Prevention Subgroup-Homelessness and Rough Sleeping Forum	Dec-27
2.11	Further develop the response to domestic abuse and homelessness by reviewing and improving pathways and support.	Improve data collection to better understand pathways into Torbay for people experiencing domestic abuse and homelessness.	Housing Needs Manager, Homeless Strategy and Delivery Officer, DASV Commissioning Officer	Sep-27
		Ensure activity around homelessness and rough sleeping continues to align with the DASVEG Strategy.	Head of Housing Need, Strategic Commissioning Officer, Homelessness and Rough Sleeping Forum	Sep-28

2.12	Coordinate financial assistance for homelessness prevention.	Review and coordinate available financial assistance across Housing Options and partner services, ensuring clear eligibility criteria, referral routes and timely access to funding that can prevent homelessness or help households sustain accommodation.	Housing Benefit Manager	Mar-27

2.13	Strengthen links between Torbay Communities, the hospital, and housing services to support earlier identification and prevention of homelessness.	Torbay Communities to undertake monthly visits to the hospital and work with staff and volunteers to develop the role of this presence in identifying housing concerns early and strengthening links with Housing Options and wider housing support.	Torbay Communities, Hospital, Housing Needs Manager	Mar-27
2.14	Improve early identification of housing vulnerability within health settings.	Add a housing-related issue tag to NHS mental health systems/SystmOne.	Devon Partnership Trust; Hospital Discharge Manager; Housing Needs Head of Service; Healthwatch.	Jun-27
		Include housing as a section within MDT meetings to improve discharge times and ensure Housing are invited to MDT meetings where there are housing issues.	Devon Partnership Trust; Hospital Discharge Manager; Housing Needs Head of Service; Healthwatch.	Sep-27
2.15	Improve accessibility of mental health support and environments that promote mental wellbeing	Identify specialist mental health support outreach role to work specifically with people experiencing homelessness	Strategic Lead for Community Protection, DPT	Mar-27
2.16	Improve housing-related discharge planning and support for people identified as at risk of homelessness within health settings.	Continue joint discussions between DPT, Housing and Commissioning colleagues to identify and address barriers to effective housing-related discharge planning.	DPT; Strategic Commissioning Adults communities	Jun-27
2.17	Improve sustainment of temporary accommodation for people with complex needs.	Assess the support needs of people with complex needs living in temporary accommodation to identify barriers to sustainment.	Head of Housing Need	Sep-27
2.18	Implement a Needs-Led Commissioning Strategy	Develop and implement a commissioning strategy for temporary accommodation and support services, informed by local need, service gaps, and future demand.	Divisional Director Community and Customer Services	Aug-27

2.19	Strengthen the VCSE sector's ability to identify, access and respond to funding opportunities.	Build upon existing work led by Torbay Communities to improve awareness of funding opportunities and support access to funding across the VCSE sector.	Torbay Communities	Sep-27
		Establish arrangements for coordinating and maintaining a pipeline of homelessness-related projects and proposals to support future funding applications.	Homelessness and Rough Sleeping Forum	Dec-27
2.20	Strengthen the use of Multi-Agency Risk Management Meetings (MARMs) to support a consistent approach to identifying, managing and reducing risk.	Promote understanding of the MARM framework across statutory and voluntary sector partners, including governance requirements, referral pathways and effective meeting chairing.	Strategic Lead for Community Protection	Sep-27
		Ensure any feedback regarding implementation of MARMs and partner engagement with them is given directly to the MARM implementation group of the Adult Safeguarding Board for quality assurance processes.	Safeguarding Adults board	Sep-28
2.21	Strengthen information-sharing arrangements between Housing Options and partner agencies.	Develop and implement a standardised consent process to support lawful and consistent sharing of information between Housing Options and partner agencies.	Torbay Advice and Information Network; Information Governance	May-27
		Sustain dedicated partner access routes into Housing Options, including the third-party contact line, and explore opportunities to expand the service to support routine Rough Sleeping Initiative enquiries where appropriate.	Customer Services Operations Manager, Housing Needs Manager, Strategic Lead for Community Protection	Apr-27
2.22	Develop a coordinated employment, skills and training pathway for people experiencing homelessness or housing insecurity.	Maximise opportunities through Connect to Work to increase referrals into employment support and support earlier identification of housing need.	Connect to Work Delivery Manager	Sep-27
		Explore housing-linked employment and training opportunities through social enterprise or housing and employment models and working with Torbay Business Forum.	Homelessness and Rough Sleeping Forum	Jun-28

3	Rough Sleeping			
3.1	Improve Access to RSI and Housing Needs Services	Trial co-location of RSI within day centres to improve the identification of, and engagement with, people newly sleeping rough.	Strategic Lead for Community Protection, Homeless Strategy Delivery Officer	Dec-26
		Develop a Homeless Application crib sheet to make approaching Housing Services easier for people with limited capacity to navigate forms and appointments, thereby reducing the length of time spent rough sleeping. Explore the opportunities for partners to use this sheet.	Strategic Lead for Community Protection, Homeless Strategy Delivery Officer, Comms subgroup-Homelessness and Rough Sleeping Forum	Mar-27
		Enable direct booking of face-to-face appointments through RSI co-location to remove the barrier created by telephone-based access routes for people newly sleeping rough who need housing support.	Head of Housing Need, Strategic Lead for Community Protection	July-27
3.2	Use the Vulnerability Matrix to Target Support and Monitor Progress	Use the Vulnerability Matrix as a structured tool to assess need, target support, monitor interventions and track progress over time. Use findings to identify patterns, review the effectiveness of interventions, and highlight any recurring system issues affecting rough sleepers.	Strategic Lead for Community Protection, Homeless Strategy Delivery Officer	Apr-27
3.3	Prioritise interventions and resources through the TPG	Establish a TPG working group amongst partners. Use rough sleeping and vulnerability matrix data to inform opportunities and interventions.	Strategic Lead for Community Protection	Sep-27
3.4	Improve access to daytime support, facilities and safe spaces for people sleeping rough.	Review options for daytime provision to improve access to showers, toilets and safe indoor spaces for people sleeping rough, including during periods of hot and cold weather.	Strategic Lead for Community Protection	Aug-27
		Improve access to locker provision by reviewing location options and exploring delivery through community and voluntary sector venues.	Strategic Lead for Community Protection	Mar-27

3.5	Explore opportunities to strengthen accommodation options for women experiencing rough sleeping and complex needs.	Deliver the Women's Rough Sleeping Census to improve understanding of the scale, experiences and support needs of women experiencing rough sleeping in Torbay.	Strategic Lead for Community Protection, Homeless Strategy Delivery Officer	Dec-26
		Deliver a partnership-led evening safe space and shower provision for women experiencing rough sleeping and complex needs, using the specialist skills of Complex Lives Navigators to strengthen engagement and access to wider support.	Strategic Lead for Community Protection, Homeless Strategy Delivery Officer	Dec-26
		Establish a coordinated, system-wide approach to women's homelessness, connecting existing and planned work and providing a clear direction for longer-term priorities and ambitions.	Strategic Lead for Community Protection, Homeless Strategy Delivery Officer	Mar-27
3.6	Improve the accessibility and inclusivity of Severe Weather Emergency Protocol (SWEP) provision.	Review SWEP accessibility, disability access, gender-informed provision, and good practice from other local authorities to identify opportunities for service improvement, including lived experience sights	Strategic Lead for Community Protection	Jun-27
3.7	Improve access to health services for people experiencing homelessness and rough sleeping.	Obtain insights from Chilcote Surgery to better understand health needs, identify gaps in provision and inform future service planning.	Chilcote Surgery, Strategic Lead for Community Protection	Dec-27
3.8	Improve intelligence on pathways into and out of rough sleeping	Strengthen intelligence on the drivers and pathways associated with rough sleeping through asking better questions, recording responses, and analysing pathway data.	Strategic Lead for Community Protection	Mar-27
		Strengthen data analysis between the RSI and Housing Options services to better understand journeys into, through, and out of rough sleeping, including move-on and accommodation outcomes through joining up HCLIC and DELTA data.	Strategic Lead for Community Protection, Housing Needs Manager, Homeless Strategy Delivery Officer	Jun-27
4	**Youth Homelessness**			

4.1	Improve coordination across youth homelessness partners and increase visibility of services, pathways and support available to young people.	Develop and maintain accessible information on the local youth homelessness offer, including services, referral pathways and eligibility criteria.	Children's Services	Mar-27
		Review partnership engagement arrangements to ensure relevant organisations are aware of, invited to and represented within appropriate meetings and networks.	Children's Services	Jun-27
4.2	Improve early identification and response to youth homelessness within schools and colleges.	Deliver housing and homelessness awareness training for school and college safeguarding and welfare leads to support timely advice, referrals and early intervention.	Children's Services, Early Help Team	Sep-27
		Improve awareness of local referral pathways and support available to young people at risk of homelessness.	Children's Services, Comms Subgroup - Homelessness and Rough Sleeping Forum	Dec-27
	Lived Experience			
5.1	Coordinate existing lived experience groups and networks to create a more connected, representative, and influential approach to engagement across the homelessness system.	Map existing lived experience groups and engagement mechanisms, so that work is coordinated.	Data Sub-Group- Homelessness and Rough Sleeping Forum; TRI; What's Your Problem; Devon Rape Crisis; St Mags; Helpline; Age UK; Citizens Advice	Mar-27
5.2	Use lived experience insight to inform decision-making, service design, and continuous improvement across the homelessness system.	Establish a framework for identifying when lived experience should inform decision-making and a mechanism for evidencing how lived experience has influenced decisions and system improvement.	Data Sub-Group Homelessness and Rough Sleeping Forum	Sep-27

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TORBAY COUNCIL

Meeting: Cabinet **Date:** 24 November 2026

Wards affected: All wards

Report Title Torbay Area SEND Strategy 2026–2029

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

Cabinet Member Contact Details: Cllr Nick Bye – Lead Cabinet Member Children's Services

Director Contact Details: Nancy Meehan Director of Children's Services, Hannah Baker Divisional Director SEND and Education

1. Purpose of Report

1.1 This report seeks Council approval of Torbay Area SEND Strategy 2026–2029, which sets out a shared vision and priorities for SEND across Torbay.

1.2 The Strategy sets out a clear vision for the SEND Local Area Partnership, focusing on six shared priorities with children, young people and their families at the heart of its approach. The Integrated Care Board (ICB) has confirmed its adoption of the Torbay Area SEND Strategy 2026–2029 as the strategic framework for Torbay. Approval of this report will demonstrate the Council's commitment to this collaborative Local Area approach and to the associated arrangements for implementation, governance and oversight.

2. Reason for Proposal and its benefits

2.1.1 A shared strategic framework is needed so that the Local Area Partnership can align effort, strengthen collaboration and monitor progress consistently. The six priorities are Inclusive education, belonging and local communities; Early Identification, effective help and clear pathways; The right support, in the right place, at the right time; Joined-up education, health and care accountability: Preparation for adulthood, independence and a good life: Trust, confidence, communication and co-production. They have been coproduced from what our families have told us is the most important priorities for them.

3. Recommendation(s) / Proposed Decision

3.1.1 That the Torbay Area SEND Strategy 2026–2029, be approved; and

3.1.2 That the Director of Children's Services, in consultation with the Cabinet Member for Children's Services, be given delegated authority to make minor presentational or factual amendments that do not change the substance of the Torbay Area SEND Strategy 2026-2029, if required.

4. Appendices

Appendix 1: Torbay Area SEND Strategy 2026–2029

5. Background Documents

- Torbay Area SEND Strategy 2026–2029

Supporting Information

6. Introduction

6.1.1 Developed as a Local Area Partnership strategy for Torbay, the Strategy sets out a message from Families in Torbay about want they want to see, our co-production approach, SEND pledge principles and the responsibilities of the Council and partners and in ensuring a collaborative model for delivery.

6.1.2 Progress will be overseen through the SEND Local area Improvement Board, supported by regular progress tracking and annual review. A new structure of multi-agency boards and meetings has been implemented, bringing together education, health and care partners with parents and carers to oversee local SEND arrangements and monitor progress towards our shared vision and goals.

7. Options under consideration

7.1.1 Approve the Strategy. This is the recommended option because it provides a shared direction, clear priorities and proportionate governance for collective delivery.

7.1.2 Do not approve the Strategy. This would leave no single agreed framework for coordinating the shared SEND priorities and monitoring collective progress.

8 Financial Opportunities and Implications

8.1.1 Approval of the Strategy does not, in itself, commit the Council to additional expenditure. Delivery will be undertaken through existing partnership arrangements and service planning. Any future proposals with additional financial implications will be considered through the Council's usual governance and budget processes.

9 Legal Implications

9.1.1 The Strategy supports the Council in meeting its education responsibilities, including its duties under section 13A of the Education Act 1996, current SEND Code of Practice (2015) and aligns with the new SEND Reform arrangements recently published, to promote high standards, fair access to education and training, and the fulfilment of learning potential. It also reflects the wider leadership responsibilities established by the Children Act 2004.

10 Engagement and Consultation

10.1 The Strategy has been shaped through collaborative work with all SEND Local Area Improvement Board partners, system leaders, and education settings, alongside engagement with children, young people and families. There has been specific coproduction events with families over the past two months to shape the key priorities in this Strategy. The resulting priorities reflect shared system challenges and opportunities. Engagement will continue through the Strategy's delivery and annual review arrangements.

11 Procurement Implications

11.1 There are no direct procurement implications arising from approval of the Strategy.

12 Protecting our naturally inspiring Bay and tackling Climate Change

12.1 The Strategy is not expected to have a direct adverse environmental impact. Delivery will make use of existing partnership and governance arrangements, including digital communication where appropriate. Any future projects arising from the Strategy will assess environmental impacts through the Council's established processes.

13 Associated Risks

13.1 The principal risk of not approving the Strategy is that partners would lack a single agreed framework for joint action and assurance. Delivery risks include inconsistent engagement, capacity pressures and limited progress against priorities. These will be managed through named accountability, shared progress tracking, termly oversight and annual review.

