Appendix 2:

Decision Statement Table: Paignton 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. Whist 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. As part of the examination, Mrs McCann held an exploratory meeting public hearing at Paignton Library on 10 May 2018. The final report was received by the Council on 18th July 2018. The report was published on the Council's website on 19th July 2018.

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

Examiner Recommendations.

The Examiner recommend a number of modifications needed to meet the Basic Conditions. Their general thrust of the modifications is to make the Plan more supportive of development in order to meet the Torbay Local Plan's strategic requirements. The LPA has agreed with the bulk of these modifications. However, it is considered that in some instances the basic conditions can be effectively met with different wording, which bring the Plan into overall closer alignment to the Local Plan and NPPF. This wording has been developed in close discussion with the Neighbourhood Forum. The modified policy wording is available in Table A2(1) and (2) below.

Table A2(1) Assessment of Examiner's Report and LPA Response.

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)
General and procedural matters				
Section 2 P3	**Summary Recommendations** 1. The Paignton Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions. 2. Satisfied that the Referendum Area should be the same as the Plan Area, 3. Having read the Paignton Consultation Statement and the representations made in connection with this subject the examiner considers that the consultation process was robust and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations. 4. Find that the Paignton Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.	Reasons set out in main report, plus see below.	Accept recommendations with the exceptions of further modifications noted below. The LPA concur that the Plan proposal has been prepared in accordance with the legal requirements. No significant cross boundary issues have arisen in relation to the Paignton Neighbourhood Plan which would suggest that the referendum area should be extended.	The Paignton Neighbourhood Plan as modified by the examiner, with the LPA's further modifications, may proceed to referendum.

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Section 4.2 P8	I am satisfied that the Paignton Neighbourhood Forum meets the necessary requirements and is the Qualifying Body.	P8	The LPA is satisfied that Paignton Neighbourhood Forum is the appropriate qualifying body, as its forum status was approved by Council in December 2012 and 2017.	
Section 4.3	Confirms the neighbourhood Plan area		Noted – see above.	
Section 4.4	Confirms the Plan period 2012-30		Agree This corresponds to the Torbay Local Plan 2012-30 period	
Section 6.3 PP13-15	Conclusions from Exploratory meeting. There is no mechanism in the law, or NPPF, for a Local Plan to require a Neighbourhood Plan to allocate sites. My conclusion on this point is that the Paignton Neighbourhood Plan is not in conflict with this element of Torbay Local Plan strategic policy SS1.	Rationale set out in section 6.3 of Inspectors report. PP13-15	As noted in the main report, the The LPA accepts the LPA and a number of developers made representations on this issue. The Examiner's recommendation on this matter is accepted for the reasons set out in the main Council report.	

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Section 6.3.9-10 PP13-15	There are a number of policies within the Paignton Neighbourhood Plan that, as currently worded would have a negative impact on the plan's ability to support the strategic development needs set out in the Torbay Local Plan. With modifications (set out in section 4 of the report) the Plan would be in general conformity with the strategic policies of Torbay Local Plan 2012-2030 and have regard to National Policy and thus meet the Basic Conditions in this context.	Rationale set out in section 6.3 of Inspectors report. Pp13-15 and section 4	The LPA noted that the examiner's Modifications have brought the Plan into general conformity with the basic conditions. There are some instances where the LPA, in discussion with the Forum, considers that alternative wording of policies can achieve the same outcome.	The Paignton Neighbourhood Plan as modified by the examiner, with the LPA's further modifications, may proceed to referendum.
Section 7 P15	Consultation Process: Satisfied that the consultation process leading to Submission meets the requirements off the Neighbourhood Planning (General) Regulations 2012.	See explanation on p15.	The LPA agrees with the Examiner's conclusion.	
Section 8 P15	Post Submission consultation (Regulation 16) Examiner notes that she considered the representations resulting from the Regulation 16 Consultation which ran from 1 November 2017 to 18 December 2017 as well as late representation.	P15 11.6.6	Noted.	
Section 9.4	Satisfied having regard to these documents and other relevant documents, policies and	Detailed explanation is	Noted. See detailed comments below.	

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	legislation that the Paignton Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions. (These are described on p16 of the Examiner's Report)	provided through the report (see below). 10.1 NPPF (2012) 10.2 Strategic policies of the Torbay Local Plan 2012-30		
Section 11 P19	**11.1 European Convention on Human Rights (ECHR) and other European Union Obligations** Examiner satisfied that ECHR and other EU obligations have been met. A voluntary Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) that demonstrates how the Neighbourhood Plan would contribute to the achievement of sustainable development has been submitted with the Plan The appraisal did not find any likely significant effects arising from the Neighbourhood Plan policy proposals that would need mitigation.		The LPA agree that a Sustainability Appraisal, incorporating an SEA has been carried out and consulted on with the statutory bodies as required.	

