

1. What is the impact of LGR on the Local Plan process - Would a subsequent LP need to be produced if we fall into a new authority? Is it worth moving to Regulation 19 before we know what our future authority and size will look like?

The preparation of the draft Local Plan has been undertaken through a structured programme of evidence gathering, public consultation, independent professional assessment and cross-party Member engagement supported by officers' presentation of advice, evidence, and relevant legal and policy implications.

The Government has issued draft guidance on Local Plan preparation and Local Government Reorganisation¹. This reiterates the Government's commitment that all local authorities should have up-to-date plans in place as soon as possible and states that "forthcoming local government reorganisation is not a reason to delay plan making."

When adopted the Local Plan will provide a spatial planning framework for the geographical area of Torbay and will provide a springboard for Neighbourhood Plans. This is expected to give a level of certainty and protection from speculative development for around 5 years (although this is less certain than under the former version of the National Planning Policy Framework). It will also provide a basis to support the Council's town centre regeneration and accommodation repurposing programmes.

The same would apply to other parts of Devon that will be reorganised. For example, Teignbridge District Council has a recently adopted (2026) Local Plan that will continue to apply to the (former) Teignbridge area. South Hams is just commencing the preparation of a Local Plan under the "new" system.

All councils in a new Authority will need to start preparing a new Local Plan, but this will take some time. The Government has confirmed that existing Plans will be "saved" until the replacement is adopted. This could clearly lead to a confusing picture where some areas face Presumption and other do not.

2. How has the Matthew Pennycook letter impacted the Regulation 19 Local plan - What has been changed in light of this? How likely are we to see further direct intervention from the minister?

Two letters have been received from Housing Minister Matthew Pennycook during the Local Plan process testing our evidence and approach.

The first letter (22 January 2026) is effectively a representation at Regulation 18 Stage (albeit from the Government). It triggered an earlier than initially planned Planning Inspector meeting and the Local Plan Working party were advised about the letter. The Local Plan Working party discussed this letter and the Inspector's advice

¹ [Plan-making and local government reorganisation - GOV.UK](https://www.gov.uk/government/consultations/plan-making-and-local-government-reorganisation)

note in February 2026 supporting development of the Local Plan from Regulation 18 to Regulation 19.

The second letter (11th June 2026) ("The intervention letter") required the submission of evidence base documents to MHCLG and did not specifically require changes to the intended Regulation 19 Local Plan. The Council has responded constructively to the letter in a detailed response from the Leader dated 2 July (see attached). MHCLG has also been provided with access to the Local Plan evidence documents and updated housing land availability information.

MHCLG have a range of intervention powers and have written to several planning authorities. The extent to which they exercise these powers in Torbay's circumstances will be clearer if there is a response to the intervention letter. The Council consider it has taken all reasonable and proportionate steps to prepare a sound Local Plan capable of examination and grounded in evidence.

3. Co-operation with neighbouring authorities is mentioned with some details on Teignbridge - Which other authorities have been contacted? What have been their responses? How has this impacted the Regulation 19 before us?

There was a statement of common ground whereby the Teignbridge Local Plan would allocate additional sites to assist Torbay meet its needs². The Inspectors examining Teignbridge's Local Plan determined that the matter could wait for the next round of Plan making.

There is a Statement of Common Ground with Exeter whereby Torbay identifies the issue of unmet need but notes that Exeter has significant constraints meeting its own LHN.

There is a live objection lodged to the East Devon Local Plan, which has recently undergone a second Regulation 19 Consultation and is due to be submitted before the Government's December 2026 Deadline. East Devon has been unwilling to assist Torbay to meet our unmet needs, due their own constraints and the distance between the two areas. They have asked for more evidence of Torbay's capacity constraints.

Mid Devon District Council is at an early stage of preparing a new Local Plan under the LURA. Its previous Plan was adopted in 2020.

South Hams District Council is at an early stage of preparing a Local Plan under the Levelling Up and Regeneration Act. As part of Torbay's Reg 18 consultation officers met with SHDC to discuss cross boundary matters including un-met need, and areas where there are cross-boundary impacts. Officers have not contacted West Devon

District Council directly, because the functional links of the former Plymouth Joint Local Plan Area are with South Hams.

Officers held a duty to cooperate meeting with Plymouth City Council during the Torbay Local Plan Reg 18 consultation, but Plymouth also has a very high level of LHN compared to available land and its recent completions pro-rata to population are similar to Torbay's.

The Report to Council seeks to establish a formal Member view on cross-boundary issues that can be reported to neighbour authorities. This will provide additional authority for Torbay to formally approach neighbours as part of the Regulation 19 engagement process in August-September.

The ongoing discussions with neighbouring authorities have not directly impacted on the Local Plan. The Council must do all it can to achieve the LHN, and where it is not possible to deliver sufficient homes to meet this number in full, the unmet need should be discussed with neighbours – there should be no expectation that they can deliver on our behalf.

4. Has the regulation 18 consultation been summarised and fully available to the public - How can we reassure them that their concerns have been taken on board? Will we be provided this prior to O+S?