14 Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	• 18% of Torbay residents are aged under 18 years old. • 55% of Torbay residents are aged between 18 to 64 years old. • 27% of Torbay residents are aged 65 and older.	The Strategy is intended to benefit children and young people across the 0–25 age range. Differing needs at each educational stage are recognised through priorities on early years, attendance, transitions and pathways. No adverse age-related impact is anticipated.	Use age-appropriate engagement and information; monitor access, participation and outcomes by age and phase; address any gaps through annual delivery planning.	Children's Services / Education and Health partners; throughout 2026–2029, reviewed annually.
Carers	• At the time of the 2021 census there were 14,900 unpaid carers in Torbay. • 5,185 of these carers provided 50 hours or more of care.	Young carers and children in families with caring responsibilities may experience barriers to attendance, participation and transitions. The Strategy's inclusion and belonging focus should support earlier identification and	Work with settings and relevant services to identify and support young carers; provide flexible and accessible engagement; monitor attendance, transitions	Children's Services / Education and Health partners; throughout 2026–2029,

		coordinated support. No adverse impact is anticipated.	and outcomes where data permits.	reviewed annually.
Care experienced	• As of January 2026, there were 277 former care experienced young people aged 18-24 in Torbay.	Cared for and care experienced children and young people can face poorer attendance, disrupted learning and transitions, and barriers to education, employment or training. The Strategy should have a positive impact by promoting belonging, stable transitions and inclusive pathways.	Apply corporate parenting principles; involve care experienced young people in delivery and review; use Virtual School and leaving-care insight; monitor attendance, attainment, transitions and post-16 destinations.	Children's Services, Virtual School and Education partners; throughout 2026–2029, reviewed annually.
Disability	• In the 2021 Census, 23.9% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	Disabled children and young people, including those with special educational needs, may face barriers to access, attendance, participation, transitions and suitable pathways. Inclusion is central to the Strategy and a positive impact is intended, but delivery must remain accessible and aligned with SEND duties.	Use accessible communication and reasonable adjustments; co-produce relevant activity; align all SEND improvement and SEND reform work; monitor attendance, exclusions, attainment, transitions and destinations for children with SEND.	Children's Services, SEND and Education partners and health partners; throughout 2026–2029, reviewed through SEND Local Area Improvement

				Board (SLAIP) governance arrangements as described in the strategy.
Gender reassignment	• In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth.	No differential impact	N/A	N/A
Marriage and civil partnership	• Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No differential impact	N/A	N/A
Pregnancy and maternity	• Between 2013 and 2024, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 56.0 per 1,000) than the Southwest (53.4) and broadly in line with England (56.3). • For the period 2022 to 2024, rates in Torbay (44.6) have been significantly below England (50.0).	No differential impact	N/A.	N/A

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as the following: • 1.6% as Asian, Asian British or Asian Welsh • 0.3% as Black, Black British, Black Welsh, Caribbean or African • 1.5% as being of Mixed or Multiple ethnic groups • 96.1% as White • 0.4% described their ethnicity another way. • Black, Asian and minoritised ethnic communities are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	Children from minority ethnic communities, including Gypsy, Roma and Traveller children and those with English as an additional language, may experience unequal educational outcomes, discrimination or barriers to engagement. The Strategy provides an opportunity to improve inclusion and belonging.	Use culturally responsive engagement, interpretation and translation where needed; strengthen anti-racist and anti-bullying practice; monitor attendance, attainment, exclusions, transitions and destinations by ethnicity where data allows.	Children's Services, Health and Education partners; throughout 2026–2029, reviewed annually.
Religion and belief	The 2021 Census showed that the residents in Torbay identify their religion and/or belief as the following; • 48.5% are Christian • 0.4% are Buddist • 0.2% are Hindu • 0.6% are Muslim • Less than 0.1% are Sikh • 0.1% are Jewish • 0.7% have another religion • 43.2% have no religion • 6.3% did not answer	No differential impact	N/A	N/A

Sex	• 51.3% of Torbay's population are female. • 48.7% of Torbay's population are male.	Patterns of attainment, attendance, exclusions and progression can differ between girls and boys. The Strategy is intended to benefit all children and young people; delivery should avoid reinforcing stereotypes and respond to evidenced differences in outcomes.	Monitor key outcomes by sex; use targeted, evidence-led action where gaps are identified; ensure curriculum, careers information and participation opportunities challenge stereotypes.	Children's Services / Education and Health partners; throughout 2026–2029, reviewed annually.
Sexual orientation	In the 2021 Census, residents described their sexuality as follows; • 89% as Straight or Heterosexual • 1.7% as Gay or Lesbian • 1.1% as Bisexual • 0.1% as Pansexual • 0.1% described their sexuality another way • 7.4% of people didn't answer the question	No differential Impact	N/A	N/A
Armed Forces Community	• In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. • In Torbay, 5.9% of the population have previously served in the UK armed forces.	Children in Armed Forces families may experience mobility, interrupted learning and repeated transitions. The Strategy's focus on joined up education, health and care and on belonging should support continuity and inclusion. No adverse impact is anticipated.	Identify mobility and service-related needs early; share information promptly between settings and partners; use the Service Pupil Premium and specialist	Education settings, health services and Children's Services; throughout 2026–2029.

			guidance where applicable; monitor transitions and attendance.	
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	• Torbay is ranked as the 39th most deprived upper tier local authority in England in the Index of Multiple Deprivation 2025.	Poverty, transport, digital access and the cost of participation can affect attendance, attainment and progression. The Strategy has potential for a positive impact through earlier support, stronger belonging and clearer pathways, but unequal access must be actively addressed.	Use deprivation and disadvantage data to target support; consider affordability, transport and digital access in delivery; maximise available funding and monitor attendance, attainment and destinations for disadvantaged cohorts.	Local Area Partners, Children's Services, and relevant Council services; throughout 2026–2029, reviewed annually.
Public Health impacts (Including impacts on the general health of the population of Torbay)	• For the five-year period 2020 to 2024, data shows there is a 6-year life expectancy gap between males who live in Torbay's least and most deprived areas and, a 3-year gap for females.	Educational participation, belonging and progression are linked to physical and emotional wellbeing. Improved attendance and inclusive pathways may have positive longer-term health impacts. Delivery should recognise mental health needs and health-related barriers to attendance.	Link delivery with early help, public health and mental health support; use trauma-informed and relational approaches; monitor wellbeing, attendance and exclusion indicators.	Local Area Partners, Children's Services, Public Health and Education settings; throughout 2026–2029.

Human Rights impacts	Relevant rights include the right to education, non-discrimination, respect for private and family life, freedom of thought, conscience and religion, and children's right to have their views considered.	The Strategy is intended to advance access to inclusive education and participation. No adverse human rights impact is anticipated. Decisions made during delivery must remain lawful, necessary, proportionate and in the best interests of children and young people.	Embed children's rights and participation in delivery; provide accessible routes to express views and challenge decisions; consider rights impacts when developing actions and reviewing progress.	Local Area Partners, Children's Services / Education settings; throughout 2026–2029, reviewed annually.
Child Friendly	The Strategy directly affects children and young people across Torbay and has been informed by engagement with them and their families. Its priorities reflect children's experiences of readiness, reading, belonging, transitions and future pathways.	A positive impact is anticipated by making education more inclusive, connected and responsive. Delivery should continue to consider what matters to children and young people, including those whose voices are less often heard.	Use accessible and age-appropriate participation; involve a diverse range of children and young people in delivery and annual review; explain how their views have influenced action; close the feedback loop.	Local Area Partners, Children's Services / Education settings, Torbay Youth forum, SEND Family voice and participation leads; throughout 2026–2029, reviewed annually.

15 Cumulative Council Impact

15.1 No adverse cumulative Council impacts have been identified. The Strategy is intended to align with related work including Torbay Together Education strategy, Family First, Best Start in Life and the Council's wider priorities for children and young people.

16 Cumulative Community Impacts

16.1 No adverse cumulative community impacts have been identified. The collaborative approach is expected to improve coordination across education settings, families and partner organisations.

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Torbay Area SEND Strategy

2026-2029



TORBAY COUNCIL

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DRAFT

Foreword – A Message from Families

We hope this strategy will lead to positive and lasting change for children, young people and families across Torbay. Parents and carers know their children best, and children and young people understand their own lives and experiences. Their knowledge hopes and ideas should be listened to, respected and reflected in the decisions that affect them.

We can see that improvements are beginning to take effect across the SEND system, and we hope this progress will continue so that more families feel the difference in their everyday experience. Families are on this journey every day. They want professionals and services to work alongside them as genuine partners: listening with curiosity and kindness, being approachable and non-judgemental, and taking time to understand each child or young person as an individual.

We would like communication to be honest, clear and transparent. Families should be able to understand what support is available, how decisions are made and what will happen next. They should feel informed and empowered, with help to navigate the system without having to repeat their story.

Above all, we want everyone in Torbay to share high ambitions for children and young people with SEND. Every child and young person should feel valued, have opportunities and be supported to work towards their goals. We believe incredible things are possible when we work together—with understanding, fairness, clarity and care.

Torbay Parent Carers October 2026

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Introduction – A Message from the Torbay Local Area SEND Partnership

Every child and young person with SEND in Torbay deserves the opportunity to thrive, achieve their ambitions and get the right support when they need it. They should feel listened to, included and understood, while families should have confidence that services work together and value their views.

This SEND Strategy sets out our shared vision for the next three years. It describes the direction we want to take and the outcomes we are striving to achieve for children and young people with SEND aged 0-25 and their families across Torbay.

Since Torbay's Area SEND Inspection in 2025, partners across education, health, social care and the voluntary sector have worked together to strengthen the SEND system. Leadership, partnership working and shared accountability have improved, creating stronger foundations for long-term change. While progress has been made in many areas, we are still striving to achieve a high-quality system where every child and young person reaches their potential.

This strategy builds on the improvements already underway and sets a clear direction for the future. It aligns with the ongoing work of our local action plan and the national SEND Reform Plan, providing a shared roadmap for the next phase of development.

Over the next three years, we will focus on what our families have told us matters the most: identifying needs earlier, improving inclusion, strengthening local support and ensuring children, young people and families have a meaningful voice in shaping services. We will continue to work together to make the best use of our resources and deliver support where it can have the greatest impact.

This strategy belongs to the whole Torbay SEND partnership. It reflects the shared responsibility of education settings, health services, social care, community organisations, families and, most importantly, children and young people themselves. By working together and keeping children and families at the heart of our decisions, we can continue to improve experiences, opportunities and outcomes. We recognise that no single organisation can improve outcomes alone. Through the Torbay SEND Partnership, partners commit to shared priorities, shared accountability and joint decision-making. We will use our collective resources, intelligence and expertise to ensure children and young people receive the right support, in the right place and at the right time.

Where performance is not good enough, partners will work together to understand the causes, agree corrective action and monitor improvement.

We are proud of the progress made so far, honest about the challenges that remain and committed to delivering further change. This strategy sets out how we will work together to build a more inclusive, responsive and trusted SEND system for every child, young person and family in Torbay.

Councillor Nick Bye	**Nancy Meehan**	**Su Smart**	**Rebecca Box**
Cabinet Member for Children's Services, Torbay Council	Director Children's Services, Torbay Council	Director of Allied Health Professionals & Nursing (Statutory Partnerships) NHS Cornwall, Isles of Scilly and NHS Devon	Co-Chair SEND Family Voice Torbay

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Understanding SEND Needs in Torbay: Our Starting Point

Introduction

Torbay is a place of significant strengths, opportunity and community spirit. However, many children and young people face barriers associated with deprivation, vulnerability, special educational needs, poor health outcomes and unequal life chances. **12 of the 16 local areas** with significantly higher SEND prevalence were among England's 20% most income-deprived areas for children.

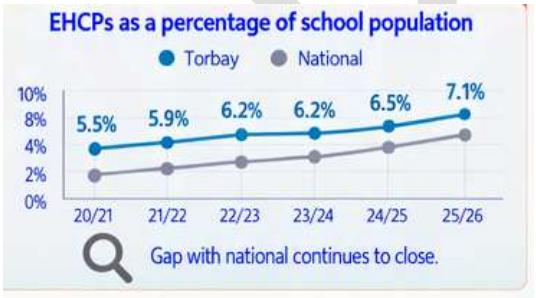


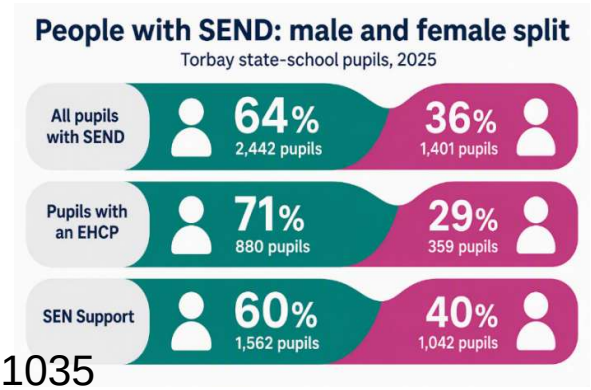
Torbay has three key towns, all with a very different make-up of SEND. Torbay has a great range of mainstream educational settings; most SEND need is met in mainstream settings. It has four special schools which serve the most complex children and young people in Torbay. At post16 our FE College serves the majority of young people with SEND, with some attending our two special school sixth form provisions.

What sort of SEND needs are prevalent in Torbay?

Torbay has around 2000 children and young people with an Education, Health and Care Plan. This has risen in recent years, in line with increases nationally. There are also around 3000 children and young people identified at SEN Support.





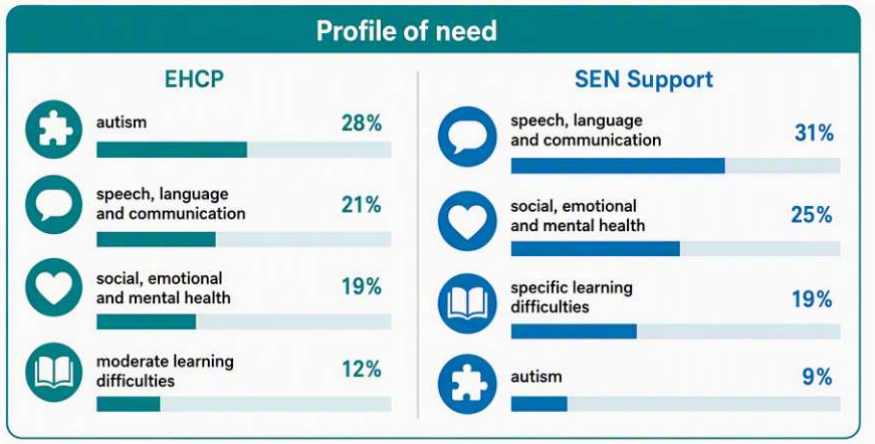


Around two-third's of children and young people with SEND are boys. The most prevalent recorded SEND needs are between the ages of 7-15.

