

Meeting: Cabinet

Date: 21 July 2026

Wards affected: All

Report Title: Torbay Local Plan Regulation 19 Publication

When does the decision need to be implemented?

Publication of the Local Plan for formal “Regulation 19 Publication” consultation in August 2026.

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1. Purpose of Report

- 1.1. This report seeks Council approval to publish the Regulation 19 “publication version” of the Torbay Local Plan 2025-45 for consultation. The Local Plan must be submitted to the Secretary of State for Examination, by the end of December 2026.
- 1.2. The draft Local Plan was published for consultation in November 2025, with two earlier consultations on growth and housing levels taking place in January and October 2022.
- 1.3. The contents of the proposed Regulation 19 Publication Plan (referred to as the Reg 19 Plan below) have been reviewed by the Local Plan Working Party and the Local Plan as currently worded reflects their recommendations.
- 1.4. When adopted the Local Plan (along with made Neighbourhood Plans) form the legal starting point for determining planning applications and set out a positive vision for the area and a framework for meeting housing needs and addressing other economic, social and environmental priorities. The Local Plan must be prepared according to legislation and the National Planning Policy Framework (NPPF). In any event the Levelling Up and Regeneration Act gives primacy to National Policy in decision making. The most challenging issue for local plans is often their ability (or inability) to meet the Government’s Local Housing Need figures. This is clearly the case for Torbay, with the Government writing to the Leader on 22nd January 2026 and again on 11th June 2026, due to concerns raised as the Regulation 18 Consultation contained a proposal for only 42% of the Government’s Standard Method Local Housing Need Figure. In the most recent letter, the minister made an intervention to direct submission of evidence documents to justify the position.

2. Reason for Proposal and its benefits

- 2.1. 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.
- 2.2. 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.
- 2.3. Local Plans frequently hinge of the headline rate of housing growth, as a key part of the tests of soundness. The Regulation 18 Local Plan consultation received a letter from Housing Minister Matthew Pennycook to this effect. 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 970 dwellings a year. This will be a significant challenge for the Plan's prospects of being found sound. A subsequent letter highlighting this concern was received from Housing Minister Matthew Pennycook on 11th June 2025. However, the Local Plan Working Party has assessed options for boosting housing numbers at length and the proposed Regulation 19 Local Plan represents the Plan which is considered to balance the need to take a "no-stone left unturned" approach to boosting housing numbers against Torbay's substantial environmental constraints, managing climate change, and challenging market conditions/viability.
- 2.4. Local Plans need to meet several legal requirements, including carrying out Sustainability Appraisal and Habitats Regulations Assessment. These have influenced the proposals in the Local Plan.
- 2.5. There is no longer a legal requirement to demonstrate a Duty to Cooperate with neighbours, but showing effective joint working with neighbours remains a "test of soundness". Torbay has notified its neighbours that it cannot meet its housing need. Torbay and Teignbridge officers agreed a mechanism whereby Teignbridge would allocate additional housing sites to meet Torbay's unmet need, once the scale of this was identified [dtc-003-addressing-torbay-s-unmet-need.pdf](#). However, the Teignbridge Local Plan Examination Inspectors removed this mechanism (Main Modification 102) on the basis that it should be dealt with at first review of the Teignbridge Local Plan.
- 2.6. The Local Plan needs to set out a strategy for delivering key infrastructure. In particular, it needs establish a network of green infrastructure and water management which is essential to supporting the council's regeneration programme and avoid harm to the Marine and South Hams Special Areas of Conservation. The Local Plan also seeks to safeguard land at Yalberton for waste management purposes.

- 2.7. Cabinet will be considering the proposal at its meeting on 21 July 2026 and requested to make recommendations to Council as set out in paragraph 3 below. A copy of the Cabinet's decision will be published prior to the Council meeting.

3. Recommendation(s) / Proposed Decision

That the Cabinet recommends to Council:

- 3.1 That the Torbay Local Plan: Publication Plan (attached as Appendix 2 and subject to 3.2) be approved for publication for a 6-week consultation under Regulation 19 of the Town and Country Planning (England) Regulations 2012 (as amended);
- 3.2 That the Director of Pride in Place, in consultation with the Cabinet Member for Place Development and Economic Growth, be delegated authority to make final minor editorial amendments to the Plan and publish supporting technical reports as part of the consultation.
- 3.3 That, in discussions with neighbouring authorities, the council's position is that Torbay's unmet housing need should be addressed at a sub-regional level, through the Spatial Development Strategy.

4. Appendices

Appendix 1: Letters from Minister Matthew Pennycook dated 11 June 2025 and 22 January 2026

Appendix 2: Regulation 19 Draft Torbay Local Plan (Please note that this is a draft working document).