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Section 11.2-11.6 Pp19-21	Habitats Regulations Screening The examiner is satisfied that the HRA "Screening stage" does substantively meet the requirements. 11.4.4 The Neighbourhood Plan does not add to or substitute any of the identified development sites that the Local Plan HRA has already considered and the policy proposals of the Neighbourhood Plan add further protection to the natural environment and biodiversity of the Plan area. Appraisal of the Neighbourhood Plan has therefore drawn first upon the conclusions of the Local Plan HRA in this Screening assessment. 11.6.1 Having regard to the Local Plan HRA outcome, screening of the Neighbourhood Plan has taken into account the assessment of development sites identified in the Local Plan alongside the policy proposals of the Neighbourhood Plan to ensure a comprehensive screening of individual proposals and "in- combination" effect is achieved. The Examiner's report has considered the effect of the Judgment of the European Court of Justice, case C-323/17 ("People over		The Council has drafted an HRA Appropriate Assessment of the Post Examination Version of the Neighbourhood Plan (September 2018) No sites are allocated for development by the Plan and the Paignton Neighbourhood Plan policies will not affect the integrity of any of the European sites identified and the conservation objectives of these sites would be sustained. Natural England has been consulted and have not objected to the Council proceeding on this basis as the competent authority. In response to the AA's recommendations, Policy PNP1 (Area wide) at element f) has been introduced and paragraph 8.16 and 8.17 have been added to the Plan to confirm the position and the words agreed with the Forum.	The Plan may proceed to Referendum. An additional criteria has been added to Policy PNP1 in response to the HRA Appropriate Assessment.

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	Wind").			
11.8 P24	Satisfied that the Paignton Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure.		Noted and agreed.	
11.9 P24	Satisfied that the Paignton Neighbourhood Plan, subject to modification covers development and land use matters.	11.9.1	Noted and agreed.	
11.10 P24	Satisfied that the themes for the Neighbourhood Plan have developed as a result of the community consultation carried out and that the policies of the plan respond to those themes.	11.10.1	Noted and agreed.	
12.9 p25	General Comments A number of overarching modifications are recommended for all Policies in order to meet the Basic Conditions: • Where the word "permitted "has been used I have replaced it with "supported" as the decision to permit or refuse a planning application lies with the Local Planning	Recommendations are self-explanatory and an additional rationales provided elsewhere in the report P25. …	The LPA agrees with these revisions, Where the Forum and the Council prefer a different wording that meets the Basic Conditions it is set out below.	

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	Authority. • Some policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control. • As the National Planning Policy Framework is in the process of revision I have removed reference to paragraph numbers, as these are likely to change when the new Framework is published. • A number of policies refer to the requirement to provide financial contributions. Neighbourhood Plans can include a list of priorities for spending Neighbourhood Plan apportioned CIL payments (though not within the policy section) however the imposition of financial obligations is subject to administration by the Local Planning authority and set out in other policy which cannot be revised by the Neighbourhood Plan.			
Policies				

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PNP1 Area Wide (p26-8)	Modify policy PNP1 and revised policy subsections within umbrella of PNP1.	Changes made to make the policy clear and unambiguous (p28 of report)	The Policy's objective has been retained but the policy has been reduced in length or refer to types of development proposals that will, and will not, be supported Officers agree that the Modified PNP1 meets the basic conditions. For clarity it is recommended that a further heading entitled "Achieving "Sustainable Development" is inserted directly above the final five criteria following: "Sustainable development will be achieved by ensuring..." The LPA has added an additional criteria to the Policy in response to the Habitats Regulations Appropriate Assessment.	Policy Modified as per Examiner's wording (PP28-9), with minor additional LPA modification to add heading to aid clarity and in response to the HRA Appropriate Assessment (See above).
Annex 1to Policy PNP1 P29	Policy sub-divided into separate sub-polices as below.	To reduce confusion and separate out the wide range of issues, and relate policies to land use matters. (P27-8 of report)	Noted and agreed.	

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Policy PNP1(a) Rural Character Area pp29-31 and 36	Former Annex 1 policy becomes PNP1(a) **Rural Character Area** Policy Modified	As per general comments above.	Policy re-worded to make less restrictive, but the thrust of the policy criteria are retained. Annex 1 as submitted also contains elements relating to Local Food (with some text being recommended for deletion as a policy and moved to form a "community aspiration"). The LPA considers that the modified wording meets the basic conditions.	Policy PNP1(a) retained as per Examiner's recommendation.
PNP1 (b) pp31-34	**Local Green Spaces.** The Policy wording is recommended for revision to protect Local Green Spaces from harm other than in "very special circumstances". Fifty one LGS's confirmed as meeting the required criteria: Eight LGS's are recommended for deletion, these being: PLGS 30. Primley Woods PLGS 32. Clennon Valley PLGS 54. Great Parks PLGS 57 Westerland Valley PLGS 58.Yalberton Valley PLGS 60. Little Blagdon, Sunday Car Boot Field	The examiner has assessed the LGS against all of the tests in NPPF paragraphs 76-77 She notes the Council's/TDA's objection to PLGS.14 Parkfield and PLGS.20 Oldway but considers that the designation is clearly defined and meets the required	**PLGS 14 Parkfield.** It is noted that the LGS does not cover the buildings at Parkfield, but the open space to the south and west of the main building. The Examiner has assessed the area against the NPPF tests (76 -77) and finds it in accordance with the Basic Conditions. **PLGS20**: **Oldway Mansion Gardens.** The LPA and TDA objected to this designation. However the Examiner has considered it against the NPPF tests/Basic Conditions and has found it meets the required criterion (p32). It is noted that this could affect the future development potential of Oldway	Plan Modified as recommended by examiner (with minor amendments as agreed with the Forum for the purpose of mapping clarity.