Responding to Growth in Need

We recognise that the number of children and young people with SEND continues to increase and that demand for support is growing. The partnership will use shared intelligence, forecasting and needs analysis to understand future demand and ensure our workforce, provision and resources develop in a sustainable way. This will help more children and young people receive the right support earlier, reducing the need for specialist intervention wherever possible.

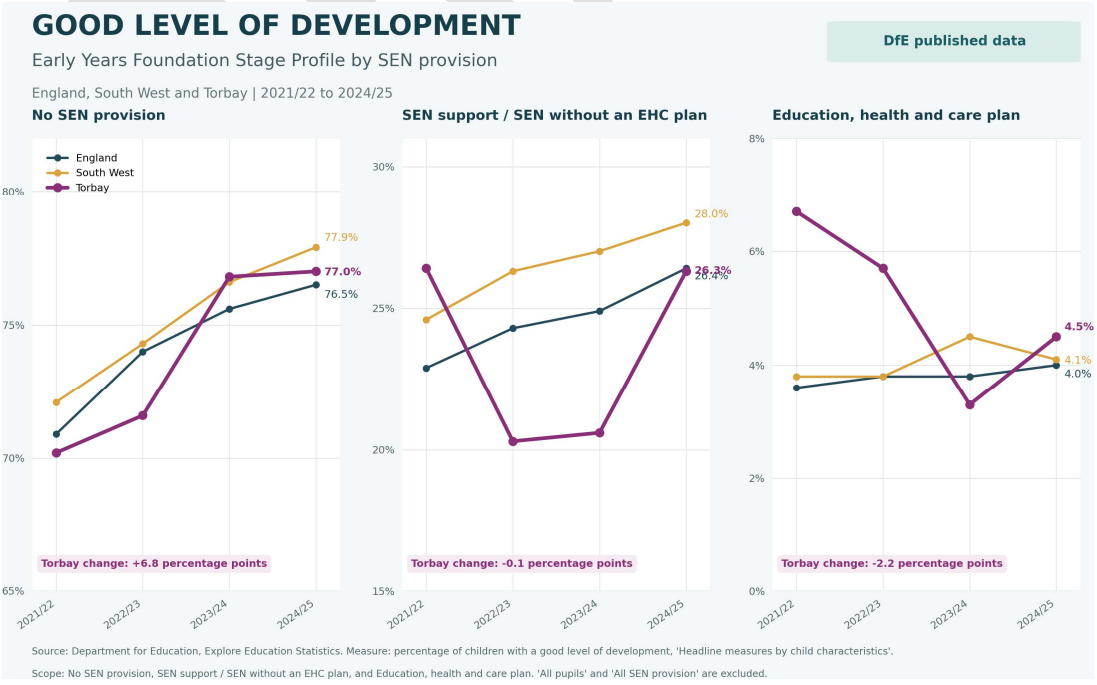
Which needs are the most common in Torbay?



Autism, speech, language and communication and Social, emotional and mental health needs are the most prevalent needs for children and young people.

What outcomes do children with SEND have?

For those in the **Early Years and Foundation Stage** the Good Level of Development (GLD) score has been slowly improving overall since 2023. The 2026 results have shown another improvement with a 7% increase for vulnerable children.



At the end of primary school, reading, writing and mathematics skills are tested. In Torbay all SEND children have shown and improvement in this combined score. Although still an improvement writing skills have been harder to improve; this is a focus area for our local area. These results show a real drive for inclusive practice in our primary settings.

Key Stage 2 | Combined RWM
2024/25 and 2025/26 (provisional)
Pupils meeting expected standard
Figures show 2024/25 → 2025/26

	England	South West	Torbay
All SEN provision	21% → 24%	24% → 26%	20% → 25%
Education, health and care plan	8% → 10%	10% → 10%	6% → 12%
SEN support / SEN without an EHC plan	26% → 29%	29% → 31%	25% → 30%
No SEN provision	72% → 74%	74% → 75%	77% → 77%
All pupils total	60% → 62%	63% → 63%	62% → 62%

Based on the supplied Key Stage 2 attainment data

Key Stage 4 | English and Maths (GCSE)
2024/25 and 2025/26 (provisional)
Percentage of pupils achieving grades 4 or above
Figures show 2024/25 → 2025/26

	England	South West	Torbay
All SEN provision	36.2% → 37.4%	30.3% → 32.0%	17.1% → 27.2%
Education, health and care plan	24.3% → 24.0%	20.8% → 20.7%	0.0% → 22.2%
SEN support / SEN without an EHC plan	39.2% → 41.1%	32.8% → 35.6%	19.1% → 28.6%
No SEN provision	72.8% → 73.1%	72.2% → 71.6%	68.0% → 73.3%
All pupils total	66.6% → 66.7%	64.5% → 64.2%	56.3% → 62.8%

Based on the supplied Key Stage 4 performance data

Over recent years **at the end of Secondary school** many young people with SEND don't do as well as we would wish for them overall, this is a key area for development in the local area.

However, in the last year there have been real improvements seen for all young people with SEND, which we hope to continue to build upon in future years.

At **Post16** in Torbay the partnership have worked hard to ensure all young people with SEND at post16 receive education, employment or training. This means our rate **for young people Not in Education, Employment or Training (NEET)** are low for ages 16-18 and are better than regional and national rates. We know that young people with an EHCP who were previously NEET have reduced by 55% between January to May 2026 and this is an improvement we will continue to build upon.

Source: "Moving On" data for 2025.

The whole partnership know our children's needs and are determined to working together to support all our children and young people to reach their potential.

Our SEND Pledge

Children and young people with SEND have told us that they want to feel understood, included and supported to achieve their ambitions. Families have told us that they want services to work together, communicate openly and involve them as genuine partners. We have listened carefully to these experiences, and they shape this strategy and the commitments we make as a partnership.

Our approach will be guided by the **Our SEND pledge - Family Hub**, which sets out the experience that children, young people and families should expect wherever they access support. The pledge reflects what children and young people have told us matters most: being listened to, treated fairly, communicated with honestly and supported without unnecessary barriers.



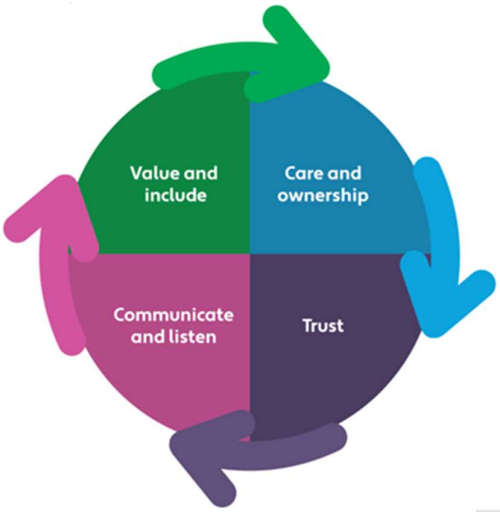
A diagram that sets out the SEND pledge principles: Be honest, Show you Care, Be thoughtful, Be fair, Be Kind, Be friendly.

We are committed to making these principles visible in everyday practice, not simply as statements of intent, but as behaviours that are consistently experienced across the whole system.



Our Coproduction Charter

We will continue to place co-production at the heart of our work. Children, young people and families are experts in their own lives, and their insights will help shape decisions about services, support and future priorities. We are committed to listening to feedback, acting on what we hear and being transparent about the changes that follow. Where improvements can be made, we will be open about the action being taken. Where there are challenges, we will work with families to find solutions together.



The Torbay **Our co-production charter - Family Hub** reflects our shared commitment to working together with children, young people and families to shape and improve SEND services. Developed jointly by parent carers and professionals from across the partnership, the charter is grounded in what local people told us matters most and is informed by the recognised principles of effective co-production. It sets out our commitment to building trusting relationships, respecting privacy, confidentiality and choice, and working in genuine partnership to influence decisions and drive improvement. Co-production is not a one-off activity but an ongoing journey, with everyone playing a role in embedding a culture where we do what we say we will do and where children, young people and families are active partners in creating better outcomes for the future.

We also recognise the importance of culture in shaping experiences. Through our shared commitment to restorative practice, we will work with children, young people and families in ways that build trust, strengthen relationships and support positive outcomes. We will seek to work with families, ensuring that respect, understanding and collaboration underpin our interactions.



Representatives from our SEND Youth Forum told us that professionals supporting them should:

"Be consistent"

"Keep your promises - don't promise things unless you can keep them"

"Trust is earned"

The Local Area partnership is committed to continue to listen to young people and family voices to keep improving the service and support on offer.

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Our Shared vision and goals

Our Vision and goals have been co-produced with our families, young people and professionals.



A diagram that shows our vision: a SEND system that us inclusive and ambitious, where children and young people with Send are valued and supported, receive the right support at the right time and gel they belong.

To achieve this, 5 overarching goals will guide delivery to 2029.



A diagram that shows our 5 goals to 2029 – better learning, more confidence in local support, working together, a smoother, kinder assessments process and using resources wisely.

Delivering Our Strategic Priorities Together

This strategy is built around six priorities that will guide our work over the next three years. Together, they turn our vision and goals into action and describe how children, young people and families should experience support in Torbay.

These priorities are shaped by what families, children and young people have told us matters most. They also reflect our shared commitment, through the SEND Pledge, to be honest, show we care, be thoughtful, be fair, be kind and be friendly in everything we do. Our ambition is that these values are not only reflected in policies and plans but are experienced every day by the people who rely on SEND services and support.

We know that improving outcomes for children and young people with SEND depends on all partners working together. Education settings, health services, social care, community organisations and families all have an important role to play. By working as one partnership, we can create a more joined up system that responds earlier to need, communicates more effectively and delivers support that makes a real difference.

The six priorities that follow set out where we will focus our efforts, the actions we will take and the difference we want to achieve. They also explain how we will measure progress and hold ourselves accountable for delivering change. Together, they provide the framework for continuous improvement and for ensuring that children and young people with SEND in Torbay are supported to achieve their potential, participate fully in their communities and enjoy the best possible opportunities in life.



A diagram that shows our 6 SEND priorities: inclusive education, early identification, the right support at the right time, joined up system, preparation for adulthood, and trust, confidence & co-production.

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Priority 1: Inclusive education, belonging and local communities

Why is this a priority?

Every child and young person should feel welcome, included and supported in their local school and community. In Torbay, increasing numbers of children need SEND support, while families tell us that access to help can still be inconsistent. Children and young people with SEND are more likely to experience absence, exclusion and lower outcomes than their peers. We need to strengthen inclusion across all education settings and services so children get the right support earlier and closer to home.

What is working well?

Since the Area SEND Inspection, partners have made good progress. Schools have increased their focus on inclusion through programmes such as Belonging by Design, locality working has strengthened collaboration between schools, and specialist outreach support is helping more children remain in their local settings. Additional specialist provision has also been developed, creating more local options for children and families.

What will we do together?

- Build a shared understanding of what good inclusive practice looks like in every setting.
- Strengthen support available before needs escalate.
- Expand access to specialist advice through the Experts at Hand model and outreach services.
- Develop local provision so more children can have their needs met close to home.
- Reduce exclusions, absence and barriers to participation.
- Work with children, young people and families to shape services and support.

How will we know we are making a difference?

We will monitor:

- Educational Outcomes for children with SEND at each stage of their education.
- Attendance, exclusions and part-time timetables.
- The number of children educated in their local community.
- Access to SEN Support and early help.
- Family and young people's views about inclusion and belonging.
- Education setting's confidence in meeting a wide range of needs.

What will success look like?

Children and young people with SEND feel that they belong, attend regularly and are supported to achieve their goals in their local education setting. Families have confidence that help is available when it is needed and do not have to fight for support. Education settings are confident in meeting needs, supported by strong partnerships across education, health and care. Inclusion is the expected experience for every child and young person in Torbay.

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Priority 2: Early Identification, effective help and clear pathways

Why is this a priority?

Families consistently tell us that getting the right help can take too long and that pathways through services are not always clear. Delays in identifying needs can mean children do not receive support early enough, leading to increased difficulties and a greater need for specialist intervention later. We want children and young people to access the right support at the right time, with families understanding what help is available and how to access it.

What is working well?

Partners have strengthened arrangements for identifying needs earlier and improving access to support. Training, early intervention services and closer working between education, health and care professionals have helped build stronger foundations. The SEND Reform Programme has also established a shared commitment to improving pathways and reducing delays for children, young people and families.

What will we do together?

- Improve the early identification of emerging needs.
- Make support pathways easier for families and professionals to understand.
- Strengthen the help available through SEN Support and universal services.
- Improve coordination between education, health and care services.
- Health partners will continue to identify need, improve pathways, reduce waiting times where possible.
- Ensure assessments and support plans focus on what matters most to children and families.
- Provide clearer information about available services and support.

How will we know we are making a difference?

We will monitor:

- Waiting times for assessment and support services.
- Access to therapy services
- Timeliness of EHCP assessments and reviews.
- Access to early help and SEN Support.
- Family feedback on how easy it is to get advice and support.
- Children and young people's experiences of services and pathways.
- Reductions in needs escalating because support was not available early enough.

What will success look like?

Children's needs are recognised and understood as early as possible. Families know where to go for advice and feel confident accessing support. Services work together to provide joined-up help without unnecessary delays. Children and young people receive the right support at the right time, helping them make progress, participate fully in everyday life and achieve the best possible outcomes.

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Priority 3: The right support, in the right place, at the right time

Why is this a priority?

As the number of children and young people with SEND continues to grow, demand for specialist support is increasing. Families need confidence that support will be available when it is needed and that children can access the right provision without unnecessary delays or travelling long distances. We want more children and young people to have their needs met successfully in their local community, supported by a system that responds quickly and effectively. This is also part of our key vision for the Torbay SEND system; families told us this is so important that we have also made this a key priority.

What is working well?

