

Revised Appendix 2

Decision Statement Table: Brixham Peninsula Neighbourhood Plan

Assessment of Examiner's Report

Background

This Appendix provides a more detailed officer assessment of the Examiner's Modifications and the LPA's Decision Statement.

Mrs Deborah McCann was appointed through the National Planning Independent Examiner Referral Service (NPIERS) as the Independent Examiner in March 2018. This appointment was consented to by the Neighbourhood Forum. Mrs McCann, an experienced examiner, is independent of the Council and Neighbourhood Forum, possesses appropriate qualifications and has no interest in any land within the Torquay area. Whilst she had previously been employed by Torbay Council in the 1990s, this was considered by the Monitoring Officer not to represent a conflict of interest because of the significant passage of time.

All written representations were provided to the Examiner along with the submitted plan and associated documents. The final report was received by the Council on 26th July 2018 and is published on the Council's website.

The conclusion of the report was that the Plan should proceed to referendum, with modifications recommended by the Examiner.

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| Policy Document: - Front cover; and - page 8, para 1.8. | Modify wording by deleting reference to 'and beyond' regarding the period of the plan. (Report, page 8, top) | <i>"It is intended that the Brixham Peninsula Neighbourhood Development Plan will cover the period 2012-2030, to align with the Torbay Local Plan, reference to 'and beyond' should be removed to align with the Torbay Local Plan"</i> . (Report, page 8, top) | Modify wording by deleting reference to 'and beyond' as recommended. <u>Reason:</u> LPA would also add reasons that this will add clarity Note: The Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, requires at Section 38B (1.) (a.) "A neighbourhood development plan... specify the period... it is to have effect". Accordingly, the reference to 'and beyond' requires deletion to comply with Basic Conditions. | Policy document modified as recommended by the Examiner where relevant and as shown in Appendix 3 Clarify Plan Period (2012-2030) and remove 'beyond' |
| Employment policies to create jobs (J) | | | | |
| Policy J1: Employment land – proposed, retained and refurbished (BPNP pages 25 to 28) | Modify policy wording: - At J1.1 to clarify scope of support for employment development is that <i>'appropriate to meet the local and strategic needs set out in the Torbay Local Plan'</i> . (Report, page 27, middle); | For clarity and to meet Basic Conditions. The Examiner's comments note a Habitats Regulations Assessment (HRA) issue She goes on to comment: <i>'However, the neighbourhood plan does not allocate these sites but identifies them'</i> The Examiner also notes that <i>'the Council expresses concern that the employment sites are "identified" rather than allocated and therefore fail to be in general conformity with</i> | Agree: Modification meets BC Additional LPA Modification to Examiner's Modification of J1.1 - add additional text to give clarity that 'need' relates to the Neighbourhood Plan Area only (i.e. SDB1 area in Torbay Local Plan) <u>Reason:</u> Employment sites are 'identified' and not 'allocated'.. Therefore, additional wording to be in general conformity with the strategic Local Plan SDB Polices (SS5) and for clarity. | Policy Modified as recommended by Examiner with additional change and additional glossary/footnote for clarity <i>'..appropriate to meet the local and strategic needs set out in the Torbay Local Plan SDB1 area'</i> . Footnote: 'identified' J1 employment sites: These are not allocated sites and do not have policy weight but recognise a potential development site for consideration through the development management process primarily for employment investment subject to other policies in the Development Plan |

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| | | <p><i>Policy SS5 and SDB1 of the Torbay Local Plan.'</i></p> <p>(Report, page 27, middle and Section 12.7 page 21 in relation to J1.2 and HRA</p> | <p>LPA further <u>Modification</u> to add supporting text/glossary definition of BPNP 'identified sites' does not have the full force of a site allocation.</p> <p>Note: The LPA HRA Appropriate Assessment concludes J1 sites are acceptable with Mitigation Measures.</p> | <p><i>Committed J1 employment sites Have extant planning permission. If this planning permission expires, any proposal will be considered on the basis of the Development Plan unless material considerations indicate otherwise. A site's planning history is likely to be a material consideration.</i></p> <p><i>Footnotes also added to Policies Map Key.</i></p> |
| | <p>- At J1.2 Table 1 to references to Oxen Cove and Freshwater Quarry site <i>J11-2 Oxen Cove and Freshwater Quarry (identified site) 2,000</i></p> <p>(Report, page 28, top); and and Section 12.7 page 21</p> | | <p>Re J1.2 do not modify policy. Reason: Modified references to reference Oxen Cove and Freshwater are errors by the Examiner.</p> | <p>This part of Policy not modified as recommended by Examiner.</p> <p>Reinstate J1.1 as submitted</p> |
| | <p>- At J1.3, to delete a 'viability' definition and refer to LP Policy SS5 "<i>on grounds of viability and in accordance with Policy SS5 of the Torbay Local Plan</i>".</p> <p>(Report, page 28, top).</p> | | <p>Agree with some of the Modification but include part of original text as a further LPA modification :</p> <p>Re J1.3, modify policy to address issues raised, but retain core 'viability' definition within Policy rather than referring to Local Plan Policy SS5</p> <p>Reason: The LPA wording has been agreed in collaboration with the Forum (BTC) Retention of core viability definition provides</p> | <p>This part of Policy partially modified as recommended by Examiner LPA partially re-instated Policy as submitted Plan</p> <p><i>J1.3A lack of viability is to be established by clear evidence from an active marketing effort that it would not be possible to achieve a lease or sale of the premises at a reasonable market rate.</i></p> |

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| | | | clarity; reflects policy intent; and follows approach of Examiner at Modified Policy TO1.2 and as modified, policy meets Basic Conditions. | |
| Policy J2: Provision of information and communication technology (BPNP page14) | No comment made. (Report, page 28, bottom) | As submitted, policy meets Basic Conditions. (Report, page 5, para 2.4) | Agree: Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner. |
| Policy J3: Local employment – training and skills (BPNP pages15 and 16) | No comment made. (Report, page 28 and 29, top) | As submitted, policy meets Basic Conditions. (Report, page 5, para 2.4) | Agree: Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner. |
| Policy J4: Local employment – increased employment and local amenity (BPNP pages16 and 17) | No comment made. (Report, page 29, bottom) | As submitted, policy meets Basic Conditions. (Report, page 5, para 2.4) | Agree: Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner |
| Policy J5: Sustaining a vibrant harbour-side economy (BPNP pages 17 and 18) | Include a policies map. (Report, page 30, middle) | For clarity. (Report, page 30, middle) | Agree: Include the 'Brixham Harbour area' on the Policies Maps. <u>Reason</u> Inclusion of area referred to in policy maps adds clarity. | Policy Map modified as recommended by Examiner. New Policy Map boundary provided covering Brixham Harbour and environs. Note: A small part of this area is outside the approved Neighbourhood Plan Area. |
| | Modify policy wording. | To meet Basic Conditions. (Report, page 30, middle) | Agree: Modify policy as recommended. | Policy Modified as recommended by Examiner. |