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	PLGS 61 Brake Copse, Collaton St Mary PLGS 62. Collaton Heath/ Saturday car boot sale field. PLGS21 Shorton Valley Woods and PLGS 55 Snowdonia Close , Collaton St Mary should be amended to remove the areas in private ownership.	NPPF tests (p32) The Examiner notes the TDA's objection that some LGSs may have development potential, but did not consider this to be a valid objection in terms of the NPPF tests (she did note that some LGSs could have had an element of protection under NPPF74 but the proposal must be considered as submitted). The deleted LGSs 24,30,32,54,57 and 58 are all considered to be extensive tracts of land (p33).	Mansion. However this is not part of the "Basic Conditions". Application P/2011/0925 for Oldway Mansion has expired and there is no extant proposal which would be obviously jeopardised by the LGS designation. Should the LPA revise the boundary of PLGS20, this would be tantamount to "a different view as to a particular fact" which would require consultation. It would result in very probable objection from the community and need for a second Examination (with associated cost and time implications). **PLGS 60. Little Blagdon, Sunday Car Boot Field** The area is indicated in the Adopted Masterplan as food production area and will therefore have a level of protection under PolicyPNP24/NPPF 91C and 97 (formerly 74). Therefore the examiner's recommendation is considered proportionate. **PLGS 61 Brake Copse, Collaton St Mary.** The copse would need to be protected as part of a development's	

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		PLGS60 Little Blagdon "Sunday Car Boot Sale Feld ", PLGS 61 Brake Copse, and PLGS62 Collaton Heath "Saturday Car Boot sale field" are deleted on the grounds that insufficient evidence has been provided to persuade the Examiner that the site is demonstrably special.	landscaping scheme and for biodiversity reasons and therefore the Examiner's assessment is accepted. **PLGS 62. Collaton Heath/ Saturday car boot sale field.** The area would be outside the development area in SS2/SDP3/PNP24 and would therefore enjoy a limited protection as countryside area. The Examiner's conclusion that it should not be LGS is accepted. **Revised LGS Boundaries**. The LPA agree that it is appropriate to remove the areas which are private gardens/ownership from LGS. However the determining factor is an area's performance against the NPPF tests not ownership per se, and some of the land that it is agreed meets the criteria is not publicly owned. It is not clear whether the land identified as being in "private ownership" at Snowdonia Close, Yalberton, is legally in separate ownership from the bulk of the LGS. However the land recommended	

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			for removal appears to be physically separated from the main LGS by trees and accordingly fulfils a different role from the bulk of the land shown as LGS. Because of the scale of mapping in the Neighbourhood Plan, minor boundary adjustments are necessary in producing the Policies map to ensure that the boundaries correspond to natural features and do not include private drives etc. This is a minor editorial matter and has been worked up with the Forum.	
PNP1 (Local Food) P34	**Local Food. Modify the Policy:** Delete and restate as a community aspiration. Note that elements of the submitted Local Food Production have been retained by the Examiner in PNP1(v), PNP1(a)and PNP1(c) 4	Increase clarity and certainty (p36)	The LPA agree with the Examiner that some of the criteria on local food are in part better treated as community aspirations. Elements of the submitted Policy are not therefore contained in PNP1(a) and PNP1(c)4 but notes the overarching policy has been retained by the Examiner in the main PNP1 – Area Wide policy at (v).	Plan modified as recommended by Examiner and as modified further as shown in Appendix 3 in agreement with Paignton Neighbourhood Forum Note that some text has been moved to other Policies (PNP1(c))

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			The LPA however agrees with the Forum that some elements of the wording recommended for deletion (protection of hedgerows and dual purpose edible hedgerows) are land use considerations and can be referred to in Policy PNP1(c) below in accordance with the intent of the policy as submitted. The examiner's modifications elsewhere are considered by the LPA to be sufficient to ensure that these criteria are afforded proportionate weight in the Policy and likely decisions based on it. The modified policy wording and addition of 'aspiration' text to supporting text at paragraph 6.43 have been agreed with the Forum that meet the requirements of the Basic Conditions.	
Annex 2 to PNP1: Design Guide pp36-45	Annex 2: Design Guide subdivided into separate policies (following on from PNP1 (b) above).	Reduce length and scope for confusion (p36)	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
PNP1(c) Design Principles	**Design Principles.** Policy retained with modifications. Some parts of the policy are reduced in length (e.g. biodiversity). The	The re-numbering is intended to reduce length and	The LPA agrees with the modified wording.	Plan modified as recommended by Examiner, with