Partners have increased local specialist provision, including additional specialist school places and enhanced support within mainstream education settings. Outreach services are helping more children remain in their local settings, while the development of the Experts at Hand model is creating opportunities for specialist knowledge to be shared more widely across education settings and services. Strong partnership working is providing a solid foundation for further improvement.

What will we do together?

- Expand the Experts at Hand model so specialist expertise is available earlier and more consistently.
- Increase the range and capacity of local SEND provision, including specialist school places.
- Strengthen outreach support to help children succeed in mainstream settings wherever appropriate.
- Improve planning for future demand so provision keeps pace with local need.
- Ensure children and families can access the right support without unnecessary delays or barriers.
- Improve transitions between services and stages of education.
- Partners will use shared intelligence, forecasting and engagement to jointly commission services that respond to local need.

How will we know we are making a difference?

We will monitor:

- The availability and use of local SEND provision.
- The number of children educated close to home.
- Access to specialist advice and support through Experts at Hand and outreach services.
- Waiting times for services and support.
- Family feedback about whether support is available when needed.
- Outcomes for children and young people accessing specialist and mainstream provision.

What will success look like?

Children and young people receive the support they need at the right time and in the setting that best meets their needs. Families can access help more easily, educational settings can access specialist expertise when needed, and more children are able to thrive in their local community with the confidence that the right support is available close to home.

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Priority 4: Joined-up education, health and care accountability

Why is this a priority?

Children, young people and families often rely on support from a range of services. When organisations do not work together effectively, families can experience delays, confusion and the need to repeat their story multiple times. We want education, health and care partners to share responsibility for improving outcomes, make decisions together and provide a more joined-up experience for families. We recognise that some children, young people and families face additional barriers because of poverty, vulnerability, ethnicity, health inequalities, care experience or other factors.

What is working well?

Partnership working has strengthened since the Area SEND Inspection, supported by the SEND Improvement Programme, stronger governance arrangements and a shared commitment to improvement. Education, health and care leaders are working more closely together, with clearer oversight of priorities, performance and improvement activity across the SEND system.

What will we do together?

- Strengthen joint leadership and accountability across education, health and care.
- Use shared information and performance data to drive improvement.
- Improve the way services work together around children, young people and families.
- Ensure children, young people and families help shape decisions and services.
- We will publish progress, celebrate improvement and be open about areas where further work is required.
- Partners will be jointly responsible for improving outcomes and addressing areas where performance is not strong enough.
- We will use data, engagement and lived experience to understand variation in outcomes and ensure support is targeted where it is needed most.

How will we know we are making a difference?

We will monitor:

- Progress against SEND strategy priorities.
- Feedback from children, young people and families.
- The quality and timeliness of joint decision-making.
- How effectively services work together to meet needs.
- Outcomes for children and young people across education, health and care.
- Delivery of actions from inspection and improvement plans.

What will success look like?

Families experience services as one joined-up system rather than separate organisations. Education, health and care partners work together effectively, make decisions quickly and take shared responsibility for improving outcomes. Leaders will routinely review performance, identify variation, remove barriers to improvement and ensure resources are targeted where need is greatest. Children and young people receive coordinated support that helps them thrive.

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Priority 5: Preparation for adulthood, independence and a good life

Why is this a priority?

Every young person with SEND should have the opportunity to develop independence, achieve their ambitions and live a fulfilling adult life. Families tell us they want clearer pathways into further education, employment, training, independent living and community participation. We need to ensure preparation for adulthood starts early and helps young people build the skills, confidence and support they need for the future.

What is working well?

Partners have strengthened their focus on preparation for adulthood, with closer working between education, health, social care and employment services. Young people have access to a growing range of opportunities to develop independence, plan for their future and prepare for the transition into adult life. The SEND partnership has also established a shared commitment to improving outcomes beyond school.

What will we do together?

- Start preparation for adulthood earlier and make it a focus of planning at every stage.
- Increase opportunities for employment, training and work experience.
- Support young people to develop independence and life skills.
- Improve transition planning between children's and adult services.
- Help young people access and contribute to their local communities.
- Ensure young people and families are involved in planning for the future.

How will we know we are making a difference?

We will monitor:

- Participation in education, employment and training.
- Destinations and outcomes after leaving education.
- Young people's independence and readiness for adulthood.
- The quality of transition planning.
- Feedback from young people and families.
- Young people's involvement in community life.

What will success look like?

Young people with SEND are supported to achieve their ambitions and lead fulfilling lives. They move into adulthood with the skills, confidence and support they need to continue learning, secure employment where appropriate, live as independently as possible and play an active role in their communities.

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Priority 6: Trust, confidence, communication and co-production

Why is this a priority?

Families, children and young people tell us that clear communication, meaningful involvement and trusting relationships are essential to a positive experience of SEND services. While there have been improvements, families do not always feel listened to or involved in decisions that affect them. We want to build a culture where families and professionals work together as equal partners to improve services and outcomes.

What is working well?

Children, young people and families are playing an increasingly important role in shaping SEND services and priorities. The Parent Carer Forum, participation groups and wider engagement activities are helping ensure lived experience influences decision-making. Partners have also strengthened their commitment to co-production and more open communication across the SEND system.

What will we do together?

- Improve communication with children, young people and families.
- Strengthen co-production at every level of the SEND system.
- Ensure feedback is listened to and used to drive improvement.
- Provide clearer information about services, support and decision-making.
- Build stronger relationships between families and professionals.
- Celebrate and share progress, learning and achievements.

How will we know we are making a difference?

We will monitor:

- Feedback from children, young people and families.
- Participation in co-production and engagement activities.
- Complaints, compliments and dispute resolution activity.
- Families' confidence in SEND services.
- How feedback has influenced service improvements.
- Satisfaction with communication and involvement in decision-making.
- We will routinely publish "Your Voice in Action" reports showing how feedback from children, young people and families has influenced decisions and service improvements.

What will success look like?

Children, young people and families feel listened to, valued and involved in decisions about their lives and support. Communication is open, honest and clear, and families have confidence in the SEND system. Trusting relationships between families and professionals help create better experiences and outcomes for children and young people.

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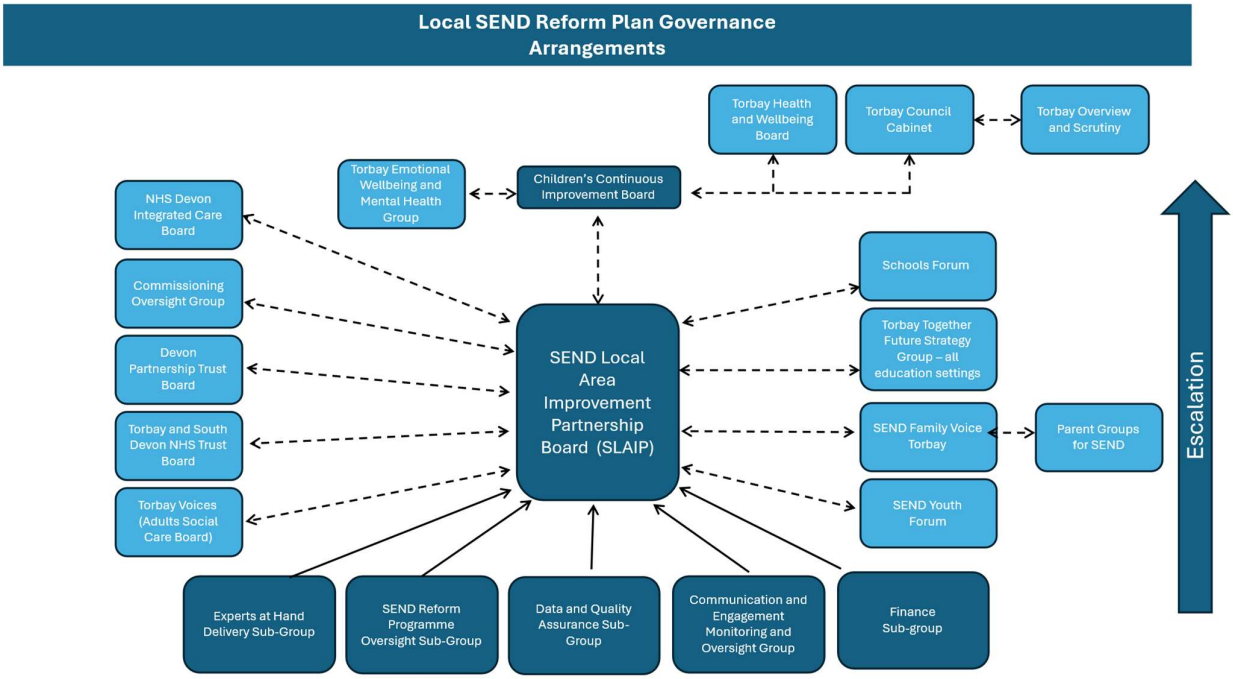
Who will oversee the strategy?

We will deliver this strategy through one joined-up partnership approach. The whole partnership will come together to work on each of these areas together through the SEND Local Area Improvement Partnership Board (SLAIP).

We have implemented a new structure of multi-agency boards and meetings where partners from education, health and care can come together with parents and carers to oversee our local SEND arrangements and monitor our progress towards our overall visions and goals. Our governance chart below shows all the connections we have made to



At these boards SEND Family Voice Torbay will feedback family voices to let us know how we are doing in each area. Our SEND Youth Forum will also keep feeding back their ideas on key issues. We will also look at key data and other information to show our progress over time.

Every year we will publish an impact report for families to show the progress we are making.

What Difference Will Families Notice?

- Families will know how to get help and support.
- Services work together around my child.
- Information will be clear and easy to find.
- My child's needs are understood earlier.
- Decisions will be explained.
- Families will feel listened to and involved.
- Children and Young people will experience the “Pledge” and be supported to achieve their ambitions and potential.

Glossary

Area SEND Inspection — An inspection of how education, health and care services work together to support children and young people with SEND in the local area.

Co-production — Children, young people, families and professionals working together as equal partners to design and improve support and services.

Early help — Support offered as soon as a need or difficulty is identified, before it becomes more serious.

Education Settings – By this we mean all forms of education from Early Years and Foundation Stage through to further education at post16.

EHCP (Education, Health and Care Plan) — A legal plan for a child or young person aged up to 25 who needs more support than is ordinarily available through SEN Support. It describes their needs, outcomes and the support they must receive.

Experts at Hand — Torbay's approach to making specialist advice and expertise available earlier to schools, settings, children and families.

Inclusion — Making sure every child and young person is welcomed, valued, able to take part and supported to learn and achieve.

Local Area SEND Partnership — The organisations and people in Torbay who share responsibility for SEND, including education, health, social care, community organisations, families, children and young people.

Local Offer — Information in one place about SEND services, support and activities available locally for children, young people and families.

Mainstream setting — A school, college or early years setting that supports children and young people with and without SEND.

Outreach support — Specialist advice and practical help brought into a child or young person's usual school or setting.

Parent Carer Forum — A group led by parent carers that represents families' experiences and helps shape local SEND services.

Preparation for adulthood — Planning and support that helps young people prepare for adult life, including education, employment, health, independence, housing and community participation.

SEN (Special Educational Needs) — Learning difficulties or disabilities that mean a child or young person needs additional or different educational support.

SEN Support — Additional or different help provided by a school or setting for a child or young person with SEN who does not need an EHCP.

SEND (Special Educational Needs and Disabilities) — A term covering children and young people who have special educational needs, disabilities, or both.

Specialist provision — Education or support designed for children and young people with more complex or specific needs.

Transition — A move between services, schools or stages of education, including the move into adulthood.

Universal services — Services available to all children, young people and families, such as schools, early years settings, GPs and community services.

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This document can be made available in other languages and formats.

For more information please contact ehcp@torbay.gov.uk

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TORBAY COUNCIL

Report title: Torbay Together – Education Strategy 2026 – 2030

Report to:	Cabinet
Date:	24 November 2026
Lead Cabinet Member:	Cllr Nick Bye, Cabinet Member for Children's Services
Email:	nick.bye@torbay.gov.uk
Lead Director:	Nancy Meehan, Director of Children's Services
Email:	Nancy.meehan@torbay.gov.uk or Hannah.baker@torbay.gov.uk
Wards affected:	All

1. Summary of Report:

1.1 This report seeks Cabinet approval of Torbay Together – Education Strategy 2026 – 2030, which sets out a shared vision and priorities for education across Torbay.

1.2 The Strategy provides a clear framework for the Council, education settings and partners to work together on five shared priorities, with inclusion at its centre. Approval will confirm the Council's support for this collaborative approach and the associated implementation and oversight arrangements.

2. Recommendations and Proposed Decision:

2.1 That the Torbay Together – Education Strategy 2026 – 2030 be approved; and

2.2 That the Director of Children's Services, in consultation with the Cabinet Member for Children's Services, be given delegated authority to make minor presentational or factual amendments that do not change the substance of the Strategy if required.

3. Reasons for Recommendations/Proposed Decision:

3.1 A shared strategic framework is needed so that education settings, the Council and partners can align effort, strengthen collaboration and monitor progress consistently. The

five priorities are early years and school readiness; reading; belonging and attendance; high-quality transitions; and pathways into education, employment and training.

4. Background and Context:

4.1 The Strategy has been developed as a shared education system strategy for Torbay. It describes the diverse education system, the responsibilities of the Council and partners, and a collaborative “Torbay Together” model for delivery. Progress will be overseen through the Future Strategy Group, Education Leaders Forum and priority workstreams, supported by regular progress tracking and annual review.

5. Alternative Options Considered:

5.1 Approve the Strategy. This is the recommended option because it provides a shared direction, clear priorities and proportionate governance for collective delivery.

5.2 Do not approve the Strategy. This would leave no single agreed framework for coordinating the education system’s shared priorities and monitoring collective progress.

6. Contribution to Council Priorities:

6.1 The Strategy aligns with related work including SEND reform, Family First, Best Start in Life and the Council’s wider priorities for children and young people.

7. Consultation and Engagement:

7.1 The Strategy has been shaped through collaborative work with education leaders, settings and partner agencies, alongside engagement with children, young people and families. The resulting priorities reflect shared system challenges and opportunities. Engagement will continue through the Strategy’s delivery and annual review arrangements.