5. Background Documents

- 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 draft replacement [National Planning Policy Framework: draft text for consultation](#) was published in December 2025. This would substantially change the English planning system by introducing National Decision-Making Policies. Policies S3-S5 come close to introducing a zonal planning system first mooted in the 202 Planning White Paper.
- The regulations governing "legacy" development plans are set out in the: [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#)
- Replacement Regulations "The Town and Country Planning (Local Planning) (England) Regulations 2026" came into force in March 2026 which govern local plans submitted after 31 December 2026. These govern new style "30-month" local plans prepared under the Levelling Up and Regeneration Act 2023 and require a new evidence base.

Supporting Information

6. Introduction

- 6.1 The current Torbay Local Plan 2012-30 was adopted in 2015 and is out of date. The updated Local Plan has been subject to three rounds of consultation at “Regulation 18” pre-publication stage:

Growth Options (10th January- 28 February 2022)

Housing Site Options (28 October -5th December 2022)

Full Draft Local Plan (28 November 2025-20th February 2026).

- 6.2 The previous consultation documents and summaries of response received are available at [Local Plan Update \(2025 to 2045\) - Torbay Council](#). The best way to view the regulation 18 Full Draft Local Plan and responses is on the council’s consultation webpage at [Torbay Council - Consultations](#) (click on “historic documents”). A common theme from Torbay residents in all three consultations is a need to focus on regenerating town centres and the built-up area, and building-out existing site-allocations before allocating further greenfield land.
- 6.3 The feedback from the Regulation 18 Consultation has been considered by the Local Plan Working Party and a draft Regulation 19 Publication Plan prepared for consultation.

7. Options under consideration

- 7.1. It is recommended that the Regulation 19 Local Plan be published for consultation in August-September 2026, with a view to returning the Local Plan to Council in December 2026 to agree submission in December 2026. Many (Over 100) Local Authorities are planning to submit their Plans in December 2026, so the likely date for Examination is later in 2027.
- 7.2. There are substantial changes afoot with the English system of planning and local government. This includes Local Government Reorganisation, a new NPPF (see above), the prospect of Spatial Development Strategies, and a December 2026 deadline for Plan submission. This has led some authorities to abandon their Local Plans or start to prepare plans under the “new” system.
- 7.3. If the December 2026 Submission Deadline 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. 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, against meeting the Government’s Standard Method Local Housing Need figure of 970 dwellings a year.
- 7.4. The draft Plan seeks to ensure that once adopted it is capable of being deemed “up to date” (see footnote 8 of the 2024 NPPF). There is a possibility that the Presumption will still apply

after a Local Plan is adopted if the council is unable to demonstrate a five-year supply or achieves less than 75% of housing delivery.

- 7.5. There are good reasons why Torbay is unable to achieve the Government's Housing Needs targets, which have been considered by the Local Plan Working Party and will be set out in a Growth Topic Paper. Consulting on a Regulation 19 Plan gives Torbay the opportunity to publish the Plan that it believes to be the right approach for the area and to robustly support the Community and Corporate Plan and the Torbay Story in its land use planning framework. Once it reaches Regulation 19 Stage (and more so when submitted) the Local Plan gains some limited weight in decision making and can set out guidance for Neighbourhood Plans. It becomes the Council's "preferred approach".
- 7.6. 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).

8. Financial Opportunities and Implications

- 8.1. Local Plans are expensive. However, much of the expense has already been incurred. The Government has also provided additional funding to support the preparation of Plans for submission by December 2026.
- 8.2. Not progressing the Local Plan at this stage would require a regathering of the evidence base in the new process.

9. Legal Implications

- 9.1. See above. 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 2023 and Planning and Infrastructure Act 2025 also affect the Local Plan.
- 9.2. The 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 Presumption in Favour of Sustainable Development at Paragraph 11(a-b) of the National Planning Policy Framework.
- 9.3. Changes to the 2004 Act introduced in the Levelling Up and Regeneration Act 2023 amend Section 38 of the Act to give primacy in decision making to national policy over the development plan.
- 9.4. 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.

10. Engagement and Consultation

- 10.1. Please see above. The Local Plan has been through three rounds of public consultation and engagement, and detailed assessment of consultation responses has been reported to the Local Plan Working Party. Representations submitted to the Regulation 18 Draft Local Plan have been carefully considered by officers and the Local Plan Working Party. A detailed schedule of comments and how these influenced changes to the Plan has been considered by the Working Party.
- 10.2. Council approval is sought to publish the next consultation stage of the Local Plan, which is the Regulation 19 “Publication” version. This is subject to a formal 6-week public consultation into its soundness and legal compliance. The Leader and Cabinet Member have advised that the Plan must return to full Council before submission to the Secretary of State for examination, to ensure that there is proper scrutiny of the feedback arising from the Regulation 19 (formally Regulation 20) consultation responses. The timescale to achieve this is very tight, but it does ensure that the Regulation 19 Consultation is a meaningful one.