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	modified policy PNP1(c) now covers: 1. Strengthen Local Identity, 2. Biodiversity and geodiversity, 3. Treescape, 4. Local food production.	scope for confusion (p36)	The agrees that it is appropriate to expand PNP1(c) criteria 4. to refer to the need to protect orchards and promote the biodiversity/recreational value of dual use "edible hedgerows" which are land use matters that meet the Basic Condition requirement to meet the intent of the submitted Plan wherever it is possible to do so. The wording supports Policy SC4 of the Local Plan. The LPA is satisfied that the examiner's other modifications to the Plan are sufficient to ensure that these considerations are given appropriate weight in the use of the policy as a development management tool.	additional text as shown in Appendix 3 as agreed with the Forum as the Qualifying Body that submitted the Plan.
PNP1(d) Residential Development.	**Residential Development.** Policy modified but the principles are retained.	As above	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
PNP1 (e) Commercial Facilities.	**Commercial Facilities**. Policy modified but the principles of this part of PNP1 are retained	As above	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
PNP1 (f)	**Towards a sustainable, low carbon, energy**	As above	The LPA agrees with the modified	Plan modified as

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Towards a sustainable, low carbon, energy efficient economy	**efficient economy.** . Policy modified but the principles of this part of PNP1 are retained.		wording	recommended by Examiner
PNP1(g) Designing Out Crime.	**Designing Out Crime.** The policy is reduced in length with detailed measures (formerly points 29-35) moved to become community aspirations	Reduce unnecessary level of detail (page 43)	The LPA disagrees with the examiner that the designing out crime criteria (29-35) are unnecessary detail. In the LPAs view they are useful criteria which are in accordance with Local Plan Policy DE1.4 and NPPF 69. Whilst the 2018 NPPF does not form part of the tests of soundness, paragraph 95 requires plans to promote public safety and take into account wider security threats.	Further modify Policy PNP1(g) by retaining criteria 29-35 of Submission Policy for the clarity it provides. (See text in table below).
PNP1(h) Sustainable Transport	**Sustainable transport.** The principles of this part of PNP1 are largely retained.	pp43-44	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
Former Annex 3 to Policy PNP1. Now PNP1(i) Surface water	**Surface water.** The Annex is modified to become PNP1(i). The principles of the annex/policy are largely retained.	p44-45	The LPA agrees with the modified wording together with a further modification to the criteria sub-references to ensure clarity of their application when making decisions. This	Plan modified as recommended by Examiner with the further clarification as shown in Appendix 3

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			is considered to be a minor editorial matter for the purpose of correcting a formatting error.	and agreed with the Forum as the Qualifying Body that submitted the Plan.
PNP2 Town Centre	**Town Centre.** Modify the Policy to refer to the Torbay Local Plan town centre boundary, (which is less extensive than the PNP boundary in Figure 6.3). Reference to "All development" has been replaced by "Development", Point (c) "achieve bold but sensitive change" has been deleted but the other criteria in the policy have been retained.	The modification is intended to improve clarity and reduce ambiguity (p46).	The LPA agrees with the modified wording.	Plan modified as recommended by Examiner
PNP3 Paignton Harbour.	**Paignton Harbour.** Modify policy to remove "restrictive wording": The principles of the policy remain otherwise unchanged.	p48	No clearly defined boundary for the harbour is indicated, which could in officers' view lead to confusion. Define the extent of Paignton Harbour (following the line in Fig 6.3 (p32) of the PNP and including the northern breakwater to the Esplanade on the Polices map.	Plan modified as recommended by Examiner with a minor additional modification to define the Harbour area.
PNP4 Seafront.	**Seafront.** Modify Policy. The principles of the Policy are retained, with the exception of the references to Local Green Spaces.	Reference to LGSs is considered by the Examiner to be	The LPA agrees with the modified wording	Plan modified as recommended by Examiner

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		unnecessary duplication of modified policy PNP1(b)(LGS) (p49)		
PNP5 Torbay Road	**Torbay Road** Modify policy to remove restrictive wording. The policy is largely unchanged.	pp50-51	The LPA agrees with the modified wording.	Plan modified as recommended by Examiner
PNP6 Station Square "Gateway"	**Station Square "Gateway"** Modify to remove restrictive wording in last paragraph (as per general comment). The policy is otherwise unchanged.	pp51-2	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
PNP7 Victoria Square	**Victoria Square.** Modify policy to make it more supportive of development. For example requirements such as the requirement for like-for-like replacement of lost car parking have been made more flexible but must still meet the adopted standards.	To ensure that deliverability of development has not been unduly burdened. (p52)	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
PNP8 Crossways, Hyde Road, and Torquay	**Crossways** Modify to remove restrictive wording (as per general comment). The policy is otherwise unchanged.	Only general comments are made (p53)	The examiner has retained reference to the pedestrian walkway through Crossways, despite the LPA's and TDA representation that the walkway is nor a	Plan modified as recommended by Examiner with the following minor