8. Implications:

Financial Implications:

8.1 Approval of the Strategy does not, in itself, commit the Council to additional expenditure. Delivery will be undertaken through existing partnership arrangements and service planning. Any future proposals with additional financial implications will be considered through the Council’s usual governance and budget processes.

Legal Implications:

8.2 The Strategy supports the Council in meeting its education responsibilities, including its duties under section 13A of the Education Act 1996 to promote high standards, fair access to education and training, and the fulfilment of learning potential. It also reflects the wider leadership responsibilities established by the Children Act 2004.

Corporate Parenting/Children and Young People:

8.3 Cared for and care experienced children and young people can face poorer attendance, disrupted learning and transitions, and barriers to education, employment or training. The Strategy should have a positive impact by promoting belonging, stable transitions and inclusive pathways. Corporate parenting principles will be applied, care experienced young people will be involved in delivery and review, and Virtual School and leaving-care insight will inform monitoring.

Associated Risks, Risk Tolerance Level and Mitigations:

A summary of key risks associated with the recommendations in this report is inconsistent engagement, capacity pressures and limited progress against priorities. These will be managed through named accountability, shared progress tracking, termly oversight and annual review.
The principal risk of not approving the Strategy is that partners would lack a single agreed framework for joint action and assurance.

Delivery risks will be managed through named accountability, shared progress tracking, termly oversight and annual review.
Full risks are set out below:

Risk	**Risk score before mitigations (likelihood x impact)**	**Mitigations**	**Risk score after mitigations (likelihood x impact)**	**Risk tolerance**
Partners do not maintain consistent engagement with delivery of the Strategy.	9 (3 x 3)	Clear shared governance, named accountability and regular partnership oversight.	6 (2 x 3)	Low
Capacity pressures delay delivery of agreed priorities.	12 (3 x 4)	Prioritised delivery planning, clear ownership and regular review of capacity and progress.	8 (2 x 4)	Low
Progress against the Strategy's priorities is not sufficiently evidenced or sustained.	12 (3 x 4)	Shared progress measures, termly oversight and annual review of delivery and outcomes.	8 (2 x 4)	Low

Contributions to tackling climate change or achieving carbon neutrality:

(Council or Torbay wide)

8.4 The Strategy is not expected to have a direct adverse environmental impact. Delivery will make use of existing partnership and governance arrangements, including digital communication where appropriate. Any future projects arising from the Strategy will assess environmental impacts through the Council's established processes.

Social Value Considerations:

8.5 The Strategy is expected to support wider social value by strengthening local partnership working, improving educational participation and progression, and helping children and young people develop the skills and aspirations needed to access further education, employment and training. Delivery should, where appropriate, maximise opportunities to use local expertise, strengthen community capacity and reduce barriers for disadvantaged groups.

Procurement Implications:

8.6 There are no direct procurement implications arising from approval of the Strategy.

Other Implications:

8.7 None

9. Equalities Impact Assessment:

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18% of Torbay residents are aged under 18 years old.	The Strategy is intended to benefit children and young people across the 0–25 age range. Differing needs at each educational stage are recognised through priorities on early years, attendance, transitions and pathways. No adverse age-related impact is anticipated.	Use age-appropriate engagement and information; monitor access, participation and outcomes by age and phase; address any gaps through annual delivery planning.	Children's Services / Education partners; throughout 2026–2030, reviewed annually.
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 provided 50 hours or more of care.	Young carers and children in families with caring responsibilities may experience barriers to attendance, participation and transitions. The Strategy's inclusion and belonging focus should support earlier identification and coordinated support. No adverse impact is anticipated.	Work with settings and relevant services to identify and support young carers; provide flexible and accessible engagement; monitor attendance, transitions and outcomes where data permits.	Children's Services / Education partners; throughout 2026–2030, reviewed annually.

Care experienced	As of January 2026, there were 277 former care experienced young people aged 18–24 in Torbay.	Cared for and care experienced children and young people can face poorer attendance, disrupted learning and transitions, and barriers to education, employment or training. The Strategy should have a positive impact by promoting belonging, stable transitions and inclusive pathways.	Apply corporate parenting principles; involve care experienced young people in delivery and review; use Virtual School and leaving-care insight; monitor attendance, attainment, transitions and post-16 destinations.	Children's Services, Virtual School and Education partners; throughout 2026–2030, reviewed annually.
Disability	In the 2021 Census, 23.9% of Torbay residents said their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	Disabled children and young people, including those with special educational needs, may face barriers to access, attendance, participation, transitions and suitable pathways. Inclusion and accessibility are central to the strategy and a positive impact is intended, but delivery must remain accessible and aligned with SEND duties.	Use accessible communication and reasonable adjustments; co-produce relevant activity; align with SEND improvement work; monitor attendance, exclusions, attainment, transitions and destinations for children with SEND.	Children's Services, SEND and Education partners; throughout 2026–2030, reviewed through relevant governance.
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth.	No differential impact	N/A	N/A

Marriage and civil partnership	Of Torbay residents aged 16 and over at the time of the 2021 Census, 44.2% were married or in a registered civil partnership.	No differential impact	N/A	N/A
Pregnancy and maternity	Between 2013 and 2024, the rate of live births was 56.0 per 1,000 in Torbay, compared with 53.4 in the South West and 56.3 in England. For 2022 to 2024, Torbay's rate was 44.6 compared with 50.0 in England.	No differential impact	N/A	N/A
Race	In the 2021 Census: 1.6% Asian, Asian British or Asian Welsh; 0.3% Black, Black British, Black Welsh, Caribbean or African; 1.5% Mixed or Multiple ethnic groups; 96.1% White; and 0.4% another ethnicity. Black, Asian and minoritised ethnic communities are more likely to live in areas among England's 20% most deprived.	Children from minority ethnic communities, including Gypsy, Roma and Traveller children and those with English as an additional language, may experience unequal educational outcomes, discrimination or barriers to engagement. The Strategy provides an opportunity to improve inclusion and belonging.	Use culturally responsive engagement, interpretation and translation where needed; strengthen anti-racist and anti-bullying practice; monitor attendance, attainment, exclusions, transitions and destinations by ethnicity where data allows.	Children's Services and Education partners; throughout 2026–2030, reviewed annually.
Religion and belief	2021 Census: 48.5% Christian; 0.4% Buddhist; 0.2% Hindu; 0.6% Muslim; less than 0.1% Sikh; 0.1% Jewish; 0.7% another	No differential impact	N/A	N/A

	religion; 43.2% no religion; 6.3% did not answer.			
Sex	51.3% of Torbay's population are female and 48.7% are male.	Patterns of attainment, attendance, exclusions and progression can differ between girls and boys. The Strategy is intended to benefit all children and young people; delivery should avoid reinforcing stereotypes and respond to evidenced differences in outcomes.	Monitor key outcomes by sex; use targeted, evidence-led action where gaps are identified; ensure curriculum, careers information and participation opportunities challenge stereotypes.	Children's Services / Education partners; throughout 2026–2030, reviewed annually.
Sexual orientation	2021 Census: 89% Straight or Heterosexual; 1.7% Gay or Lesbian; 1.1% Bisexual; 0.1% Pansexual; 0.1% another way; 7.4% did not answer.	No differential impact	N/A	N/A
Armed Forces Community	In 2021, 3.8% of residents in England had previously served in the UK armed forces; in Torbay the figure was 5.9%.	Children in Armed Forces families may experience mobility, interrupted learning and repeated transitions. The Strategy's focus on high-quality transitions and belonging should support continuity and inclusion. No adverse impact is anticipated.	Identify mobility and service-related needs early; share information promptly between settings; use the Service Pupil Premium and specialist guidance where applicable; monitor transitions and attendance.	Education settings and Children's Services; throughout 2026–2030.
Additional considerations	N/A	N/A	N/A	N/A

Socio-economic impacts	Torbay is ranked as the 39th most deprived upper tier local authority in England in the Index of Multiple Deprivation 2025.	Poverty, transport, digital access and the cost of participation can affect attendance, attainment and progression. The Strategy has potential for a positive impact through earlier support, stronger belonging and clearer pathways, but unequal access must be actively addressed.	Use deprivation and disadvantage data to target support; consider affordability, transport and digital access in delivery; maximise available funding and monitor attendance, attainment and destinations for disadvantaged cohorts.	Children's Services, Education partners and relevant Council services; throughout 2026–2030, reviewed annually.
Public Health impacts	For 2020 to 2024, there was a six-year life expectancy gap between males in Torbay's least and most deprived areas and a three-year gap for females.	Educational participation, belonging and progression are linked to physical and emotional wellbeing. Improved attendance and inclusive pathways may have positive longer-term health impacts. Delivery should recognise mental health needs and health-related barriers to attendance.	Link delivery with early help, public health and mental health support; use trauma-informed and relational approaches; monitor wellbeing, attendance and exclusion indicators.	Children's Services, Public Health and Education partners; throughout 2026–2030, reviewed annually.
Human Rights impacts	Relevant rights include the right to education, non-discrimination, respect for private and family life, freedom of thought, conscience and religion, and children's right to have their views considered.	The Strategy is intended to advance access to inclusive education and participation. No adverse human rights impact is anticipated. Decisions made during delivery must remain lawful, necessary, proportionate and in the best interests of children and young people.	Embed children's rights and participation in delivery; provide accessible routes to express views and challenge decisions; consider rights impacts when developing actions and reviewing progress.	Children's Services / Education partners; throughout 2026–2030, reviewed annually.

Child Friendly / Children's Rights	The Strategy directly affects children and young people across Torbay and has been informed by engagement with them and their families. Its priorities reflect children's experiences of readiness, reading, belonging, transitions and future pathways.	A positive impact is anticipated by making education more inclusive, connected and responsive. Delivery should continue to consider what matters to children and young people, including those whose voices are less often heard.	Use accessible and age-appropriate participation; involve a diverse range of children and young people in delivery and annual review; explain how their views have influenced action; close the feedback loop.	Children's Services, Education partners and participation leads; throughout 2026–2030, reviewed annually.

10. Cumulative Council Impact:

10.1 No adverse cumulative Council impacts have been identified. The Strategy is intended to align with related work including SEND reform, Family First, Best Start in Life and the Council's wider priorities for children and young people.

11. Cumulative Community Impact:

11.1 No adverse cumulative community impacts have been identified. The collaborative approach is expected to improve coordination across education settings, families and partner organisations.

12. Monitoring and Evaluation:

12.1 Progress will be overseen through the Future Strategy Group, Education Leaders Forum and priority workstreams, supported by regular progress tracking, termly oversight and annual review.

Appendices:

Appendix 1: Torbay Together – Education Strategy 2026–2030
Appendix 2: Equality Impact Assessment

Background Documents:

Torbay Together – Education Strategy 2026–2030

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Torbay Together – Education Strategy - Appendix



Appendix 1

Legislative Framework

Torbay has a statutory duty to promote high standards and the fulfilment of children and young people's potential. Under section 13A of the Education Act 1996 Local Authorities must:

- Promote high standards in schools and other providers
- Ensure fair access to opportunity for education and training
- Promote the fulfilment of learning potential

Additionally, the Children Act 2004 established a statutory chief officer post (Director of Children's Services) and Lead Member for Children in every upper tier, with responsibilities for education as well as social care services. In respect of education the DCS must ensure:

- Fair access to schools for every child
- Provision of suitable home to school transport
- Promote a diverse supply of strong schools •
- Promote high quality early years provision
- Access to sufficient educational and recreational leisure time activities • Children and young people participate in decision making
- Participation of children and young people in education and training

The government has also recently launched White Papers on schools and SEND which are currently under consultation: **Every child achieving and thriving - GOV.UK**

Appendix 2

What do we mean by our Diverse Education System?

When we talk about our education system we are referring to all schools and education providers. This includes all childcare, early years providers, primary and secondary schools, special schools and further education colleges (often described as post16 education), as well as those that offer Alternate Provision throughout the age ranges.

Appendix 3

What do we mean by multi-agency working?

When we talk about our multi-agency working we refer to working collaboratively with partner colleagues in health services, the Police, Youth Justice, Housing, Social Care and the Voluntary and Community Sector.

Appendix 4

What do we mean by working collaboratively?

Working collaboratively means recognising our shared responsibility to help every child succeed and thrive.

Everyone has a part to play.

As education providers, we will:

- *Hold high aspirations for all children and young people.*

- *Promote and embed an inclusive culture.*
- *Provide good or outstanding education.*
- *Work with families to support their children, understand any challenges they face, and create an environment where concerns can be raised openly.*

As parents and carers, families will:

- *Hold high aspirations for their child or children.*
- *Do all they can to encourage and ensure regular, punctual attendance.*
- *Encourage their child to learn and reach their potential by taking an active role in education and wider opportunities.*
- *Ask for help if they believe their child is struggling.*

As a local authority, we will:

- *Hold high aspirations for all children.*
- *Enable children to access high-quality education and learning opportunities.*
- *Work in partnership with schools and other settings to develop a highly skilled workforce that keeps children and young people safe and helps them achieve their potential.*
- *Work with schools, settings, and partner agencies to identify needs and priorities each year using data, research, and local intelligence.*

Appendix 5

What do we mean by Inclusive Education?

By being part of the Torbay Education Provision, we commit to principles of inclusion that reflect the government's ambition for every child to achieve and thrive.

Broad Access, Participation and Opportunity

- All children and young people should be able to access a broad, rich and ambitious education, participate fully in school life, and benefit from the opportunities that help them thrive.

Inclusion, Belonging and Dignity

- Inclusion means children are not sidelined. Every learner should feel that they belong, are valued, and are supported in ways that respect their identity, strengths and needs.

Child-Centred, Needs-Led and Early Support

- Support should be built around the child or young person, with needs identified early and responded to quickly through adaptive teaching, flexible provision and timely specialist help where needed.

High Expectations and Achievement for All

- Every child should be stretched and supported to achieve well, with ambitious expectations, strong teaching and the right support to remove barriers to progress.

Engagement, Trust and Partnership

- Children and young people thrive when schools, families, services and communities work together in relationships built on trust, shared responsibility and meaningful engagement.

Whole-System Reform and Shared Responsibility

- Inclusion is a whole-system responsibility and requires joined-up leadership, workforce development, curriculum design and provision so that every part of the system helps children achieve and thrive.

Implementing Inclusive Education - GOV.UK

Appendix 6

How did we choose our priorities?