11. Procurement Implications

- 11.1. The Local Plan is reliant on an evidence base and requires an Examination in Public and Programme Officer.

12. Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1. Please see the detailed policies in the Plan.

13. Associated Risks

- 13.1 This proposal addresses the corporate risk CP49.
- 13.2 The above sections all provide further context. There is a high risk of the Local Plan not being found sound due to the issue of housing numbers. However, meeting the Government’s Local Housing Need figure would cause substantial damage to Torbay’s environment, and is not deliverable given market conditions. The proposed level of growth will require very robust justification.
- 13.3 Officers and the Local Plan Working Party are seeking to produce the best Regulation 19 version of the Plan they can given the above constraints, and to reflect the views of those who commented on the Regulation 18 Draft Local Plan.
- 13.4 A similar Presumption in Favour of Sustainable Development must be applied either to get a Local Plan adopted or as a “penalty” for not having an up-to-date local plan (or failing other tests such as five-year housing supply or the housing delivery test, or the Local Plan being trumped by a new NPPF). Planning decisions will need to rely more heavily on the National Planning Policy Framework, and there will be increased risk of planning by appeal. Local ability to shape development and support economic growth in Torbay will be reduced, but decisions still must be made in the public interest.

- 13.5 As identified above, the main risk arising if the Local Plan stalls is to the development of urban brownfield sites, including the council's own programmes which require overarching green infrastructure provision to offset flooding, water management and impact on Special Areas of Conservation. Speculative greenfield applications are more likely to be able to dedicate land to achieve this on-site.
- 13.6 Not progressing the plan at this stage would result in significant abortive work and cost. Furthermore, producing a Local Plan under the new system will take minimum of 3 years to have in place. During this time, the Council will struggle to resist speculative development on inappropriate sites. Developments that do come forward during this time, whether supported or not, also have potential to be of less quality in terms of design, with less planning gain secured for services.

14 Equality Impact Assessment

The Local Plan contains policies on housing, affordable housing, employment and will be subject to an 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.	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	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.	Regeneration and Place Delivery Pride in Place.

		Ageing population increases risks of isolation, unmet care needs, and pressure on services The Local Plan contains policies for maximising the supply of housing as far as viable and environmentally possible. 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.	The Plan contains policies to provide specialist accommodation, and to seek to target specialist accommodation at local people.	
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.	Unpaid carers are more likely to require access to a network of open spaces, public transport and accessible parking.	See above 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.	
Care experienced	As of January 2026, there were 277 former care experienced young people aged 18-24 in Torbay.	No direct differential impact but 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.	
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.	The Local Plan will have a positive impact by creating accessible buildings and spaces and accessible housing.	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.	

			Ensuring these positive impacts are secured through developer obligations, conditions and monitoring..	
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	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.	
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	The Plan seeks to ensure access to family housing, healthcare, schools, and greenspaces.	
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	The Local Plan seeks to support a network of accessible open spaces, public health and healthcare facilities.	

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.	No differential impact.	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.	
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	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.	Policy SC5 recognises the shortage of cemetery spaces in Torbay and allocates land to meet this need, including the recognition that this site should contain ceremonial space. 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.	
Sex	• 51.3% of Torbay's population are female. • 48.7% of Torbay's population are male.	See above in relation to housing numbers -which will affect the provision of affordable housing, and the mitigations that the Plan seeks to put in place. The Local Plan contains policies to seek to reduce crime and anti-social behaviour and improve safety in town centres.	The Local Plan contains policies to create safe and accessible public spaces, and to support the monitoring of spaces through CCTV etc.	
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.	The Local Plan contains policies to create safe and accessible public spaces.	
Armed Forces Community	• In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces.	The Local Plan seeks to maximise the provision of affordable housing and supported housing.		

	In Torbay, 5.9% of the population have previously served in the UK armed forces.			
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.		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.	
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.	The Local Plan contains policies to improve the provision of good quality affordable housing, to regenerate the town centres and Community Investment Areas. 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.	

Human Rights impacts		No direct impact, although Human Rights Act duties affect elements of the Local Plan.		
Child Friendly		See above comment on housing numbers.	The Local Plan seeks to provide a network of child friendly spaces and facilities including play areas, schools and other community facilities.	

15 Cumulative Council Impact

- 15.1 The Local Plan affects other areas of the Council and SWISCO, especially those relating to Place, Regeneration and Community Services.

16 Cumulative Community Impacts

- 16.1 Many people in Torbay will not have heard of the Local Plan. However, everyone who uses land in Torbay is affected by the Local Plan and individual policies and site allocations are frequently very high profile and controversial.
- 16.2 In particular, the Local Plan sets out a framework for Neighbourhood Plans, which were last “made” (i.e. adopted) in 2019. Replacement Neighbourhood Plans are currently being prepared for Brixham and Torquay. In the absence of an agreed Local Plan housing target greater weight falls on the Government’s housing need figures for an area.