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Road			public right of way and could adversely affect redevelopment proposals. The examiner's report does not specifically address this matter. Discussion with the Forum has agreed that the objection can be overcome by referring to retaining "a" pedestrian link rather than "the" pedestrian link. This removes unintended level of policy prescription. Both Hyde Road and Torquay Road Frontages are designated secondary frontages in the Adopted Torbay Local Plan. The PNP does not show retail frontages but Policy PNP18 shows Crossways (and its Torquay Road and Hyde Road frontages) as being within the Secondary Retail Area. Reference to secondary shopping frontages can be made as a minor factual correction for consistency and has been agreed with the Forum.	additional modifications: a) retain the ~~primary and~~ secondary retail frontages along Hyde Road and Torquay Road… c) retain ~~the~~ a pedestrian link between Torquay Road and Hyde Road
PNP9 Victoria Park	**Victoria Park** Modify Policy to reflect its Local Green Space status, but the thrust of the policy and its objectives have been retained.	p54	The LPA agrees with the modified wording	Plan modified as recommended by Examiner

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PNP10 Queens Park	**Queens Park** Modify Policy to reflect its Local Green Space status, but the thrust of the policy and its objectives have been retained.	p55	The LPA agrees with the modified wording. Note that the site is shown as a potential housing site (PNPH17 in Appendix C of the Local Plan); but the LPA did not object to its LGS status.	Plan modified as recommended by Examiner

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PNP11 Old Town	**Old Town** PNP11 is not a policy but a list of community aspirations and should be modified and moved to a separate section of the Plan. it could be rephrased and included in a CIL priority list.	PNP11 not considered to be a land use policy (p57 of report).	The LPA considers that PNP11 "Old Town" contains useful considerations to assist in the regeneration of Paignton Old Town and realising its special characteristics. It is therefore supportive of, and adds to the principles in SDP2 of the Local Plan and has regard to the NPPF. The LPA and Forum consider that the policy is capable of re-wording to meet the basic conditions, and accordingly should be retained. The policy has accordingly be revised in collaboration and agreement with the Forum. As a template Policy PNP6 (Station Square 'Gateway') has been used as this was approach endorsed by the Examiner.	Policy PNP11 retained and modified as shown in table 2A (below) and Appendix 3 and agreed with the Paignton Neighbourhood as the Qualifying Body that submitted the Plan.

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)
PNP12 Getting Around	**Getting Around:** Policy PNP12 is not a policy but a list of community aspirations/ projects and should be modified and moved to a separate section of the plan. It could be rephrased and included in a CIL priority list.	PNP11 not considered to be a land use policy. p58 of Report.	The LPA supported the aims of Policy PNP12 to improve movement in the town centre. It assists with delivering the objectives set out in Polices SDP2 and TA1 of the Local Plan and has regard to the NPPF. The LPA and Forum consider that it should be revised to meet the Basic Conditions using the policy structure and wording using the approach endorsed by the Examiner at Policy PNP6 (Station Square 'Gateway') (see PNP11 above)	Policy PNP12 retained and modified as shown in Table 2A below and Appendix 3 and agreed with the Paignton Neighbourhood as the Qualifying Body that submitted the Plan.
PNP13 Housing Opportunities in the Town Centre	**Housing Opportunities in the Town Centre:** Policy modified as follows: The examiner has deleted the local occupancy condition (point C). More minor modification to wording of criteria "a", "b", and "d". The Examiner has modified the Policy to refer to the Torbay Local Plan town centre boundary, which does not include the harbour area. However this appears to be an editorial oversight since the Policy as recommended by the Examiner retains a reference to the	To provide clarity; Adequate evidence has not been provided to support an occupancy restriction (pp58-59 and 76) Absence of a Policies Map (overall) will make application of the policy difficult.	As an editorial modification, it is recommended that that Policy PNP13 be revised to " Housing Opportunities in the Town Centre and harbour area" and that the first line of the policy states: "…homes within the Torbay Local Plan town centre boundary and harbour area, the following will apply Reason – the Town Centre boundary in the Local Plan does not include the harbour area which the submitted Plan and Examiner Report both indicate is intended to be included.	Policy PNP13 amended as shown in Appendix 3 to include the Examiner's modifications together with the additional wording to include the harbour area as agreed with the Paignton Neighbourhood as the Qualifying Body that submitted the Plan.

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	harbour at criteria b)(i)			
PNP14 Core Tourism Investment Area (PCTIA/CTIA)	**Core Tourism Investment Area. Policy Modified by** prefixing the policy with "Paignton", so that the PCTIA is distinguished from the CTIAs in the Torbay Local Plan. Policy modified to add flexibility but the thrust of the policy has been retained The PCTIA covers a wider area than the Local Plan.	pp59-60 (general comments)	The Policy seeks to protect a wider area than the Torbay Local Plan (including include some of the streets behind The Esplanade which are outside the CTIA), however the Policy as modified allows changes of use where there is no reasonable prospect of tourist use, and is accordingly considered to be in general conformity with the Local Plan (specifically Policies TO1-3).	Plan modified as recommended by Examiner
PNP15 Flood and Sea Defences	**Flood and Sea Defences.** Modify to remove restrictive wording (as per general comment). The policy is otherwise substantially unchanged.	pp 61-62	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
PNP16 Victoria Street	**Victoria Square** Modify to remove restrictive wording (as per general comment). The policy is otherwise substantially unchanged.	P62-63	The LPA agrees with the modified wording. See Policy PNP18 below which is relevant to this policy.	Plan modified as recommended by Examiner
PNP17 Transport Gateway	**Transport Gateway.** No changes are recommended to this policy	P63 (No specific comment)	The LPA does not object to this policy which is land use based. It is noted that all year opening of toilet and tourist facilities may be unenforceable through planning: but as a land use policy meets Basic Condition requirements as worded	No change to policy.

