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.

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		~~**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

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			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

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		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

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		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		

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			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**

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		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	

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		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.

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		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	

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		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	

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		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.

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		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).		

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		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.		

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		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.**~~			

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		~~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~~			

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		~~**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.		

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		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			

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		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			

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		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.		