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| | <p>J5.2 Second sentence 'will comply' to 'should be in conformity' with Local Plan Policies T01 (Tourism, events and culture), ... (Report, page 30, middle)</p> <p>Modify last sentence relating to maintenance-preservation or enhancement of the Brixham Town Conservation Area in the development plan</p> | | <p><u>Additional Reason</u> Modified language better reflects requirements and general conformity with Torbay Local Plan. As modified, policy meets Basic Conditions.</p> | <p>J5.2 'will comply' to 'should be in conformity' with Local Plan Policies T01 (Tourism, events and culture)</p> <p>maintenance-preservation or enhancement of the Brixham Town Conservation Area in the development plan</p> |
| <p>Policy J6: Redevelopment of the Town Centre Car Park (BPNP pages 18 and 19)</p> | <p>Include a 'more detailed' policy map. (Report, page 30 and 31, top)</p> | <p>For clarity. (Report, page 31, top)</p> | <p>Disagree: Retain maps as submitted in the Policy Maps (i.e., site: J1.1 & H3.1 Town Centre Map boundary) and the Employment Site Assessment. LPA add minor justification text to cross refer to Policy BH3 and BH3-11 for clarity. <u>Reason</u> Whilst the BPNP Planning Brief refers to a wider area than that shown by J1.1. In consultation with the Forum the Maps in submitted Neighbourhood Plan are considered sufficient and no additional modification is necessary. Officers consider that the extent of the Map boundary meets the Basic Conditions and is therefore lawful but will limit the Policy to the area shown.</p> | <p>Policy Map not modified as recommended by Examiner existing site boundaries retained as J1.1.</p> <p>Additional LPA change for clarity. Supporting text change to 3.2.4 <i>The development is to include a mix of retail premises, a hotel, affordable housing (see also Policy BH3-11 for 25 units), multi-level car parking....</i></p> |

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| Policy J7: Oxen Cove and Freshwater Quarry (BPNP pages 19 to 20) | Modify justification at 3.2.8 to emphasise development will be ' <i>Subject to any environmental constraints...</i> ' at project (i.e., planning permission) stage. (Report, page 31 and 32, top) | Examiner Considers Greater Horseshoe Bats (HRA) concerns unresolved. Examiner clear that sites have not been allocated, therefore ' <i>any potential shortfall in evidence in relation to the HRA can be adequately addressed should planning application come forward</i> '. i.e. at project stage. (Report, page 31, bottom and Section 12.7 page 21 on HRA issue) | Agree: Modify justification at para 3.2.8 as recommended. <u>Reason</u> Justification needs to reflect policy and HRA Matters. Policy does not allocate employment land. Policy correctly provides that development can only come forward when planning application/project stage HRA 'safeguards' are met. Note: BPNP AECOM HRA Report screened out Policy J7 and LPA HRA Appropriate Assessment of J1-2 and BH3-I6 sites concludes an allocation would be acceptable with mitigation measures. <u>LPA Additional modification to supporting text.</u> LPA minor additional modification to cross reference to justification text to cross refer to Policy BH3-I6 for clarity in para 3.2.11 and in 3.2.8 cross reference to LPA modification footnote in Policy J1 'identified' definition/status for clarity. Notes that development to meet environmental constraints para 3.2.10 for clarity. | Supporting Policy Text amended in accordance with Examiner's Recommendation. Additional LPA modification minor cross reference to Policy BH3.I6): New para 3.2.11 <i>The land at Freshwater Quarry and Oxen Cove is also allocated for residential development in Policy BH3-I6.</i> Para 3.2.7 ' <i>An area of 2,000 sqm has been identified for employment at Oxen Cove,...</i> (see Policy J1 and footnote defining 'identified' status) primarily marine related,... <p>Para 3.2.10 <i>Proposals will be subject to any environmental constraints. More specific information and</i></p> |

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| | Include a policies map. (Report, page 32, top) | For clarity. (Report, page 32, top) | Disagree: Retain maps as submitted in the Policy Maps (i.e., site J1.2 and BH3.I6 Town Centre Map) and the Employment Site Assessment. <u>Reason</u> Whilst the BPNP Planning Brief refers to a wider area than shown by J1-I2. The Forum considers the maps in submitted Neighbourhood Plan are sufficient and that no additional modification is appropriate. Officers consider that the extent of the Map boundary meets the Basic Conditions and is therefore lawful but will limit the Policy to the area shown. | Policy Map not modified in accordance with Examiner's Recommendation. Existing site boundaries retained as per Policy J1-I2. |
| | Modify policy wording to delete reference to <i>'the evolving Town Centre Master Plan</i> at J7.2. (Report, page 32, top) | To meet Basic Conditions. (Report, page 32, top) | Disagree: Only modify policy wording to reflect issue raised by deleting word 'evolving' and adding 'Brixham'. <u>Reason</u> The 'Town Centre Master Plan' is referenced in related Policy J1 and this site covers the same area as J1-I2. The Masterplan forms a supporting document to the submitted Neighbourhood Plan and it is no longer 'evolving'. Modification reflects policy intention. As modified policy meets Basic Conditions. | Change made to Policy Document, This part of Policy has not modified as recommended by Examiner. <i>J7.2 Design and development options should be informed by the Port Master Plan and the evolving Brixham Town Centre Master Plan and have regard to...</i> |