Our priorities have been shaped through collaborative work across the local area during 2025–26, drawing on feedback from headteacher forums, Local Education Board meetings, leaders' groups, surveys, workshops and our Education Conference.

Each school and setting will continue to address its own local priorities. However, education leaders across Torbay have agreed that the priorities set out here reflect shared challenges and are likely to have the greatest impact when tackled collaboratively across the sector.

How will we monitor progress and evaluate impact?

Local area leaders will work together to develop action plans for each priority area. These plans will be reviewed through the Local Education and Inclusion Board, with progress monitored using data, stakeholder feedback and expert input to assess impact and inform improvement.

Appendix 7

Local Authority and local area board representatives

School Leaders are Strategic Partners in our improvement work and attend Local Authority and Local Area boards. Please find the representatives for key Torbay boards below:

Transformation Board

- Stuart Heron, Headteacher, Mayfield School

Children's Continuous Improvement Board

- Steve Margetts, Head at Torquay Academy

SEND Local Area Partnership Board

- Stuart Heron, Headteacher, Mayfield School
- Tracey Cleverly, Trust Lead - Learning Academy Partnership
- Ruth Zimmermann, Inclusion Director, Special Partnership Trust
- Steven Hulme, Inclusion Director, Thinking Schools Academy Trust

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Torbay Together

A partnership of all education settings in Torbay



Education Strategy 2026-2029

Building Stronger System Leadership for children and young people through a co-owned strategy which works on collaborative priorities to improve outcomes for children and young people.

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Foreword

We are pleased to introduce Torbay's Education Strategy.

Our shared purpose: This strategy has been developed by leaders from our schools and settings to commit to how we will work together to improve outcomes and life chances for Torbay's children and young people.

Working together: This strategy reflects our shared belief that we are stronger together and can achieve more for children and young people through collaboration.

Partnership: We will work alongside families and partners across health, social care, and the voluntary and community sector on shared priorities where joint action can make the greatest difference.

Governance and oversight: Our Strategy Group will oversee the delivery of the strategy, monitor progress against the key priorities, and work with partners across Torbay to support implementation.

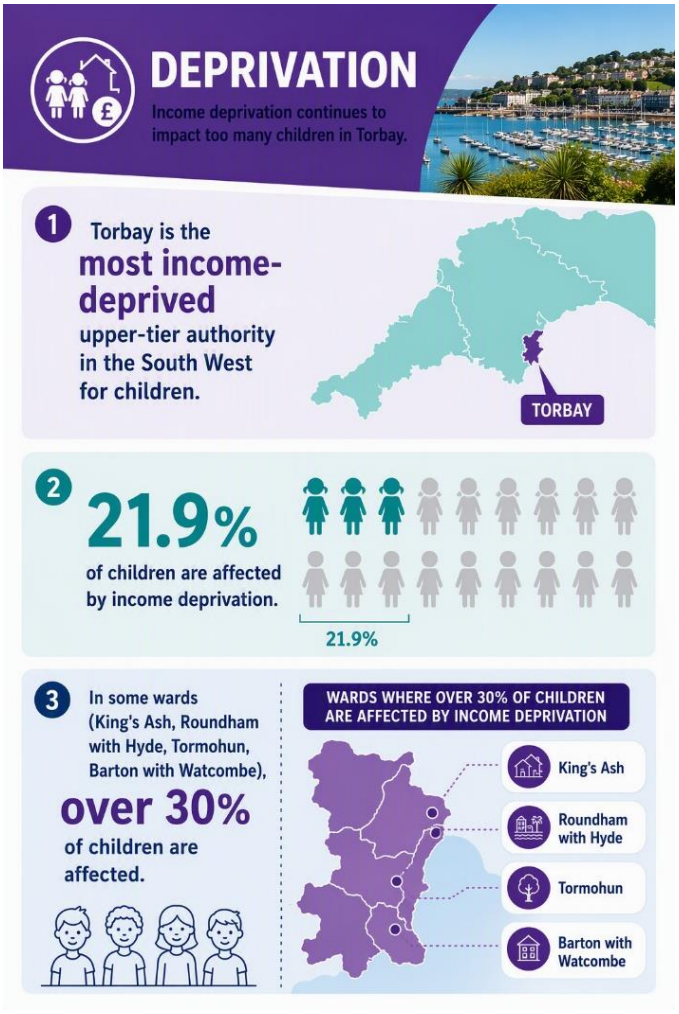
Strategic context: This document is grounded in the government's Every Child Thriving priorities along with the curriculum and inspection reforms. It sets out Torbay education leaders' vision, our shared priorities, and how we will organise ourselves to work more collaboratively to achieve our goals.

Torbay Context

Torbay is a place of significant strengths, opportunity and community spirit. However, too many children and young people continue to face barriers associated with deprivation, vulnerability, special educational needs, poor health outcomes and unequal life chances.

The most commonly used measure is the Index of Multiple Deprivation (IMD), which ranks areas relative to one another rather than producing a percentage rate. The latest English Indices of Deprivation show that the South West is generally one of the less deprived regions of England, with most neighbourhoods falling in the middle to less deprived deciles rather than the most deprived deciles. However, Torbay remains one of the more deprived local authorities in the South West, ranking among the most deprived authorities in the region.

Educational outcomes remain strongly linked to where a child lives, their level of disadvantage and whether they have identified additional needs. This strategy represents a collective commitment from education leaders to work together to reduce those inequalities and ensure that every child can thrive, regardless of circumstance.



Torbay Together – Purpose Statement

> **Torbay Education leaders will work together on shared priorities, in an inclusive, place-based way from early years to further education, so that every child and young person in Torbay can achieve, thrive, belong and improve life chances, with no one left behind.**

Torbay Together Principles:

- We will act as one Torbay system
- We will put children and families first, especially those who need us most
- We will build trust and act with integrity
- We will listen to understand and communicate clearly and openly
- We will build an inclusive system where every voice matters
- We will act with urgency on what matters most
- We will challenge each other respectfully and honestly
- We will take shared responsibility for every child

Our promise for every child

Together, we will work to ensure that every child born and raised in Torbay grows up:

- safe and well supported
- healthy
- able to achieve their full academic potential
- able to build strong and trusting relationships

Working with partners

Education has the greatest impact when the full network around a child works towards a common goal. This strategy cannot succeed in isolation, so we will align our work with partners across Torbay, including health, social care, and the voluntary and community sector.

Inclusion is our ‘Golden Thread’

Across Torbay there is a strong relationship between deprivation, SEND, attendance, exclusions and educational outcomes. We will therefore focus collective effort on children and communities facing the greatest disadvantage. This will become a golden thread through all five priorities.

Our Young People's Voices

Listening to children and young people is essential. Their views should shape our priorities and inform the actions we take on the issues that matter most to them.

Young people tell us they want to be listened to, believed in and prepared for the future. We know these aspirations are not experienced equally across Torbay. This strategy commits us to ensuring that children's opportunities are not determined by their postcode, their level of need or their family circumstances.

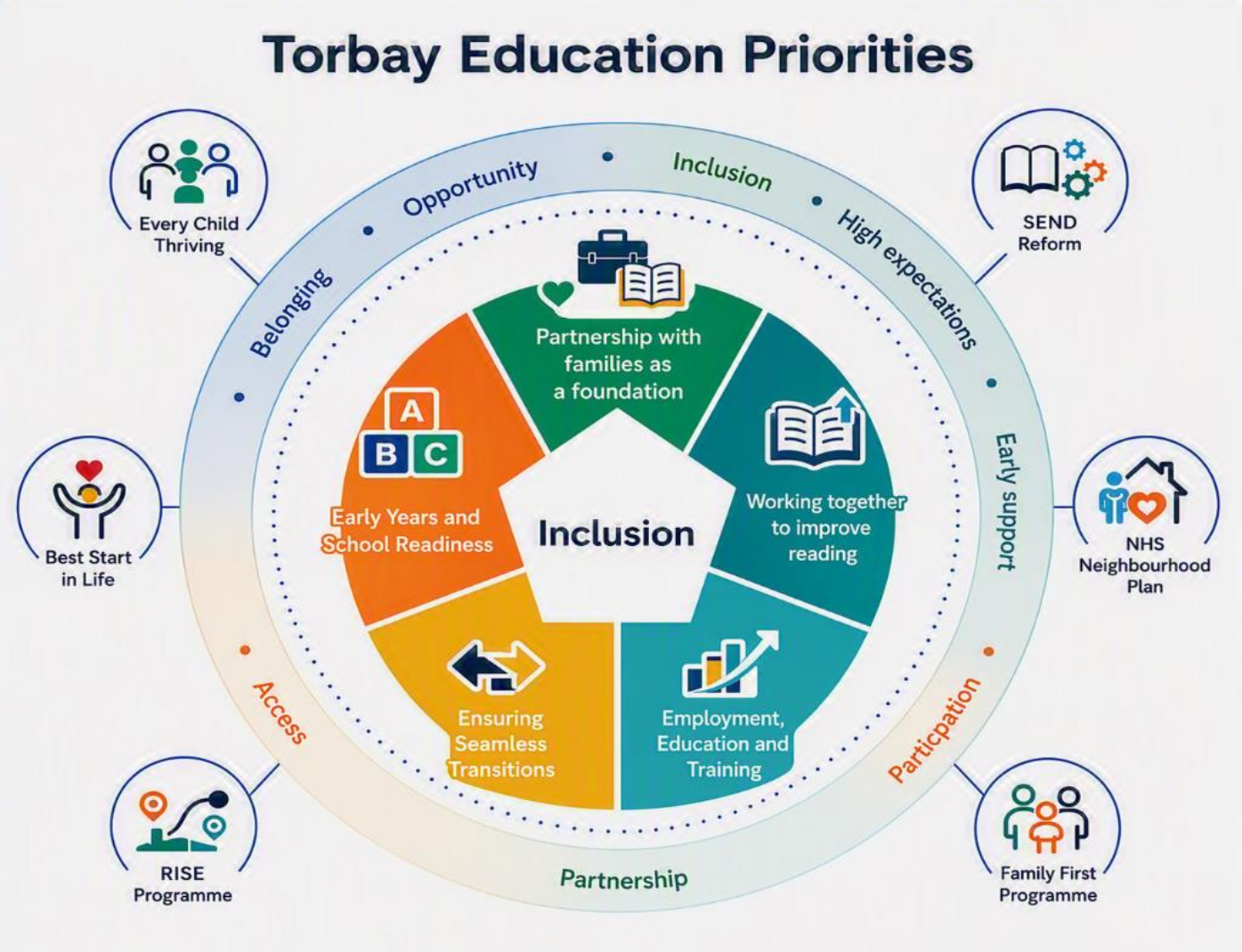
> **Children and young people say…..**
>
> **"I really want to learn even if it's hard because education is important to me."**
>
> **"I want teachers to listen to me when I have something to say"**
>
> **"We want more chances to try different things so we can discover what we are good at and what we might want to do when we are older."**
>
> **"We want greater exposure to jobs and opportunities so we can see how learning in school connects to real life."**
>
> **"We want more high-quality jobs and opportunities in Torbay, so that those of us who want to stay can build a successful future here."**
>
> **"I want to feel prepared for the future."**
>
> **"I want teachers who believe that I will be a success"**



Education Strategy: Our Key Priorities

Our Torbay Priorities on a page

We all know how important high-quality education is for children and young people. When it works well it provides skills for life and aspiration for the future. The challenge we face is ensuring that every child and young person has their barriers removed so they can access good quality education and therefore thrive. As a group we have chosen to align our **COLLECTIVE POWER** to working on these five key focuses for the next three years.



Priority 1 – Early Years and School Readiness

Goal

68.5% of children achieved a Good Level of Development at the end of EYFS in 2024/25 (749 children). By the end of 2027/28 academic year, we aim for 77.8% of all children and 61.6% of children eligible for free school meals to achieve a Good Level of Development (GLD).

Key actions

- Implement the Best Start in Life Plan across all partner organisations.
- Develop a Torbay-wide definition of school readiness, supported by a shared implementation plan.
- Map services available during the first 1,000 days, identify gaps and coordinate collaborative action to address them.
- Share effective practice more widely and provide a joint training offer for all early years settings across Torbay.
- Target support to vulnerable children to increase the Good level of Development for this key cohort.

Measures of success

Key measure: Children achieve a Good Level of Development in excess of 77%/61% as above. A Reduction of EYFS gaps between disadvantaged and non-disadvantaged children

Potential other measures:

- Completion of 2 to 2½-year health visitor checks.
- Increased engagement with Family Hub early learning programmes.
- ASQ assessments.
- Access to early education places by age 3 increase.
- Take-up of nursery places for disadvantaged children.
- Shared use of the Torbay-wide school readiness framework.
- Completion of service mapping across the first 1,000 days.
- Delivery of a shared CPD offer for early years settings.

Accountability: Health visitors, early years providers, Family Hubs, SEND services and Public Health Torbay.

Priority 2 – Working Together to Improve Reading from Early Years through to Secondary School

Goal

75.7% of pupils achieved the Expected Standard (EXS+) in Reading in Torbay in 2026. By 2029 Key stage two attainment in reading shows an improvement to above national levels of at least 80%. Vulnerable learners reading attainment should also improve to above national levels.

Key actions

- Improve our understanding of which children are not working at the expected levels at every age range.
- Create shared improvement plans for pupils who are below the expected standard in reading in every age range.
- Use expertise in our English hub and via other areas to create a community of good practice more coherently across clusters of schools.
- Use targeted interventions to tackle vulnerable cohorts of learners not making expected progress such as small-group tutoring, extended learning opportunities and attendance mentoring.
- Work across phases and between schools to strengthen approaches to the teaching of reading across Key Stage 2 and Key Stage 3.
- Include parents and carers as key partners in all our plans for enhancing reading across the Bay so they are empowered to be part of the solution to enhance this area of learning.

Measures of success

Key measure: The percentage of pupils meeting the expected standard in reading at the end of Key Stage 2 as above.

Potential other measures:

- Reading attainment of vulnerable cohorts.
- Reading fluency by Year 3.
- Records of audit, training and information sharing.
- Records of parental engagement with reading improves.

Accountability: Primary headteachers, multi-academy trusts, local authority education teams, and Reading Working Group leaders.