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			in PNP17.	
PNP18 Supporting the Retention of Retail Uses (formerly) Supporting Independent Traders/.	**Supporting the Retention of Retail Uses. Formerly Supporting Independent Traders.** The Policy has been re-titled to ensure it relates to land use (i.e. retail) rather than local traders. Policy significantly modified by the Examiner to require changes of use away from Class A1 (shop) in primary and secondary areas to meet a viability test or demonstrate support for wider regeneration.	Add clarity about the uses to which the policy refers and acknowledge permitted development rights. pp63-64	This is a more restrictive approach than Local Plan Policies TC1-3. However because the Examiner's modifications allow exceptions on viability or regeneration grounds, it is considered, meets the basic conditions.	Plan modified as recommended by Examiner
PNP19 Safeguarding open countryside	**Safeguarding open Countryside.** Modify Policy to refer to the NPPF and Policy C1 of the Local Plan. This creates more flexibility in the policy, but its overall thrust is largely retained**.**	To provide clarity and set out criteria for determining planning applications. pp 64-65.	The LPA agrees with the modified wording which refers to the NPPF and Policy C1 of the Local Plan.	Plan modified as recommended by Examiner
PNP20 Great Parks	**Great Parks.** Modify Policy to remove "restrictive" wording in the second paragraph.	p65 (general comment)	The LPA note that reference is made to the Masterplan supplementary advice.	Plan modified as recommended by Examiner
PNP21 White Rock	**White Rock.** Modify policy. The reference to encouraging major organisations (criteria b) has been removed. Similarly the penultimate	pp66-67 (general comments)	The LPA agrees the modified wording meets the Basic Conditions.	Plan modified as recommended by Examiner

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	point restricting expansion southwards (i.e out side of the plan area into the Brixham Peninsula NP area) has been removed**.** The final "restrictive" paragraph has been removed. The remainder of the Policy is retained.			
PNP22 Western Corridor	**Western Corridor.** Modify Policy. . The Policy is reworded to relate to planning applications. It is otherwise substantially unchanged apart from the removal of the final "restrictive" sentence. The Examiner has also referred to the Western Corridor Area (as shown on Figure 1.3 page 8 of the PNP) to provide clarity about the extent of Western Corridor.	Show policy area on a map and increase clarity (pp67-68)	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
PNP23 Yalberton to Blagdon Valley	**Yalberton to Blagdon Valley** The Examiner recommended that the Policy should be deleted and moved to a section on Community Aspirations.	Mostly not policy – but a list of community aspirations/projects (Report pages 25-26 and 68-69)	Paignton Neighbourhood Forum has argued land use matters would be lost and that the Policy should be retained in modified form. Whilst the Policy contains "restrictive elements", it is in general conformity with the Local plan and has regard to the NPPF. As reworded it contributes to the achievement of sustainable development and is able to be applied to planning	Policy PNP23 modified as shown in Table 2A (below) Appendix 3 and agreed with the Paignton Neighbourhood as the Qualifying Body that submitted the Plan.

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			decisions. The policy structure and wording have been modified using the approach endorsed by the Examiner at Policy PNP6 (Station Square 'Gateway'). This also removes reference to designation of a conservation area.	
PNP24 Collaton St Mary	**Collaton St Mary.** Modify the Policy**.** This policy has been significantly modified to reflect the Local Plan Future Growth Area (Policies SS2 and SDP3) and the adopted Supplementary Planning Document. These Modifications render the policy less restrictive of development. However, the list of matters that development should seek to achieve has been largely retained.	Make policy less restrictive and bring into general conformity with the Local Plan (pp70-71)	The modified policy requires regard to be had to the Adopted Masterplan Supplementary Planning Document. The list of considerations, as modified are in general conformity with the Local Plan. It is noted that there are other representations to the policy from the development industry. However the examiner indicates that these have been considered carefully.	Plan modified as recommended by Examiner
PNP25 Clennon Valley	**Clennon Valley.** Modify Policy: This Policy is retained unchanged except for the final (restrictive) sentence.	pp72 (general comment)	The LPA agrees with the modified wording	Plan modified as recommended by Examiner
PNP26 Clifton with Maidenway	**Clifton with Maidenway.** Modify Policy: This Policy is retained unchanged except for the final (restrictive) sentence.	pp72-3	The LPA agrees with the modified wording. It is noted that the policy recognises the tourism value of Clennon Valley and that the "restrictive" sentence	Plan modified as recommended by Examiner