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| Policy J8: Employment in Churston, Galmpton and Broadsands (BPNP page 21) | No comment made. (Report, page 32, bottom) | As submitted, policy meets Basic Conditions. (Report, page 5, para 2.4) | Agree: Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made as recommended by the Examiner. |
| Housing policies (BH) | | | | |
| Policy BH1: Affordable housing (BPNP page 22 and 23) | Modify policy wording. BH1.2 to: <i>An off-site contribution will be considered where it would result in a larger number of affordable houses being delivered than through on-site provision...</i> (Report, pages 32 33, middle) | For clarity and to meet Basic Conditions. (Report, page 33, middle) | Agree: Modify policy as recommended. <u>Additional LPA modification</u> of policy title to ' <i>Policy BH1: Affordable housing site allocations</i> '. <u>Reason</u> Modification adds clarity. Modified policy title adds further clarity relating to the allocation of affordable housing as distinct from affordable housing eligibility of occupation in Policy BH2. As modified, policy meets Basic Conditions. | Policy Modified as recommended by Examiner with additional LPA modification of title for clarity. <i>BH1.2 to: An off-site contribution will be considered where it would result in a larger number of affordable houses being delivered than through on-site provision..</i> <i>Title: Policy BH1: Affordable housing site allocations</i> |
| Policy BH2: Allocation of new affordable homes (BPNP page 23 and 24) | Modify policy wording to limit policy scope to <i>new affordable houses</i> only (BH1.1), delete 'key workers' from awarding criteria, and BH2.2 default to the Torbay Council waiting list if no local occupants can be found. (Report, page33 and 34, bottom) | For clarity and to meet Basic Conditions. " <i>I am satisfied that Neighbourhood Plans can introduce local occupancy conditions in relation to <u>new</u> (my emphasis) affordable housing units.</i> " " <i>...and that there is a default to the Torbay Council waiting list</i> " (Report, page 34, middle) | Agree in part: Modify policy to limit policy scope to <i>new</i> affordable homes only (BH2.1) as recommended and default to Torbay Housing Waiting list where persons cannot be found (Bh2.2) LPA Disagree with the Examiner that that 'key workers' need to be deleted to meet the BC and therefore 'key workers' from within award criteria retained. | Policy partially modified as recommended by Examiner LPA partially retained submission Policy as submitted Plan with additional LPA minor modification to title change for clarity. <i>'Title: Policy BH2: Occupation of new affordable homes.</i> <i>BH2.1 New affordable homes in the</i> (retain 'key worker' criterion) <i>BH2.2 Where persons cannot be found to meet these criteria, affordable housing may</i> |

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| | | | <p>LPA additional Modification to policy title to '<i>Policy BH2: Allocation Occupation of new affordable homes.</i>'</p> <p><u>Reason:</u> Modification to limit policy scope to <i>new</i> affordable homes only required to meet Basic Conditions. Deletion of 'key workers' is not required to meet Basic Conditions, so no modification made. LPA additional Modification to policy title adds clarity and BH2.1...to <i>affordable 'homes'</i></p> <p>As modified, policy meets Basic Conditions.</p> | <p><i>be occupied by people and their dependents whose housing needs are not met by the market identified on the Torbay Housing Waiting List...</i></p> |

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| <p>Policy BH3: Delivery of new homes (and Table 2 Allocated housing sites)</p> <p>(BPNP pages 25 to 26)</p> | <p>Modify policy wording to state support for ... <i>housing growth appropriate to meet local needs and the strategic needs set out in the Torbay Local Plan 2012-2030, including affordable housing.</i></p> <p>(Report, pages 35 and 36, bottom and 19 to 23 regarding HRA matters)</p> | <p>To ensure that the policy supports that strategic development needs of the Torbay Local Plan and in order to meet Basic Conditions.</p> <p>Examiner's comments considered "<i>potential of a shortfall in the overall numbers that will be delivered from the allocations in Table 2</i>". Modifications "<i>ensure that this policy supports that strategic development needs of the Torbay Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework)</i>".</p> <p>(Report, page 36, middle, 4th para)</p> | <p>Disagree: Retain this part of Policy as submitted.</p> <p><u>LPA additional modification</u> to include the Examiner's wording in justification with minor alterations</p> <p><u>Reason:</u> The identified 'expectation' of the neighbourhood area of 660 homes is met numerically by the (at least) housing sites allocated in Table 2.</p> <p>Examiner raises concerns regarding delivery of housing in BH3. However the LPA is now broadly satisfied that the BPNP is in general conformity with Policy SDB1 and that the level of housing allocation will meet the 660 target (Policy BH3).</p> <p>To ensure the plan meets the basic conditions the inclusion of the Examiner's text within the justification is necessary.</p> | <p>This part of Policy not modified as recommended by Examiner. Modified text as recommended by Examiner with additional LPA modification moved to justification para 4.7.</p> <p>4.7 The Brixham Neighbourhood Plan supports housing growth appropriate to meet local needs and the strategic needs set out in the Torbay Local Plan 2012-2030, Policy SDB1, including affordable housing. Local Plan...</p> |