Priority 3 – Partnerships with Families to Improve Belonging and Attendance for everyone

Goal

In 2026 the latest local data indicates an overall attendance rate of approximately 89.3%, compared with a national average of around 91.1% All partners will work with families to achieve average attendance of 94% for all children and young people. Where attendance falls below this level, targeted support will help secure improvements for this cohort of up to 5% across the academic year over the next three years.

Key Actions

- We recognise that attendance is often a symptom rather than a cause. Our approach will focus on belonging, relationships, wellbeing and practical support for families experiencing adversity.
- Settings will come together to create a set of Torbay shared relational, restorative 'Belonging' principles to guide all the work we do.
- Schools and services will jointly review pupils who fall below key attendance thresholds and co-design individual recovery plans.
- Support will move from reacting to absence towards proactively building relationships with families through mentoring, engagement programmes and effective interventions.
- Strengthen relationships between schools and families through Reach approaches.
- Everyone collaborates to create a Belonging Strategy which creates a collective culture of belonging to "The Torbay Family", showcasing all the opportunities open to children in Torbay.
- Develop impactful solutions for young people who may need a fresh-start approach to improve behaviour and attendance.

Measures of success

Key measure: Overall pupil attendance and a reduction in persistent absence, particularly for disadvantaged pupils and those with special educational needs is seen over the course of the next three years.

Potential other measures:

- Overall attendance meeting the 94%+ target.
- Reduced exclusion and suspension rates at all ages.
- Less persistent and severe absence rates.
- Collaboration between local leaders in families of schools and with partner agencies on this shared priority.
- A collated and published extra-curricular offer across Torbay.

Accountability: Primary and secondary headteachers, the local authority attendance team, family support teams, and the Family and Attendance Working Group.

Priority 4 – Working Together to Ensure High-Quality and Consistent Transitions

Goal

In Year 1, we will focus on improving transition from Year 6 to Year 7; this will lead to improved attendance and engagement in the Year 7 cohort from September 2027. After Year 1 our focus will turn to other key transition points, such as Early Years to Primary school and Year 11 to Post16, using the collective learning we have gained to improve these other transition points.

Key Actions

- By September 2026, install and implement the Transitions Portal across Torbay for Year 6 to Year 7 transition for September 2027.
- In Year 2, use this information to strengthen transition arrangements between Year 6 and Year 7 in time for September 2027.
- In Year 2, extend the transitions focus to early years and post-16 so that high-quality transitions become consistent across the system.
- We will align with work in other priority areas such as improving reading and align this with the need to focus on English and Maths outcomes for prosperous transition outcomes.
- Deepen transition support through the Cradle to Career transition community and wider Torbay work supported by the Department for Education.

Measures of success

Key measures:

- By 2026-7, Year 6 pupils benefit from improved information-sharing with secondary schools.
- By 2027 improved attendance and engagement can be seen from the new Year 7 cohort.
- By 2027-8 Early Years and Post16 transition focus shows an improvement from September 2028.
- By 2029, every secondary school offers a consistent and high-quality transition offer for all children.

Other potential measures:

- Year 7 attendance for 2026-7 and 2027-8 improves in their transition year.
- Attendance and engagement data for reception and post16 from September 2028 onwards.

Accountability: Primary and secondary headteachers, local authority support teams, family support teams, and the Family and Attendance Working Group.

Priority 5 – Increase Education, Employment and Training for Young People on a Pathway to Adulthood

Goal

In 2026 nationally around 13% of all 16-24 year olds were Not in Education, Employment or Training (NEET). Our aim is that more than 90% of 16 to 24-year-olds in Torbay will be in education, employment or training by 2029-30.

Key Actions

- By January 2027 work with partner agencies to develop a joint specific NEET strategy.
- By September 2027, build capacity with South Devon College to support more young people back into education.
- In 2027-8, implement interventions that coach and mentor young people back into employment, education and training.
- In 2027-8, target barriers to access and engagement, including mental health, wellbeing and life skills.
- From 2026, begin a focused workstream on young people at risk of becoming NEET while still in secondary school and during post16 in alignment with the SEND Reform Plan and with wider partners.

Measures of success

Key measure: Torbay NEET data shows a decline and remains below national and statistical-neighbour rates, falling to less than 10% by 2030. Destination Data grows and is strong in comparison with statistical neighbours.

Other potential measures:

- By 2027/28, support packages are improving engagement and helping young people sustain participation in education, employment and training.
- By 2029/30, a preventative programme is in place to help keep NEET levels low.

Accountability: Education leaders, the local authority, health and public health teams, and family support teams.

‘Torbay Together’ - How will we work together?

The Department for Education led an evaluation with a range of leaders to understand how the education system in Torbay was operating and collaborating.

Our proposed new way of working together is built around four layers of organisation, each with a distinct role in the system:

Future Strategy Group
Where decisions are made about future educational issues

Education Leaders Forum
Where information is shared, views are heard and priorities are shaped

Workstreams for each priority area
Where priorities are delivered

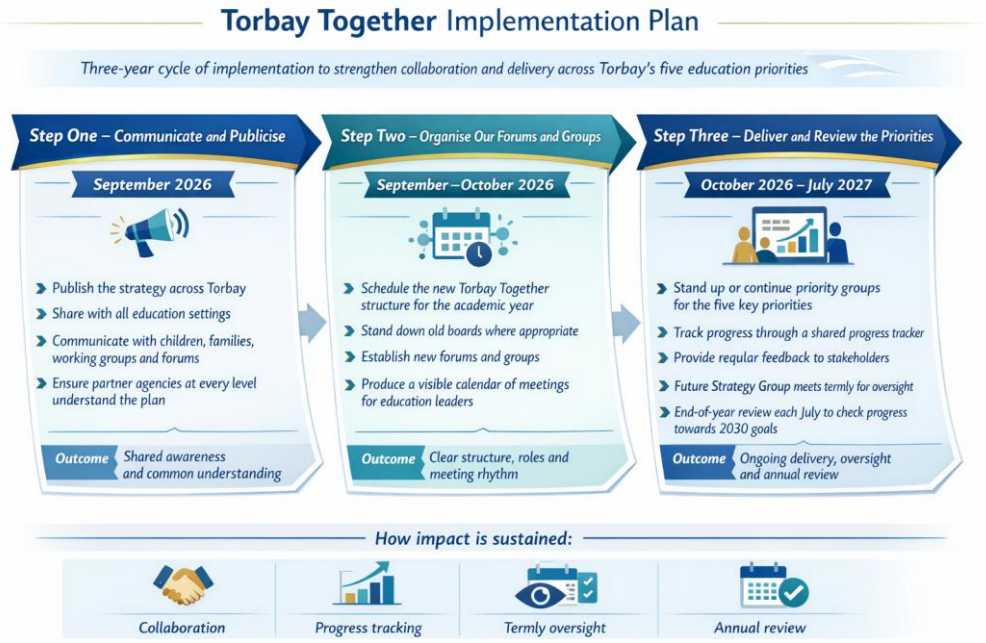
Education Peer Support Forums
Where peer support is gained

Next Steps

Our new ‘Torbay Together’ methodology of working together will be widely communicating through this plan.

Our next steps will be to implement this change of how we organise ourselves to enable us all to work collaboratively to fulfil the shared priorities in this Strategy.

Our final section of this strategy explains how we plan to implement the changes we have made in year 1 and how we will monitor the success of our priority areas.



Appendix –

If you would like to know more about how this strategy is grounded in our legislative responsibilities, please click on our Appendix Document link.

TORBAY COUNCIL

Report title: Drug and Alcohol Treatment Contract

Report to:	Cabinet
Date:	24 November 2026
Lead Cabinet Member:	Cllr Hayley Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities
Email:	hayley.tranter@Torbay.gov.uk
Lead Director:	Lincoln Sargeant, Director of Public Health
Email:	lincoln.sargeant@torbay.gov.uk
Wards affected:	All

1. Summary of Report:

1.1 To seek approval for the procurement and subsequent award of a contract for adults (18+) integrated drug and alcohol treatment services, including harm reduction, treatment, medication provision, rehabilitation, inpatient and recovery services.

1.2 Due to the short-term nature of the contract (see sections three and four), this paper requests the endorsement for public health to explore with Commercial Services the viability of awarding a two plus one (2 + 1) year contract to Waythrough whilst a full-scale re-procurement exercise is developed.

2. Recommendations and Proposed Decision:

2.1 To approve the commencement of the procurement process, to be undertaken in accordance with advice and guidance provided by Commercial Services.

2.2 That the Director of Public Health, in consultation with the Cabinet member for Adult and Community Services, Public Health and Inequalities, be given delegated authority to award the drug and alcohol contract following the completion of the procurement exercise referred to in 2.1 above.

3. Reasons for the Proposed Contract and its Benefits:

3.1 Currently there is a contract with the Torbay and South Devon NHS Foundation Trust (TSDFT) for there are two imperatives that need to be addressed. Firstly, addressing the performance and quality requirements of the contract to stabilise service delivery. Secondly, to ensure there is no disruption in the treatment of those in service after September 2027 when the extension of the contract with TDFT runs out.

3.2 By awarding this contract it ensures continuity of an essential service to those most disadvantaged in Torbay; people experiencing substance misuse are amongst the most vulnerable people in Torbay. Delivering effective services for people experiencing substance misuse is central to the Council's priorities and the intention to 'bring about real, sustainable change for those in greatest need within our communities, with residents experiencing good mental health, being supported with their complex needs'.

3.3 It will provide effective space to ensure a thorough and future-proofed procurement process is fully scoped to provide best value to Torbay for the long-term benefit of its residents.

3.4 It ensures that any opportunities for co-commissioning alongside the emerging new local authorities neighbouring our area is available to the new authority should LGR continue.

3.5 It ensures a service that is required as part of the public health ring-fenced grant is maintained.

3.6 It diversifies the market in Torbay by bringing in a new, non-statutory provider into the area.

3.7 This work contributes to key aspects of the Torbay Council Business Plan 2024/27 (2026 Refresh) [1] Priority C1: Ensuring our town centres are safe and welcoming and [2] Priority C7: Improving wellbeing and reducing social isolation.

4. Background and Context:

4.1 With the Multiple Complex Needs Alliance (MCNA) contract ending on 31 March 2027, Torbay Council approached the respective delivery partners (TSDFT for drugs and alcohol (D&A)) to determine the appetite for a two-year extension to the service contract (to March 2029). This separation of services from the integrated Alliance model is due to the lack of effective transformation expected of the Alliance over its initial 5-year term and the potential significant investment required to enable it to 'stand still' (see Overview and Scrutiny report September 2026 in the background documents).

4.2 TSDFT clarified in a meeting with Torbay Council on 17 July 2026 that their intention was to no longer continue with the drug and alcohol contract beyond 30 September 2027 and would therefore only be looking for a six-month extension post April 2027 to enable a quick and orderly exit from the contract.

4.3 Separately public health are also working with TSDFT with regards to the following existing and emerging current drug and alcohol contractual risks:

4.3.1 Contract cost reduction and ongoing expenditure management by TSDFT.

4.3.2 Staffing and model redesign required due to the above.

4.3.3 Emerging concerns regarding patient safety and effectiveness.

4.3.4 Significant performance and delivery issues.

4.4 Consequently the Public Health team has had exploratory discussions with Waythrough (current provider of D&A services in Devon, and also currently sub-commissioned by TSDFT to deliver aspects of the Torbay services) regarding whether a direct award would be of interest to them from the point of contract handover in September 2027.

4.5 The direct award option is being explored in parallel to other procurement options with Commercial Services colleagues to ascertain the procurement legislation this process would sit under (either PSR for Health or the Procurement Act) and implications this may have for the preferred route to market.

4.6 The conversations with Waythrough have included their experience in managing transitions into their organisation from other drug and alcohol services, including TUPE and estates. The provider has provided assurance that they have extensive experience in managing large-scale TUPE of personnel from the NHS into their organisation from previous procurements elsewhere. They therefore also have experience of extracting healthcare and personnel records from large, established NHS organisations.

4.7 Waythrough are cognisant of the arrangement that TSDFT have with DPT for the lease arrangements for the current premises (Shrublands House, Morgan Avenue, Torquay) and this will feature early in any early transition planning regarding whether maintaining this arrangement or securing new premises is in the best interest of the service and its users.

4.8 Waythrough have significant experience delivering substance misuse services nationally; they are experienced in delivering stability from day-one as well as expertise to enable transformation and innovation through the term of the contract utilising what works well elsewhere.

4.9 These exploratory conversations have concluded that a minimum of 2 years (plus the option of up to a further 1-year extension) will be the minimum contract length necessary to ensure that any provider would have sufficient time to:

4.9.1 TUPE staff and deliver cost and workforce redesign required.

4.9.2 Stabilise the service through the rapid period of change required.

4.9.3 Establish and embed the new performance and governance processes required.

4.9.4 Stabilise the contractual risks and liabilities they will inherit.

4.9.5 Recoup the upfront costs incurred as a result of the significant work required to set up, inboard and integrate the service.

4.10 A 2+1 contract could also be advantageous for the local authority as it provides three potential contractual exit points that may be in the collective interest, whilst allowing for sufficient ‘bedding-in’ for Waythrough. Primarily, there are opportunities that emerge should

LGR be re-instated because the current Devon County Council contract (which we expect to be novated to the new Devon Councils) expires in March 2030, and thus provides three varying points in time to conclude this new contract:

4.10.1 After 2 years in September 2029 = Completing the open market procurement before the current Devon County Council contracts lapse in Sept 2029 (i.e. 'getting in early' so we have a head start with the market and not have our procurement potentially being deprioritised due the opportunity to bid for the wider Devon contracts).

4.10.2 After 2.5 years in March 2030 = Tying in with the wider Devon Councils procurement timescales, enabling a joint procurement process, if that's a preferred model for economies of scale.

4.10.3 After 3 years in September 2030 = Allowing the wider Devon procurements to complete before ours, allowing us space to assess the local market's interest, capability and capacity.

4.11 It should be noted that the provider market for this specialist service is limited, and we do not expect significant interest and or risk of challenge for any direct award. For context, Devon directly awarded a 1 year, +1, +1 (2027-2030) contract to Waythrough recently with no formal challenge.

5. Data, Evidence and Insight:

5.1 Significant insights work, including consultation and engagement were undertaken to inform the creation of the MCNA. This learning remains relevant, with the ambitions expressed having not been realised to date. These will continue to be applied for any future service delivery models.