The Regulation 18 Representations have been carefully considered and summarised. Summaries of comments received have been circulated to, and discussed by, the Local Plan Working Party. Detailed briefing notes on these are available on the Intranet at [Browse meetings - Local Plan Working Party](#)

There were 1813 total representations made in total. These arose from 757 individuals or organisations. The main issue was site-specific objections to individual proposed housing sites. The consultation responses are available via the Opus consultation platform on Torbay's website.

Detailed assessment of representations took place at the 3rd and 24th March, and 8th and 23rd June 2026 Working Party meetings. A summary of representations, briefing note on key issues and recommended responses was provided to the Working Party on 8th June. A track-changes version of the Local Plan was provided to the Working party of 23 June 2026.

Detailed track-change assessment of representations by policy and how we have recommended making changes to the Local Plan is being prepared:

[Track Changes from Reg 18 Draft Chapters 1 to 4.docx](#)

[Track Changes from Reg 18 Draft.docx](#)

These will be posted online as part of the Reg 19 consultation. The changes are the same as indicated in the track-changes version of the Plan shared with Members.

5. What sites have been removed between the Regulation 18 consultation and this version of Regulation 19 - What feedback was received from Reg 18? How was this taken into account in making the decision to remove?

The Local Plan Working Party has worked on a cross-party basis to consider sites using evidence relating to their suitability and availability and the consultation feedback. Members were advised that the plan making presumption in favour of sustainable development at paragraph 11(a-b) of the 2024 NPPF must be applied.

The Local Plan Working Party meetings on 3rd March 24th March 8th June and 23rd June were the key meetings that discussed site allocations. [Browse meetings - Local Plan Working Party](#)

The Working Party considered proposed allocations against the Presumption tests, other evidence, consultation feedback, and deliverability considerations. As a result, the Members resolved to delete the following housing sites from the Regulation 19 Plan:

- H3BCG1 Monksbridge, Brixham 130 dwellings
- H3T4 Great Hill and Cherry Blossom Farm, Torquay 130 dwellings
- H3P3 Stoke Road, Paignton (400 dwellings)
- H1b Oldway Mansion, Paignton (46 dwellings with an historic permission, which will not be proceeded with due to heritage concerns).

6. What sites have been reduced between the Regulation 18 consultation and this version of Regulation 19 - What feedback was received from Reg 18? How was this taken into account in making the decision to reduce?

The Working Party asked officers to investigate the availability of sites in the Maidencombe area (H3T1) and consequently reduced the allocation from 150 dwellings to 30 in two clusters: NE of Maidencombe Cross (circa 20) and Ridge Road (circa 10).

The bulk of the land (Port Talland Farm) is now being promoted by a planning agent, but landowners are not in agreement, and its availability cannot be demonstrated with certainty. On that basis, the Local Plan Working Party resolved not to continue this allocation. Infrastructure issues including lack of mains sewerage also informed this decision as more work would be required and confidence of wider redevelopment would be needed to support this.

At a smaller scale Meadfoot Beach Car Park (Hesketh Crecent end, not Kilmore side) has been reduced to a windfall site (<10 dwellings) in recognition of heritage impacts and the constrained site size.

7. What sites with significant responses from Regulation 18 have been retained or increased in this version of Regulation 19 - What feedback was received from Reg 18? How was this taken into account in making the decision to retain?

There was widespread support for the principle of brownfield development and town centre regeneration. Accordingly, the yields from town centres have been increased:

- Torquay Town Centre (H1a): increased from 600 to 800.
- Paignton Town Centre: increased from 260 to 500.
- Brixham: no change at 50
- The Sustainable Development Corridor SDT3 between Edginswell and Torre has been increased from 300 to 500 dwellings.
- The accommodation repurposing programme has been increased from 1,000 dwellings total to 1,500 (equal to 75 a year).

The Working Party recommended increasing the yield of the following sites:

- Torquay Gateway increased to 550 dwellings (up from 350: reinstating the current Adopted Local Plan figure)
- Hollicombe, Torquay increased to 185 dwellings (up from 50: reinstating the existing permission)
- H3P1 North of James Avenue Paignton increased to 30 dwellings (in response to support from the owner).

Overall, the Working Party considered that several greenfield sites face significant constraints and recommended an increased emphasis on urban regeneration sites. These sites may have a longer lead-in time and are dependent upon wider green-infrastructure provision. Accordingly, it recommended that the Local Plan retains a headline figure of 8000 dwellings over the Plan period but introduces a stepped trajectory.

Whilst there was a low level of objection to them at the 2025 Reg 18 Consultation, it is noted that sites identified in the Housing Site Options Consultation (October 2022) attracted objections, which may resurface at Regulation 19 stage. These include:

- H3P9 Land North of Bottompark Lane, Barton Hill Road, Torquay (20 dwellings).
- H3T12 Land adjacent Broadley Drive, Livermead, Torquay (50 dwellings).

8. The report states that Torbay is unable to meet its housing needs target - Is this the primary driver for High risk of not being found sound (13.1)? To what extent does this reflect on Torbay as a not sound local authority strategically?