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| | <p>Accept all sites in Table 2 as allocated for residential development, except for Waterside Quarry (Report, page 36, bottom, amendment of Policy BH3)</p> <p>(Report, pages 35 and 36, bottom and 19 to 23 regarding HRA matters in Section 12)</p> | <p>The Examiner Comments: <i>The adequacy or otherwise of the environmental assessment of the site in the light of the PoW case and whether or not the site as a result of this and other site constraints is developable.</i> <i>My conclusion is that I am not satisfied that the HRA assessment of the site as submitted is adequate.</i></p> <p>(Report, page 36, top, 1st para)</p> <p>Reasoning also provided on pages 19 to 23 regarding HRA matters)</p> | <p>Agree: Delete Waterside site in Table 2.</p> <p><u>LPA additional modification</u> Modify footnote 17 (affordable housing for Jewson BH3.I8) and 18 (assisted living St Kilda BH3.I3) by switching text around. Text at footnotes 17 and 18 needs rearranging to be consistent with Housing Site Assessment (at page 34 and page 50), as there is an error in the Submitted Plan.</p> <p><u>LPA additional modification for clarity</u> add footnote to define Housing ‘allocated’, ‘identified’, ‘committed’ and ‘windfall sites’ particularly as a different definition is used for ‘identified’ sites in Policy J1.</p> <p><u>Reason:</u> The LPA has no evidence to overturn the Examiner’s recommendation for Waterside site deletion. The LPA HRA (AA) confirms that the site cannot demonstrate there is no likely significant effect, either alone or in combination with other plans or projects on the integrity of the SH SAC; as required in accordance with the basic condition as prescribed in Schedule 2 Paragraph 1 of the Neighbourhood Planning Regulations 2012.</p> | <p>Policy Table 2 modified as recommended by Examiner (Waterside Quarry Site BH3.I10 deleted). Additional LPA modification to footnotes for clarity. (giving a Table 2 total allocation of 685) and footnotes modified as shown in Appendix 3 with consequential numerical changes to figures in supporting text 4.7 and 4.8.</p> <p>LPA additional modifications: Modify footnote 17 (affordable housing for Jewson BH3.I8) and 18 (assisted living St Kilda BH3.I3) by switching text around.</p> <p>Add footnote to define ‘allocated’, ‘identified’, ‘committed’ and ‘windfall sites’</p> <p>Footnote to Table 2 : <i>‘Identified’ BH3 housing sites: These sites have been identified by the Forum (Brixham Town Council) and are allocated housing sites.</i></p> <p><i>Committed housing sites: These sites have extant planning permission. If this planning permission expires, any proposal will be considered on the basis of the Development Plan unless material considerations indicate otherwise. A site’s planning history is likely to be a material consideration.</i></p> <p><i>Windfall Sites” are sites which are usually not identified or allocated within the development plan but that are still required to be considered on the basis of the Development Plan unless material considerations indicate otherwise. The figure in table 2 refers specifically to windfall sites of 5 or fewer new dwellings.</i></p> <p>Footnotes also added to Policies Map Key.</p> |
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| <p>Policy BH3: Delivery of new homes (and Table 2 Allocated housing sites) continued...</p> <p>(BPNP pages 25 to 26)</p> | <p>Modify policy wording to require <i>“Appropriate Ecology surveys as set out in the Plan’s accompanying HRA will need to be undertaken at the project stage for any planning application as set out in the HRA”</i></p> <p>(Report, page 36, bottom, amendment of Policy BH3)</p> <p>Detailed consideration 19-26 entitled 11.4 Habitats Regulations Assessment</p> | <p>‘Plan level’ HRA concerns also need resolution at ‘project stage’ as <i>“There are also concerns that some allocated sites have not demonstrated that the constraints can be overcome, and sites or number of units indicated can be delivered as set out in the Housing Assessment Document 3”</i></p> <p>(Report, page 35, top, 2nd para)</p> <p>Detailed consideration 19-26 entitled 11.4 Habitats Regulations Assessment.</p> | <p>Agree</p> <p>Modify policy to address issues raised using different wording to that proposed by Examiner. <u>LPA further modification</u> to clarify and meet BC explicit HRA concerns.</p> <p><u>Reason:</u> The Examiner's suggested modification supports the approach in the Torbay Local Plan and in the submitted Neighbourhood Plan Policy E8, by making it clear allocations are where appropriate, subject to analysis at the project level too.</p> <p>However, it is considered clarity can be added by additional and amended wording recommended. Policies should focus on the planning outcome and not the methodology to achieve that outcome. (For example, as drafted the policy does not state what happens if surveys highlight a problem). Hence the policy should refer to the Habitats Regulations requirement i.e. <i>“ Proposals either alone or in combination should not adversely affect the integrity of the SACs.. this wording is additional to that proposed by the Examiner to achieve this. As modified, the policy meets Basic Conditions.</i></p> | <p>This part of Policy partially modified as recommended by Examiner with additional LPA modification.</p> <p><i>The sites listed in Table 2 are allocated for residential development. Proposals will need to demonstrate there is no likely significant effect, either alone or in combination with other plans or projects on the integrity of European sites; where appropriate ecology surveys will need to be undertaken at the project stage.</i></p> |

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| Policy BH4: Brownfield and greenfield sites (BPNP pages 26 and 27) | Modify policy title and wording (BH4.1) to limit policy scope to 'residential' development only and (BH4.3) to refer to Torbay Local Plan in criteria. ...greenfield sites will be considered in the context of TLP Policy C1 and Exception Site development that may meet Local Need through self-build and local affordable housing Provision (BH9) (Report, page 37, middle) | Examiner states: <i>This policy does not directly refer to housing but as sits within the housing section it is assumed that it is only intended to relate to housing development. It is also assumed that BH4.3 is intended to refer to rural exception site development.</i> For clarity and to meet Basic Conditions. (Report, page 37, middle) | Agree: Modify policy wording and title to address issues raised. Clarify policy scope relates 'residential' development only and include reference to Torbay Local Plan C1 in criteria. <u>LPA additional further modification</u> to refer to BH9 Exception Sites Policy and modify reference to self-build within the scope of affordable housing Examiner's reference to self-build. <u>Reason:</u> Minor modification uses clearer language and as modified policy meets Basic Conditions Additional further modification to cross reference Policy BH9 exception site policy | Policy partially modified as recommended by Examiner with additional LPA modification <i>Policy BH4:Housing Development - brownfield (previously developed) and greenfield (not previously developed) sites</i> BH4.1... residential development on brownfield BH4.3 ...greenfield sites will be considered in the context of Torbay Local Plan Policy C1 and Exception Site development that may meet Local Need through local affordable housing (including self- build) provision (BH9) |
| Policy BH5: Good design and the town and village Design Statements (BPNP pages 27 to 29) | Modify Policy wording by deleting BH5.4 relating to 'not permitting' badly designed developments. (Report, pages37 to 39, middle) | 'Paragraph BH5.4 lacks sufficient clarity to allow a decision maker can "apply it consistently and with confidence when determining planning applications". It repeats elements in other paragraphs in the policy and uses the word" permitted".... decision on any planning applications is made by the Local Planning Authority therefore delete BH5.4 (Report, page 39, top) To meet Basic Conditions. (Report, page 39, middle) | Agree/Disagree: Deletion of BH5.4 as submitted however <u>LPA make further additional modification</u> by retaining BH5.4 but re-wording to address issues raised. Add reference to Landscape Character Assessment, Urban Fringe Documents in supporting Text para4.11 and retain footnotes 22 and 23 as reference 'lost' in reworded Policy section BH5.4 <u>Reason:</u> Modified text accords with policy intention. Note: The | Policy modified but not as recommended by Examiner LPA modification BH5.4 Planning permission will not be granted for development of poor design that fails to take opportunities available for improving local character and quality of an area and the way it functions. .4.11 .favoured by our communities. Further evidence on landscape character and appearance is also set out in the Landscape Character Assessment of Torbay²² and the Brixham Urban Fringe Landscape Study²³. |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| | | | Further Modified text is in Exeter St James Neighbourhood Plan Policy D1: Good Quality Design, was a Locality 'model policy' example. As modified, policy meets Basic Conditions. | |
| Policy BH6: Roofscape and dormer management (BPNP pages 29 to 30) | Modify Policy wording to limit policy scope to <i>To protect local amenity, where planning permission is required, dormers will only be approved where they will only be approved where they:</i> (Report, 39 to 40 ;Recommendation page 40, top) | Policy should reference that in certain circumstances planning permission will not be required by the development this policy seeks to control. (Report, page 40, top) | Agree: intention of modification however <u>LPA propose further modification</u> to address issues raised. <u>Reason:</u> Intent of modification adds clarity, and further modification to Examiner's modification adds further clarity all roofscape alterations that require planning permission. As modified, policy meets Basic Conditions. | Policy modified but not as recommended by Examiner LPA modification <i>Policy BH6 Roofscape and dormer management</i> To protect local amenity, where planning permission is required: BH6.1 dormers will only be approved where they:... |
| Policy BH7: Sustainable construction (BPNP page 30) | No comment made. (Report, page 40, bottom) | As submitted, policy meets Basic Conditions. (Report, page 5, para 2.4) | Agree: Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner |
| Policy BH8: Access to new dwellings (BPNP Pages 31 and 32) | Modify Policy wording to refer to existing ' <i>adopted standards</i> ' and make compliance with standards a requirement. (Report, pages 40 to 41; recommendation on page 41, top) | Examiner not been provided with any evidence to support a variance the standards (in Manual for Street and Torbay Highway Design Guide). For clarity and to meet Basic Conditions. (Report, pages 40 and 41; Reason page 41, top) | Agree: Modify policy wording as recommended. Set out what the 'adopted standards' are and where they can be found. and supporting text 4.16 to 18 to accord with Policy change. <u>Reason:</u> Modifications add clarity. As modified policy meets Basic Conditions. | Policy modified as recommended by Examiner additional supporting text amendment to 4.17 and delete paragraph 4.18 BH8 Access to new developments should comply with the relevant adopted standards. <i>4.17 ...bring it up to the standard required for adoption by the Local Highways Authority (see Torbay Highways design guide</i> |