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			has been removed.	
PNP27 Preston	**Preston.** The Examiner recommended that this is not a policy but a list of community aspirations and should be moved to a separate section of the Plan	Policy not a policy but a list of community aspirations (pp 73-74)	The Neighbourhood Forum has made representations that a modified version of the Policy should be retained. The policy contains contentious sites including Oldway Mansion, Parkfield and (two sites at) Preston Down Road, which the LPA and TDA have made representations on. However the key issue likely to restrict development of Oldway Gardens and Parkfield is the Local green Space designation (see discussion above). The Policy has been revised in collaboration with the Forum using the policy structure and wording endorsed by the Examiner at Policy PNP6 (Station Square 'Gateway') It has been further modified to include a reference to the need for a viable use for Oldway Mansion. In the LPA's view this brings the modified Policy PNP28 into general conformity with the Basic Conditions .i.e. has regard to the NPPF,	Policy PNP27 modified as shown in Appendix 3 and agreed with the Paignton Neighbourhood as the Qualifying Body that submitted the Plan.

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			is in general conformity with the strategic policies of the Local Plan, contributes to the achievement of sustainable development and able (as modified) to be applied to planning decisions).	
Section 5: Conclusions and recommendations	Pages 75-76 (N.B These issues have been addressed elsewhere but are repeated her for completeness).			
5.1	The Paignton Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes.	P75	Noted and agreed.	As above.
5.2	The Neighbourhood Plan does not deal with County matters, nationally significant infrastructure etc.	Page 75	Noted and agreed.	Noted.
5.3	The Paignton Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area	Page 75	Noted and agreed.	Noted
5.4	The Sustainability Appraisal meets the EU	Detailed rationale	The Council, as competent authority	LPA concurs that SA

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	obligations regarding Strategic Environmental Assessment. The Examiner is satisfied that the Plan meets the Basic Conditions in respect of Habitats Regulations Assessment, including the implications of the "People over Wind" decision	set out on Page 75 The Paignton Neighbourhood Plan does not make any site allocations and the examiner concurs with Torbay Council's statement of 4th May 2018.	under the Habitats Regulations is empowered to require the Qualifying Bodies to provide sufficient information to enable it to be satisfied in HRA terms. It has therefore reviewed the associated Neighbourhood Plan HRAs, and in the context of the above (not withstanding any other representations on sites/specific elements) considers that the Assessment and Mitigation Measures set out in all three NP HRA 'Screening Stages' substantively meet the requirements. For absolute clarity, the LPA considers this could be made clearer through a minor re-formatting to set out the same in an 'Appropriate Assessment' Stage. The LPA (as competent authority), has accordingly drafted this amended Appropriate Assessment work to meet the HRA regulations."	SEA and HRA requirements have been met.
5.5	The Paignton Neighbourhood Plan is supported by a Sustainability Appraisal. Examiner is satisfied that the policies and plans in the Paignton Neighbourhood Plan, subject to the recommended modifications	pp75 and see 7.4 above	Noted and agreed. Detailed comments are contained above.	LPA concurs that SA/SEA requirements have been met

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	would contribute to achieving sustainable development. Subject to modification they have regard to national policy and to guidance, and generally conform to the strategic policies of the Torbay Local Plan adopted in 2015			
5.6	Due to the number of modifications made to the policies within the plan, Torbay Council should make any necessary modifications (including to plans and supporting text) to ensure that there is consistency of numbering etc.	To ensure there is consistency of numbering etc.	Update of the following: • Cover page wording; • Preface wording • Footer title; • Contents page listings; • Diagrams and boundary maps where amended; • Paragraphs 2.4, and 6.126 (2nd bullet point); • NPPF references clarified to be the 2012 edition; • Include an overall Policies Map as an Appendix 4. Reason – to ensure clarity, consistency and ease of use.	All updates shown in Appendix 3 have been agreed with the Paignton Neighbourhood Forum as the Qualifying Body that submitted the Plan.
5.7	Recommend that the plan submitted for referendum includes a Policies Map.	For ease of interpretation and clarity.	The LPA support this recommendation. the format and content of the policies map have been agreed with Paignton Neighbourhood Forum as qualifying	Plan submitted for referendum to include a Policies Map.

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			body.	
5.8	The Paignton Neighbourhood Plan subject to the recommended modifications can proceed to Referendum		Noted and accepted.	Agree.

Annex 2A Revised Policy Wording where significantly different to examiner's recommendation (Note that minor changes/additions are indicated in schedule 2A and the track change Plan at Appendix 3).