The gap between Torbay's assessed LHN, and the level of housing the evidence indicates can be sustainably accommodated within the area is the main risk to the Local Plan not being found sound. The Government has expressed concern that the Local Plan target is only 42% of the Standard Method figure.

The Local Housing Need under Government's Standard Method is an unconstrained figure that takes no account of environmental or viability factors. It is simply a formula based on an increase in housing stock, plus an extra number linked to the gap

between median earnings and house prices. Many planning authorities are unable to meet their LHN figure, particularly the increased post 2024 figures. All of our neighbours' recent delivery rates are well below their current LHN figure. Torbay's inability to meet the LHN reflects the very real constraints of its coastal nature, topography, ecology, infrastructure, and economy which have guided debate at working party and informed their recommendations.

Not meeting LHN requires robust justification at Examination, backed with evidence base. The Leader's response to the Minister sets out Torbay's constraints in detail. These do not reduce the need but do provide a strong reason why meeting that need is not sustainable. Nevertheless, an Inspector (or MHCLG) will want to ensure that Torbay has taken a comprehensive assessment of available sites to finding housing land. Government has labelled its approach as 'no stone unturned.' Torbay needs to demonstrate that where sites are discounted, they have been assessed against suitability, availability and achievability following proportionate evidence led process to prepare a Local Plan capable of examination.

Another high risk to the Local Plan is the extremely tight deadline for submission to December 2026. Following consultation over August-September 2026, the Regulation 19 Local Plan needs to return to Full Council in December for agreement of the Regulation 22 Submission, and to agree any modifications. There is no room for slippage in this programme and any delay (including that created by Government intervention) will result in the Plan not meeting its December submission deadline unless an extension is agreed by the Secretary of State.

9. 13.3 states the impact of not being found sound is low - Why is the Council pushing such resource into this when the risk is high but impact low, what is the justification? How many officer hours have been spent on the local plan process so far? How much would be freed-up if this process was halted?

The Planning and Compulsory Purchase Act 2004 creates a legal duty on Local Planning Authorities to prepare a Local Plan. The Government is also directing Councils to prepare Local Plans swiftly. While most councils do not have an up-to-date Local Plan³ many (potentially 100+) are seeking to submit a Plan by the Government's December 2026 deadline.

The "impact" is only low from a planning perspective insofar as a Local Planning Authority is content to have significantly less control over applications in its area, in particular over speculative greenfield proposals, and is willing to rely on government policy, particularly the presumption in favour of sustainable development.

The impact of not having a Plan in place post the December deadline is significant abortive work and cost. Furthermore, producing a Local Plan under the new system

³ [Mapped: the English authorities with up-to-date plans, and those without | Planning Resource](#)

In the South West only Teignbridge, Bath and Purbeck have adopted Local Plans less than 5 years old as of July 2026.

will take minimum of three years to have in place. During this time we will be unable to resist speculative development on inappropriate sites. Developments that do come forward during this time will likely be of lower quality in terms of design and sustainability with less planning gain secured for services.

Without an up-to-date Local Plan, all planning applications must be determined based on the Presumption. Torbay's five-year supply position (circa 1.65 years) is one of the lowest in the country. The Presumption also applies because of the Housing Delivery Test score (66%) and age of the Plan. These factors will "tilt the balance" very strongly in favour of applications for housing being approved and the Council is unlikely to resist any appeal for housing where harm to an "NPPF footnote 7" matter does not create a strong reason for refusal. It not sufficient that there is harm to a footnote 7 matter: it will need to be sufficiently severe to outweigh the substantial weight that boosting housing numbers is likely to carry in the planning balance. There is an increased risk of costs being awarded against the council if reasons for refusal are viewed as unreasonable.

The Local Plan looks to put in place a strategic network of green infrastructure to support the council's wider regeneration and accommodation repurposing programmes. These can still proceed without a local plan, but each application is likely to require a sequential and exceptions test for flood risk. Because of the Marine SAC and South Hams SAC, many applications will require a Habitats Regulations Appropriate Assessment and to be able to provide mitigation.

Without an updated Local Plan, the four neighbourhood plan areas will have to meet their proportion of the Local Housing Need figure to gain protection against the Presumption (see paragraphs 14b, 69-70 of the 2024 NPPF). They will clearly struggle to achieve this. The annual figures based on a pro-rata distribution of the wider LHN figure according to population/households are:

- Torquay: 485 dwellings a year
- Paignton 340 dwellings a year
- BCG Villages 29 dwellings a year
- Brixham Town Council area: 116 dwellings a year.

If the Local Plan is adopted, or reaches later stages towards adoption, then the lower figure in the Local Plan will gain traction as a requirement for Neighbourhood Plans. The Regulation 18 and draft Regulation 19 has the following targets:

- Torquay: 180 dwellings a year
- Paignton 170 dwellings a year
- BCG Villages 20 dwellings a year
- Brixham Town Council area: 30 dwellings a year.

In respect of the costs and resources these are proportionate to the significance of the Local Plan as a framework for the growth, investment, and infrastructure across Torbay. Most of the expensive items including an online consultation platform and the majority of the evidence documents have already now been commissioned.