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| | | | | <i>for new developments and Torbay Council Highways development control standing advice)</i> 4.18 DELETE |
| Policy BH9: Exception sites (BPNP page 33 to 34) | Modify justification wording at 4.19. (Report, 41 to 43; recommendation on page 42, middle) | To reflect NPPF definition of rural exception sites exception sites and the modification of the policy. (Report, page 42, middle) | Agree Modify justification wording at para 4.9 as recommended, except regarding inserting extraneous words at end of paragraph. <u>Reason:</u> Modification adds clarity. Inserting extraneous words at end of paragraph would introduce errors. <u>LPA Additional Modification</u> to BH3 supporting text para 4.9 for consistency with policy modifications to BH9 | Policy supporting text modified partially as recommended by Examiner partially LPA modification minor deletion of text. <i>Para 4.19 Policy BH9 (Exception Sites) is intended to deliver affordable, older person, and disabled person housing on "small " sites that otherwise could not come forward including houses for older person, and disabled persons. It is for the Local planning Authority to determine what constitutes a "small" site however a proposal for 20 homes could not be considered small. In the Regulation 14 consultation a proposal was brought to attention which it appears could deliver on a policy compliant basis 20 homes, or more a rural exception site, subject to community consultation. Accordingly, through Policy BH9 it is expected that more homes than set out above will come forward.</i> BH3 supporting text 4.9 Policy BH9 (Exception Sites) is intended to deliver affordable (including older person, and disabled person) housing on sites that otherwise could not come forward. |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| | <p>Modify Policy wording.</p> <p>Modify criterion 'a.' to delete</p> <ul style="list-style-type: none"> • <i>purpose-built accommodation for older people (with a minimum age of 60); or</i> • <i>purpose built accommodation for the disabled;</i> <p>replace 'e.' with new criterion to read '<i>does not constitute major development in the AONB</i>'.</p> <p>delete 'f.'</p> <p>(Report, page 42 and 43)</p> | <p>Rural exception sites are defined in the NPPF: <i>Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community.</i></p> <p>It may be that a development coming forward will include provision of older and disabled people, but Examiner considers this cannot be a requirement of the policy. Therefore, paragraph f) should be deleted</p> <p>For clarity and to meet Basic Conditions. Paragraph e is unnecessary. (Report, page 42, bottom)</p> | <p>Agree: Modify policy wording as recommended by Examiner.</p> <p><u>Further LPA modifications</u> To remove grammar errors introduced by Examiner at criterion 'a' and 'c'. To mirror justification wording 4.19 in policy wording after criterion 'e' by inserting criterion f is considered to be a small sites .</p> <p><u>Reason:</u> Modifications add clarity and remove errors. LPA further modification as criterion e. as modified by the Examiner would restrict 'major development' <i>in</i> the AONB but not <i>outside</i> the AONB. For clarity and to align with supporting text in 4.19 as amended by the Examiner.</p> <p>As modified policy meets Basic Conditions.</p> | <p>Policy text modified partially as recommended by Examiner partially LPA modification.</p> <p>Paragraph e amended to read <i>does not constitute major development if within the AONB; and</i></p> <p>Paragraph f added <i>is considered to be a small site; and</i></p> |
| The natural environment (E) | | | | |
| <p>Policy E1: Landscape beauty and protected areas</p> <p>(BPNP pages 35 to 37)</p> | <p>Modify policy wording at E1.3 and E1.4. Delete E1.5. (Report, page 44, top)</p> | <p>Examiner notes existing statutory framework for the protection of AONBs that does not need to be repeated in a neighbourhood plan. There can be no requirement to comply with policies, objectives or</p> | <p>Agree Modify policy wording as recommended by Examiner in E1.4, <u>LPA recommended further modifications</u> at E1.1 to correct factual error as not all</p> | <p>Policy text modified partially as recommended by Examiner partially LPA modification.</p> <p><i>E1.2 The internationally designated... The English Riviera Global Geopark..</i></p> |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| | | guidance as stated. For clarity and to meet Basic Conditions policy to be modified and E1.5 deleted as it is duplicating protection covered under existing policy. (Report, page 44, top) | designations are landscape designations. E1.3 Partly as recommended by Examiner but retaining submitted text, explicit NPPF wording for clarity. LPA re-instate E1.5 in re-worded form. <u>Reason:</u> LPA further modifications add clarity and further modifications add further clarity. Re-worded E1.5 reflects policy intention and uses wording from Torbay Local Plan policy SS8 and AONB Management Plan. As modified policy meets Basic Conditions. | E1.3 partly as recommended by Examiner and Partly retained text. <i>E1.3 Development within or impacting on the AONB must demonstrate that great weight has been given to conserving and enhancing landscape and scenic beauty and must comply with the requirements of the National Planning Policy Framework and other statutory documents including the AONB Management Plan.</i> E1.4 as per Examiner's Recommended modification. <i>E1.5 Development should not harm protected landscape characteristics including dark night skies and tranquility.</i> |
| Policy E2: Settlement boundaries (BPNP page 38 to 41) | Modify justification wording at para 5.10. to reflect Policy Modification to E2.3 i.e. criteria for acceptable development in Local Plan Policy C1 (Report, pages 44 to 45; recommendation page 45, middle) | To reflect the policy modification. (Report, page 45, middle) | Agree: Modify justification wording as recommended by Examiner. <u>Reason:</u> Modification adds clarity. | Policy supporting text modified as recommended by Examiner <i>5.10 Policy E2 is a development of the "village envelope" concept proposed by the Local Plan. This Neighbourhood Plan policy hence provides supporting detail to a Local Plan policy C1.</i> |
| | Modify wording at E2.3. i.e. criteria for acceptable development in Local Plan Policy C1 (Report pages 44 and 45; recommendation, page 45, middle) | For clarity and to meet Basic Conditions. E2.3 covers development already controlled by policy C1 of Torbay Local Plan. (Report, page 45, middle) | Agree: Modify policy wording as recommended by Examiner. <u>Reason:</u> E2.3 is similar too (but not the same as) Policy C1 of Torbay Local Plan. Modification adds clarity. As modified, policy meets Basic Conditions. | Policy Modified as recommended by Examiner <i>E2.3. "Development outside settlement boundaries will need to meet the criteria in Torbay Local Plan Policy C1.</i> |