5.2 Engagement, consultation and coproduction have been integral to the MCNA model. This will be embedded in all future models for adult drug and alcohol treatment.

5.3 There is clear ongoing demand for drug and alcohol services with numbers in treatment still over 1,100 per annum, as per National drug and alcohol performance data.

However, performance is declining across a range of metrics including, but limited to:

5.3.1 Numbers in treatment have generally declined from 1,405 in Q3 2023/24 to 1,129 in Q4 2025/26.

5.3.2 Retention in treatment was consistently around 95% until 2022/23, after which a sustained decline began. Retention fell to 75% in Q2 2025/26 before recovering modestly to 82% in Q1 2026/27.

5.4 Treatment progress has deteriorated steadily from 61% in Q2 2021/22 to 47% in Q1 2026/27.

5.5 Successful completions have generally slowly fallen since 2021/22, putting Torbay consistently outside the top quartile/25% performing local authority (compared to our peers).

5.6 Re-presentations to treatment are volatile but have generally increased (worsened) since 2023/24.

5.7 Critically the contract is being ‘handed back’ and therefore the authority needs to urgently put in place a new contract for when the current contract ends in circa 11 months.

5.8 There is growing local evidence where there are some concerns regarding the effectiveness of the current service as a result of recent audits undertaken by public health.

6. Alternative Options Considered:

6.1 To meet the conditions of the grant we cannot ‘do nothing’; therefore, we must ensure Torbay residents have access to drug and alcohol treatment services.

6.2 An open market procurement has been considered, but there is insufficient time to deliver an effective procurement within the timescales given the complex nature of the service.

6.3 With TUPE being required, a lead in of at least 6 months is the minimum to enable the service to transfer, thus not leaving sufficient time from November to March to commence and complete the procurement process.

7. Contract Term and Budget:

7.1 The contract term would be two years, with the option to extend for up to one further year. Total length would be a maximum of three years.

7.2 This would allow for any consolidated procurement to occur during 2029-30 should LGR occur and it is in the collective interest of the new emerging authorities.

7.3 The contract value would be approximately £9.4m across the three years and meets the DHSC requirement to maintain drug and alcohol spend at current levels.

7.4 This is fully accounted from by the public health ring-fenced grant.

8. Procurement Routes to Market:

8.1 See section 6. Proposed solution is to directly award the contract for an interim contract, to provide sufficient time to assess open market procurement options and allow any LGR implications to be fully understood.

8.2 The contract would not be lotted as this is a complex, clinical service with no material advantage to Torbay Council by disaggregating this into smaller, more inefficient, lots.

8.3 The specific route to market, either PSR for health or Procurement Act 2023, is being scoped by Commercial Services currently.

9. Best Value Duty:

9.1 Social Value (SV) will be negotiated with the provider should a direct award option be approved. The SV outcomes that would be negotiated would be the same as those proposed in 9.2.

9.2 Alternatively, if an open market procurement is required, public health would use the Social Value Themes and Outcomes guidance, developed by Commercial Services, to support the development of the contractual SV outcomes. However, the areas that it would be expected that providers working in this area would be able to support include (but would not be limited to):

9.2.1 Torbay residents gain the skills, qualifications and practical experience needed to progress into employment and priority sectors.

9.2.2 Local SMEs and VCSE organisations secure greater economic benefit from local spend and are supported to grow sustainably.

9.2.3 People who experience SEND have improved access to inclusive education, training and employment opportunities.

9.2.4 Local communities and VCSE organisations have greater capacity to respond to local needs and support residents experiencing disadvantage, vulnerability or exclusion.

9.2.5 Residents benefit from welcoming, accessible and inclusive community spaces.

9.2.6 Community-led projects and initiatives strengthen participation, connection and pride in Torbay.

9.2.7 Residents benefit from clean, safe and accessible green and coastal spaces.

10. Consultation and Engagement:

10.1 Significant insights work, including consultation and engagement were undertaken to inform the creation of the MCNA. This learning remains relevant, with the ambitions expressed having not been realised to date. These will continue to be applied for any future service delivery models.

10.2 Engagement, consultation and coproduction have been integral to the MCNA model. This will be embedded in all future models for adult drug and alcohol treatment.

10.3 A full suite of market and service user testing and insights, including wider stakeholders, will be completed on the future open-market procurement so that the learning and insights gathered through the MCNA Alliance can be tested and refreshed.

11. Contract Management:

11.1 Public health will continue to monitor drug and alcohol treatment services, and with this being separated from the MCNA, will give greater direct control to public health to performance manage the provider with specific reference to this service.

11.2 Key performance indicators will remain as they are, specifically:

11.2.1 Numbers in treatment.

11.2.2 Retention in treatment.

11.2.3 Treatment progress.

11.2.4 Successful completions.

11.2.5 Re-presentations.

11.3 Contract review processes will follow the standard Torbay local authority contract management framework with contract reviews occurring quarterly with escalation to public health senior management on a six-monthly basis.

12. Implications:

Legal Implications:

12.1 There is a risk that the option to direct award, when published, is challenged. If this occurs an open market procurement will have to be initiated and the risks of being unable to deliver the procurement on time will emerge.

12.2 There may be an impact on service model viability due to LGR with corresponding legal implications arising due to the need to novate, consolidate or merge contracts.

Corporate Parenting/Children and Young People:

12.3 While the drug and alcohol service supports adults, a proportion will have parenting responsibilities. However, there should be little to no implications as this would be a continuation of service.

12.4 The services adopt a family, collaborative approach to enhance parental resilience and improve people's parenting.

12.5 The drug & alcohol services through their work with parents look to prevent care proceedings whenever possible.

12.6 Any future models would maintain these approaches.

Associated Risks, Risk Tolerance Level and Mitigations:

For further guidance, please refer to the following intranet page - Risk Management

Risk	Risk score before mitigations (likelihood x impact)	Mitigations	Risk Score after mitigations (likelihood x impact)	Risk tolerance
Inability to transfer service due to incomplete records (HR/data/performance/case notes)	L = 3 I = 4 = 12	This would be primary workstream if contract agreed to map out and ensure we have the necessary paperwork in place well in advance of transfer. Case notes are on Halo and so should be exported with the transfer of the system to a new provider.	L = 2 I = 2 = 4	4
Financial implications of transferring the service are unaffordable for receiving organisation	L = 2 I = 4 = 8	Financial mapping has already been undertaken with incumbent service where the LA has received assurance that its financial information it holds for the provider is correct and accurate. Therefore, any missing or erroneous finances should be limited to smaller elements of the services	L = 1 I = 2 = 2	6

		resulting in smaller more manageable impacts.		

Other Implications:

12.7 There are no anticipated direct impacts on the wider Council as a result of this procurement that have not been identified elsewhere.

13. Equalities Impact Assessment:

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	• 18% of Torbay residents are aged under 18 years old. • 55% of Torbay residents are aged between 18 to 64 years old. • 27% of Torbay residents are aged 65 and older.	Family need is identified and responded to, not only adults. There should be no material impacts (positive or negative) as this is a continuation of the existing service. The young people's service remains unaffected.	However public health is exploring how 18-25 year olds can received treatment services differently, potentially creating a bespoke 18-25 service to specifically deal with those transitioning from a young persons to an adult service.	n/a
Carers	• At the time of the 2021 census there were 14,900 unpaid carers in Torbay. • 5,185 of these carers provided 50 hours or more of care.	Recovery is integral to reducing the demands on cares significant others. Additionally supporting family members is integral to the service model.	n/a	n/a
Care experienced	• As of January 2026, there were 277 former care experienced young	There should be no material impacts (positive or negative) as this is a	n/a	Public health and children's

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	people aged 18-24 in Torbay.	continuation of the existing service and the service is open to all adults.		services, April 2027.
Disability	• In the 2021 Census, 23.9% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	There should be no material impacts (positive or negative) as this is a continuation of the existing service whose current model is inclusive, with many who access support having physical and/or mental health difficulties and this includes continued use of the existing building which has access for those with mobility issues including wheelchairs. Facilities are available where no stairs are required.	n/a	n/a
Gender reassignment	• In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth.	The service is open and accessible to all. There should be no material impacts (positive or negative) as this is a continuation of the existing service.	n/a	n/a

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Marriage and civil partnership	• Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	The service is open and accessible to all. There should be no material impacts (positive or negative) as this is a continuation of the existing service.	n/a	n/a
Pregnancy and maternity	• Between 2013 and 2024, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 56.0 per 1,000) than the Southwest (53.4) and broadly in line with England (56.3). • For the period 2022 to 2024, rates in Torbay (44.6) have been significantly below England (50.0).	The service is open and accessible to all. There should be no material impacts (positive or negative) as this is a continuation of the existing service.	n/a	n/a
Race	In the 2021 Census, 96.1% of Torbay residents	The service is open and accessible to all and this expectation will be required of the new provider. Drug and alcohol	n/a	n/a

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	described their ethnicity as the following: • 1.6% as Asian, Asian British or Asian Welsh • 0.3% as Black, Black British, Black Welsh, Caribbean or African • 1.5% as being of Mixed or Multiple ethnic groups • 96.1% as White • 0.4% described their ethnicity another way. • Black, Asian and minoritised ethnic communities are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	services are experienced in working with the most excluded in society and therefore will be commissioned to ensure no-one faces accessibility or differences in outcomes due to their race. There should be no material impacts (positive or negative) as this is a continuation of the existing service.		
Religion and belief	The 2021 Census showed that the residents in Torbay	The service is open and accessible to all.	n/a	n/a

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	identify their religion and/or belief as the following; • 48.5% are Christian • 0.4% are Buddist • 0.2% are Hindu • 0.6% are Muslim • Less than 0.1% are Sikh • 0.1% are Jewish • 0.7% have another religion • 43.2% have no religion • 6.3% did not answer	There should be no material impacts (positive or negative) as this is a continuation of the existing service.		
Sex	• 51.3% of Torbay's population are female. • 48.7% of Torbay's population are male.	The service is open and accessible to all. There should be no material impacts (positive or negative) as this is a continuation of the existing service.	n/a	n/a
Sexual orientation	In the 2021 Census, residents described their sexuality as follows;	The service is open and accessible to all.	n/a	n/a

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	• 89% as Straight or Heterosexual • 1.7% as Gay or Lesbian • 1.1% as Bisexual • 0.1% as Pansexual • 0.1% described their sexuality another way • 7.4% of people didn't answer the question	There should be no material impacts (positive or negative) as this is a continuation of the existing service.		
Armed Forces Community	• In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. • In Torbay, 5.9% of the population have previously served in the UK armed forces.	The service is open and accessible to all. There should be no material impacts (positive or negative) as this is a continuation of the existing service.	n/a	n/a
Additional considerations:				
Socio-economic impacts (Including impacts on child poverty and deprivation)	• Torbay is ranked as the 39th most deprived upper tier local authority in England in the Index of	This service is specifically aimed at those who are experiencing the most disadvantage and are most likely to be in the more deprived communities.	n/a	n/a

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	Multiple Deprivation 2025.	Therefore, this service will have a positive impact on these characteristics.		
Public Health impacts (Including impacts on the general health of the population of Torbay)	• For the five-year period 2020 to 2024, data shows there is a 6-year life expectancy gap between males who live in Torbay's least and most deprived areas and, a 3-year gap for females.	This service is specifically focussed on improving the health and wellbeing of a particularly disadvantaged group, who experience some of the worse health inequalities and early mortality in our residents. This service looks to positively impact on both physical and mental health as well as the wider wellbeing to themselves, their families and their communities.	n/a	n/a
Human Rights impacts		Human rights are respected and promoted by treatment services. There should be no material impacts (positive or negative) as this is a continuation of the existing service.	n/a	n/a

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Child Friendly (Children's Rights Impact Assessment (CRIA) considerations): *Summarise the CRIA considerations for this proposal, including which groups of children and young people may be affected (e.g., care experienced children/young people, care leavers, children with SEND), how their rights and best interests have been considered, and any engagement undertaken with children/young people and/or their representatives. Set out any mitigations to address identified adverse impacts and how these will be monitored.*		The service supports and protects some of the most vulnerable children and young people in Torbay directly or indirectly. There should be no material impacts (positive or negative) as this is a continuation of the existing adults only service.	n/a	n/a

14. Cumulative Council Impact:

14.1 This service interfaces into a number of other Council services such as adult social care, the homeless hostel and revenue and benefits.

14.2 The treatment services are in place to improve the lives and outcomes for vulnerable communities in Torbay. This has current and future benefits for adult social care, children's social care, community and environmental services as well as reducing financial demands on the council.

14.3 The change of supplier will require amendments and updates to referral pathway and joint working arrangements.

15. Cumulative Community Impact:

15.1 The cumulative benefit is derived by the service model that recognises service delivery being built around the person in an integrated way.

15.2 Additionally, there is cumulative benefit at community, family and individual levels by addressing the underlying causes to trauma, distress to self and others.

15.3 The future model will continue with this this intent.

Appendices:

None.

Background Documents:

Adult Social Care and Health Overview and Scrutiny report September 2026 Agenda for Adult Social Care and Health Overview and Scrutiny Sub-Board on Thursday, 3 September 2026, 2.00 pm

Officer Contact Details:

Name: Ian Tyson

Title: Head of Public Health Improvement

Email address: ian.tyson@torbay.gov.uk

TORBAY COUNCIL

Stoma Care
Opposition Notice of Motion

Motion

The Council is committed to promoting equality, inclusion and accessibility, ensuring that all residents can participate fully in community life with dignity and independence, and that thousands of people across the UK live with a stoma or other medical conditions that require the regular changing of medical devices when away from home.

The Cabinet is requested to:

1. request that the relevant service areas undertake a review of Council-owned public conveniences and Council buildings to identify opportunities to improve facilities for people living with a stoma and other similar medical conditions;

2. ensure that the needs of people living with a stoma are actively considered in the design, refurbishment and upgrading of Council-owned public conveniences and changing facilities.

3. encourage the inclusion of appropriate accessible changing facilities within new Council developments and, where appropriate, within planning guidance and discussions relating to new publicly accessible buildings.

4. receive a report setting out recommendations, costs and opportunities for implementation.

Promoter: Councillor Mandy Darling
Supporter: Councillor Steve Darling

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