Preface	Insert at end of Preface: The Plan has been through several stages of formal consultation and has been examined by an Independent Examiner appointed by Torbay Council. If approved by those eligible to vote at the Referendum, it will then become part of the statutory development plan which the Council has a legal duty to have regard to when deciding planning applications.
PNP1	Area Wide …. Development will not be supported where: f) The proposal would result in an adverse impact on a European protected site. ~~f)~~ g) the provision of houses in multiple occupation….
PNP1(c)	Design Principles 4 Local Food Production Capacity xii) protect and increase food growing spaces to reflect the orchard and food production heritage of the area. The protection and enhancement of orchards will be supported, and consideration should be given to creating edible hedgerows which serve a biodiversity and recreational function".
PNP1 (g)	Designing out Crime All developments will be expected to show how crime and the fear of crime and wider security threats have been taken into account in the proposals submitted having regard "Designing out Crime" Guidance. In particular they should have regard to:

	1) Access and movement - places with well-defined and well used routes with spaces and entrances that provide convenient movement without compromising security; 2) Structure - places that are structured so that different uses do not cause conflict; 3) Surveillance - places where all publically accessible spaces are overlooked; 4) Ownership - places that promote a sense of ownership, respect, territorial responsibility and community; 5) Physical protection - places that include necessary, well designed security features; 6) Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times; and 7) Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime.
PNP11	Old Town Improvement of the Old Town area shown on the inset plan (Fig. 6.7 page 42) will be encouraged and proposals supported where they will: a) enhance the public realm; b) encourage regeneration where sympathetic to heritage features and uses in the area; c) provide financial contributions where appropriate that enable implementation to be achieved. Subject to other policies of the plan, improvement of the area will be supported that betters the function, amenity and public enjoyment by design detail that will: d) retain shop and building fronts of importance to the area. Replacement frontages should conserve or enhance the character and

	appearance of the area having regard to Policy PNP1(c). Where possible, historic features such as building lines, window patterns and material should be reinstated; e) enable 'Old Town' signage and historic information at key interchanges for tourists and other users of the area to make it easier to find and enjoy; f) improve pedestrian, cycle and public transport connections and access from the transport hub and seafront; g) support use of the highway and Palace Avenue Gardens for local markets and events; h) encourage specialty shops in Winner Street and improvement of residential amenity in Well Street; i) support provision of a Heritage Centre use within the area; j) support use of the Palace Theatre and Palace Avenue Garden as key facilities.
PNP12	Getting Around Improvement of the Town Centre and seafront area shown on the inset plan (Fig. 6.3 page 42) will be encouraged and proposals supported where they will: a) make it easier to use sustainable transport; b) provide financial contributions where appropriate that enable implementation to be achieved. Subject to other policies of the plan, improvement of the area will be supported that betters the function, amenity and public enjoyment by design detail that will: c) improve integrated transport connections having regard to the hierarchy of sustainability; d) improve pedestrians connections and the way that traffic uses in the area interact with pedestrians;

	e) provide safe, continuous, separated cycling and pedestrian pathways to schools, employment and tourist sites; f) complete Paignton's missing links in the National Cycle Route Network in support of Local Plan Policy SS6; g) help public transport better meet user needs; h) de-clutter the town centre to make it easier to move around; i) improve surfaces for pedestrians, including disabled people; j) ensure that town centre parking for cycles, motorcycles and cars supports town centre viability; k) bring different forms of transport closer together wherever possible.
PNP23	Yalberton to Blagdon Valley Improvement of the Yalberton to Blagdon Valley area shown on the inset plan (Fig. 6.12 page 59) will be encouraged and proposals supported where they will: a) enhance tourism and attraction of the area to visitors; b) provide financial contributions where appropriate that enable implementation of the following measures to be achieved. Subject to other policies of the plan, improvement of the area will be supported that betters the function, amenity and public enjoyment by design detail that will: c) enhance the landscape character in accordance with PNP19; d) enhance biodiversity and safeguard the Valley's caves, lime kilns and underground karst system in support of Torbay Local Plan Policy NC1; e) protect the unspoilt 'Devon Green Lane' known as Lidstone Lane or Whitehill Lane that runs from Lower Yalberton to Byter Mill, Stoke Gabriel, to the south: f) enhance buildings, orchards, and structures of heritage importance in the area;

	g) encourage small scale food growing, rearing and horticulture and protection of the Valley's extensive network of species-rich mature traditional hedges and large number of mature and veteran trees; h) enable separated cycling facilities through and into the area with 'pinch points' where possible at either end of Long Road to discourage vehicles of more than 3.5 tonnes in total weight.
PNP27	Preston Improvement of the Preston area shown on the inset plan (Fig. 1.2 page 9) will be encouraged and proposals supported where they will: a) enhance the public realm; b) enhance tourism facilities and community uses; Subject to other policies of the plan, improvement of the area will be supported that betters the function, amenity and public enjoyment by design detail that will: c) support appropriate and viable reuse of Oldway Mansion (including the Rotunda) and Parkfield House (including the Stables; d) improve the seafront area shown on the inset plan (Fig.6.8 page 46) with uses that support: i) public toilet facilities at Seaway Lane; ii) a barbeque area on the seafront; iii) creation of surfing opportunities where possible e) enable mixed use café, hotel and other tourist facilities where appropriate at Hollicombe; f) support provision of a community café, allotments and orchard space for community use where appropriate in the top part of Preston.