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| Policy E3 Settlement Gaps (BPNP pages 41 to 42) | Support all settlement gaps shown in ellipses, except "first ellipse of 2" (Report pages 45 to 17; recommendation, page 46, middle) | Ellipses provide adequate description of the area of the settlement gap. But not agreed "first ellipse of 2" is not located within what could reasonably be considered a settlement gap (Report, page 46, middle) | Agree: Support all settlement gaps shown in ellipses and remove first ellipse of 2 (i.e., Galmpton Common, area adjacent to view receptor shown) as recommended by Examiner. <u>LPA additional modification</u> to accord with Deletion of ellipse 2 where relevant. On Policy Map and supporting text. <u>Reason:</u> Ellipses provide adequate description of the area of the settlement gap. First ellipse of 2 (i.e., Galmpton Common area adjacent to view receptor shown) has different characteristic to other areas shown | Policy and policies map modified as recommended by Examiner Delete first ellipse of 2 (and arrow) at Galmpton add Policy Maps Note: For Policy E3: Settlement Gaps, arrows show principle viewpoints as per photographs in the Policy Document, Appendix 3. add note to Map Key relating to E3 Photos Removal of Aerial Map in Appendix 3 added E3 reference to Photographs changed introductory text The following photographs show Settlement Gaps from principle viewpoints. The photograph numbers shown correspond to the numbers on the Policy Maps" |
| | Modify policy wording E3.1 and E3.2 (Report, page 47, top) | As currently worded a decision maker cannot apply it consistently and with confidence and addresses development covered by other policies. For clarity and to meet Basic Conditions. (Report 45 and 46; recommendation , page 46, bottom) | Agree Modify policy wording as recommended by Examiner. <u>Reason:</u> Modification adds clarity and as modified, policy meets Basic Conditions. Incorporation of all lengthy criteria in para E3.2 of submitted plan in single sentence of modified policy is clearer. | Policy Modified as recommended by Examiner |
| Policy E4: Local Green Spaces (BPNP pages 41 to 55 and | Accept all 16 Local Green Space sites, except for the LGS which covers the 1st and 18th of Churston Golf Course, including the clubhouse as identified as BPNPH2 in the Torbay Local Plan. | Most of the Local Green Spaces do meet all of the tests set out in paragraphs 76/77 of the National Planning Policy Framework (2012) | Agree/Disagree: Modify the boundary of the Churston Golf Course LGS (E5-13) <u>Additional LPA modification 1)</u> | Policy (and Policies Map) partly modified as recommended by Examiner. Area of club house and car park are excluded from the Local Green Space designation on Policy Map. |

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| Galmpton-Brockenbury Policies Map) | (Report pages 47 to 49, recommendation page 49, middle, 4th para) | <p>Concerns relating to the proposed boundary of the proposed Churston Golf Course LGS and conclusions on the housing policies and their ability to deliver the level of housing growth identified. To overcome these and meet the basic conditions the boundary of the Churston Golf Course LGS (E5-13) should be modified to exclude the area which covers the 1st and 18th hole of Churston Golf Course, including the existing club house.</p> <p>(Report, page 49, middle, 4th para and page 48, bottom, final para).</p> | <p>Modify boundary to exclude only the club house and car park area, maintaining the 1st and 18th holes.</p> <p><u>Additional LPA modification 2)</u></p> <p>Modify second sentence of Policy: "<i>Having regard to the NPPF, these Local Greenspace Designations are considered to be capable of enduring beyond the end of the Plan period.</i>"</p> <p><u>Reason:</u> The LPA considers the Examiner has correctly applied the tests in para 76 and 77 NPPF (2012) and that the area of concern meets the tests of para 77 but not 76 because it would constrain local planning of sustainable development.</p> <p>As modified it provides for some flexibility in the future, beyond the end of the plan period which would not otherwise have been explicitly possible, to consider the site through the plan making process as part of the local planning of sustainable development.</p> <p>For the avoidance of doubt the removed part of the site is not</p> | <p>Modify second sentence of Policy <i>Having regard to the NPPF, these Local Greenspace Designations are considered to be capable of enduring beyond the end of the Plan period.</i></p> |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| | | | allocated for housing development. <u>Reason:</u> The LPA considers this Sentence does not correctly reflect para 76 NPPF (2012) 99 NPPF (2018) | |
| Policy E5: Public Open Spaces (BPNP page 55) | Modify policy wording to incorporate specific criteria at NPPF para 74. in E5.1 (delete E5.2) (Report, page 50, bottom) | Incorporate NPPF Criteria. For clarity and to meet Basic Conditions. (Report, page 50, middle) | Agree: Modify policy wording as recommended by Examiner. (modify E5.1 and delete E5.2) <u>Reason:</u> Modification adds clarity and as modified, policy meets Basic Conditions. Use of specific criteria in NPPF para 74 accords with policy intention and gives greater regard to national guidance. <u>LPA additional modification</u> to add list of E5 open spaces to supporting text para 5.25 for clarity. | Policy modified as recommended by Examiner. With additional LPA supporting text modification to add list of sites to para 5.25 E5.1 <i>identified as Open Spaces and should not be built on unless:</i> <ul style="list-style-type: none"> ● <i>an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</i> ● <i>the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</i> ● <i>the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.</i> Add list of sites from Appendix 4. |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| Policy E6: Views and vistas (BPNP pages 56 to 57) | Modify policy wording. (Report, page 51, middle) | For clarity and to meet Basic Conditions. (Report, page 51, middle) | Agree: Modify policy wording <u>LPA additional modification</u> to further modify final sentence of policy. <u>Reason:</u> Modification adds clarity and as modified, policy meets Basic Conditions. Modifications correctly focus policy on planning outcome not planning application documents using text from Torbay Local Plan Policy SS8. | Policy modified as recommended by Examiner with additional LPA modification. ...Proposals for developments which affect these views and vistas should demonstrate that landscapes are safeguarded with their importance and be accompanied by... |
| Policy E7: Protecting semi-natural and other landscape features (BPNP pages 57 to59) | Modify policy wording. Delete first sentence of Policy. (Report pages 51 to 52; recommendation, page 52, top) | For clarity and to meet Basic Conditions. (Report, page 52, top) | Agree: Modify policy wording both as recommended by Examiner. <u>Reason:</u> Modification adds clarity and as modified, policy meets Basic Conditions. | Policy modified as recommended by Examiner. Delete first sentence of Policy |
| Policy E8: Internationally and nationally important ecological sites (BPNP 59 to 64) | Modify policy wording at E8.1 and at E8.2. Delete E8.3 (Report, page 54, top and Section 12.2 pages 16 to 23contextual HRA) | For clarity and to meet Basic Conditions. Existing regulatory regime. Other policies already exist and there is potential for confusion from " <i>policy which reflects but in part paraphrases this existing policy incorrectly</i> ". (Report, page 53, bottom) | Agree: Modify policy to address issues raised <u>LPA additional modifications</u> using different wording to that proposed by Examiner. <u>Reason:</u> Re E8.1, it is agreed a modification to the wording of the submitted plan adds clarity. However, the wording | Policy text modified as combination of Examiner and LPA modifications. <i>E8.1 Internationally important sites and species will be protected. Development affecting internationally protected sites and species will only be approved where it can be demonstrated there is no likely significant effect, either alone or in combination with other plans or projects and regard has been given to National Planning Policy Framework and conforms with policy NC1 of the Torbay Local Plan (2012-2030). Internationally</i> |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| | | | <p>recommended by the Examiner is not considered appropriate. LPA also note in E8.2 there is an error that the Conservation of Habitats and Species Regulations Habitats and Species Regulations 2017 replaced the as amended 2010 Habitats Regulations referred to in the policy. Where this factual error occurs, the LPA considers it appropriate to modify.</p> <p>Re E8.3 the submitted policy incorrectly focused on a planning methodology (i.e., submission of documents) not planning impacts and outcomes.</p> <p>E8 should reflect the policy intention, and outcome with being moved to the policy justification. As modified, policy E8 meets Basic Conditions.</p> <p><u>LPA additional Modification</u> Policy justification modified to reflect policy modifications and for accuracy and clarity in 5.37 to 5.51</p> | <p><i>protected sites (designations within Torbay are shown on the Local Plan Policies Map) include the following:</i></p> <ul style="list-style-type: none"> • <i>South Hams Special Area of Conservation (SAC)</i> • <i>Lyme Bay and Torbay Marine SAC</i> <p><i>E8.2 Nationally important sites and species will be protected. Development on or likely to have an adverse effect on nationally important sites and species will not normally be permitted. Development proposals should have regard to the National Planning Policy Framework and be in conformity with policy NC1 of the Torbay Local Plan (2012-2030). Nationally protected sites (designations within Torbay are shown on the Local Plan Policies Map) and species include the following:</i></p> <ul style="list-style-type: none"> • <i>Sites of Special Scientific Interest (SSSI), including Berry Head to Sharkham Point and Saltern Cove;</i> • <i>National Nature Reserves, including Berry Head;</i> • <i>Torbay Marine Conservation Zone (MCZ), which includes coastal waters around Torbay from Babbacombe to Sharkham Point;</i> • <i>recommended Dart Estuary Marine Conservation Zone (MCZ), which includes the upper waters of the River Dart to below Dittisham; and</i> • <i>the Cirl Bunting and its habitat and territories.</i> |

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| | | | | Policy justification modified to reflect policy modifications and for accuracy and clarity in 5.37 to 5.51 see Appendix 3 |
| The built environment (BE) | | | | |
| Policy BE1: Heritage assets and their setting (BPNP page 67) | Modify policy wording BE1.1 and BE1.2. (Report, page 55, top) Note: typographical error deleted policy title also | For clarity and to meet Basic Conditions, by reflecting national planning policy and guidance. (Report, page 55, top) | Agree: Agree to modify policy wording as recommended modifying BE1.1 and deleting BE1.2 LPA additional modification to correct typographical error and reinstate policy title <u>Reason:</u> Deletion of policy title is an error by the Examiner. Remaining modifications add clarity and as modified, policy meets Basic Conditions. | Policy text modified as recommended by Examiner and corrected by LPA. BE1 <i>Heritage Assets and their setting</i> |
| Transport (T) | | | | |
| Policy T1: Linking of new developments to travel improvements (BPNP pages 70 to71) | Modify policy wording T1.2 and T1.3 (Report, page 55, bottom) | For clarity and to meet Basic Conditions. (Report, page 55, bottom) | Agree: Modify policy wording as recommended by Examiner. <u>Reason:</u> Modification adds clarity and as modified, policy meets Basic Conditions. | Policy text modified submitted Policy as recommended by Examiner. Policy text T1.2 and T1.3 modified. |
| The health and wellbeing (HW) of the community | | | | |
| Policy HW1: Retention of current health and social care estates (BPNP75 to 76) | No comment made (Report, page 56, middle) | Policy meets Basic Conditions. (Report, page 5, para 2.4) | Agree: Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner |
| Policy HW2: Operational space for voluntary | Modify policy wording. (Report, page 56, bottom) | <i>Examiner Comments: ..."it is not drafted with sufficient clarity that a decision maker can apply it consistently and with</i> | Agree Modify policy wording both as recommended by Examiner. | Policy text modified as recommended by Examiner. |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| support organisations (BPNP Page 76) | | <i>confidence when determining planning applications and is in part community aspiration.</i> " .For clarity and to meet Basic Conditions. (Report, page 56, bottom) | <u>Reason:</u> Modification adds clarity and as modified, policy meets Basic Conditions. | |
| Education and learning for all (L) | | | | |
| Education and learning for all (L) Introductory Text. | No comment made | N/A | LPA additional modification last sentence of introductory text 9.3.3. <u>Reason:</u> Text goes beyond NPPF and legal requirements. | Introductory text last sentence 9.3.3. modified <i>9.3.3. education provision must be high on everybody's list of priorities. Hence there is a need for adequate provision of educational facilities for children of all ages to ensure that sufficient capacity has been provided in time for any extra demand created by new developments.</i> |
| Policy L1: Protection of existing educational facilities | No comment made (Report, page 57, top) | Policy meets Basic Conditions. (Report, page 5, para 2.4) | <u>Agree:</u> Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner |
| Policy L2: Matching educational provision to local need | No comment made (Report, page 57, middle) | Policy meets Basic Conditions. (Report, page 5, para 2.4) | <u>Agree:</u> Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner |
| Policy L3: Providing for 16–18 years and beyond | No comment made (Report, page 57, bottom) | Policy meets Basic Conditions. (Report, page 5, para 2.4) | <u>Agree:</u> Retain as submitted policy. <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner |
| Tourism (TO) | | | | |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
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| Policy TO1: Support for tourism | Modify policy wording. (Report, page 58) | For clarity and to meet Basic Conditions. (Report, page 58) | Agree: Modify policy wording as recommended by Examiner. <u>LPA additional modification</u> at para TO1.3 to reflect BH9 modification in cross reference <u>Reason:</u> Modification adds clarity. As modified, policy meets Basic Conditions. | Policy text modified as recommended by Examiner and additional LPA modification to reflect modified BH9, i.e. removing "disabled or older person" |
| Sport and leisure (S&L) | | | | |
| Policy S&L1: Increase available space for outdoor sport and leisure (BPNP pages 88 to 89) | No comment made (Report, page 59) | Policy meets Basic Conditions. (Report, page 5, para 2.4) | Agree: Retain as submitted policy. LPA additional modification to correct typographical error to accord with Policy title of Policy E5 <i>S&L 1.1 Notwithstanding areas already designated as Local Green Spaces or Public Open Spaces of Public Value,</i> <u>Reason:</u> As submitted, policy meets Basic Conditions. | No change made to submitted Policy as recommended by Examiner <i>S&L 1.1 Notwithstanding areas already designated as Local Green Spaces or Public Open Spaces,</i> |

| Submitted Plan Reference (Policy / supporting text paragraph) | Examiner's Recommended Modification (Note: only summarised below, see Examiner's report for more information) | Examiner's Reason(s) (Note: only summarised below, see Examiner's report for more information) | Council Decision and Reason (Required action to take in respect of Examiner's recommended modification and reason) | Outcome to Submitted Plan (Note: only summarised below, all outcomes are incorporated in full into the post examination plan with modifications in Appendix 3) |
|--|--|---|--|--|
| Policy S&L2: Sport and recreational facilities in new developments (BPNP page 89) | Modify policy wording to refer to existing 'adopted standards' and make compliance with standards a requirement. (Report, page 60, top) | For clarity and to meet Basic Conditions. (Report, page 60, top) | Agree: Modify policy wording as recommended by Examiner. <u>LPA Additional modification</u> to modify justification to highlight what the 'adopted standards' are and where they can be found (Torbay Council Planning Contributions SPD) <u>Reason:</u> Modification adds clarity and as modified, policy meets Basic Conditions. | Policy modified as recommended by Examiner. Justification text modified to provide link to adopted standards in para 11.5 11.7 Public open space, sports and recreational standards are set out in the Torbay Council Planning Contributions and Affordable Housing Supplementary Planning Document (2017). Wherever possible Section 106 or CIL monies will be sought through the planning process to provide high-quality equipment or resources for such purposes. |
| Art and culture (A&C) | | | | |
| Policy A&C1: Promotion and protection for the arts and local culture (BPNP Page 91) | Modify policy wording where arts and local culture assets are defined. (Report, page 60, bottom) | For clarity. (Report, page 60, bottom) | Agree: Modify policy wording as recommended by Examiner. <u>Reason:</u> Modification adds clarity and as modified, policy meets Basic Conditions. | Policy modified as recommended by Examiner. |
| General comments 13.1.2 page 25 | <i>Were modification has been made to a policy the supporting text/justification should be modified accordingly.</i> | General Recommendation to update supporting text/justification where relevant. | <u>LPA additional modifications</u> For clarity, accuracy and consistency | Footer Post Examination November 2018 Note NPPF 2012 and 2018 page 2 Note Torbay Local Plan page 2 Note on Policy Document and Policy Maps page 2 Updates to Policy Maps |