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Date: Friday, 13 November 2020

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Dear Member

## **CABINET - TUESDAY, 17 NOVEMBER 2020**

I am now able to enclose, for consideration at the Tuesday, 17 November 2020 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
8.	<b>Local Plan Review (Local Development Scheme) - Local Plan Working Party Recommendations</b>	(Pages 2 - 55)

Yours sincerely

Lisa Antrobus  
Clerk

**Meeting: Cabinet**

**Date: 17 November 2020**

**Wards Affected: All**

**Report Title: Torbay Local Plan 2012-30: Five Year Review.**

**Cabinet Member Contact Details:** Mike Morey, Cabinet Member for Infrastructure, Environment and Culture. Mike.Morey@Torbay.gov.uk email

**Director/Assistant Director Contact Details:** David Edmondson, Assistant Director, of Planning, Housing & Climate Emergency. David.Edmondson@Torbay.gov.uk

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### **1. Purpose of Report**

- 1.1 Local Plans are required by law to be reviewed at least every five years from adoption. The Torbay Local Plan 2012-30 was adopted on 10<sup>th</sup> December 2015 and is therefore nearing its five year review date. The Government has set a target for all areas to have an up to date Local Plan by 2023. Torbay is one of 248 local authorities which need to review or update their Local Plan in the near future.
- 1.2 The review (in this context) is an assessment of whether the plan needs to be updated, and is a decision for the Council as Local Planning Authority to make based on planning merits. If the review concludes that an update is necessary, those parts of the Local Plan then need to be updated, following the procedures set out in the Local Planning Regulations 2012 (as amended)<sup>1</sup>.
- 1.3 A review of the Local Plan is set out at Appendix 1. This considers the Local Plan against changes that have taken place since 2015, including the 2019 National Planning Policy Framework (NPPF), the adoption of Bay-wide Neighbourhood Plans in Torbay and more recent indications of Government policy, including the "Planning for the Future" White Paper.
- 1.4 A change in housing need is the most common reason why Local Plans need updating. The NPPF states that strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly.
- 1.5 The NPPF also requires the minimum number of homes needed to be calculated using the "standard method" unless exceptional circumstances justify an alternative approach. At October 2020 this is 586 dwellings a year for Torbay, but may change. This is sufficiently different from the Adopted Local Plan to require that the Plan is updated. A local plan update is also a chance to consider more recent local evidence such as delivery rates and employment figures.
- 1.6 The assessment concludes that apart from housing numbers, the Plan remains relatively consistent with the NPPF, although there is inevitably scope to improve and shorten the Plan.

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<sup>1</sup> Unfortunately the terminology is confusing. Most people commonly call the update of a local plan a "local plan review". This report seeks to use the term "review" in its narrow sense of the assessment of whether the local plan needs to be updated.

## 2. Reason for Proposal and its benefits

*We want Torbay and its residents to thrive.*

*We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.*

*We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.*

- 2.1 The proposals in this report help us to deliver this ambition by seeking agreement of the scope of the Local Plan Update. An up to date development plan is the legal starting point for determining planning applications. It sets a framework for the delivery of affordable and market housing, contains policies on employment, tourism, reducing deprivation, and improving the built and natural environment.
- 2.2 This report seeks to reach agreement on the need for an update of the Local Plan and the scope of that update. Broadly there are three options:
- 1) To carry out a partial update of policies for the supply of housing (i.e. those which set a housing number).
  - 2) To carry out a partial update of policies for the supply of housing (i.e. those which set a housing number) and to carry out a light touch update of other policies to reduce repetition and make minor amendments. This is the recommended approach.
  - 3) To carry out a more detailed re-write to create a new Local Plan.
- 2.3 **Option 1** would be an assessment of whether the local plan's housing figure should be updated in line with the most recent standard methodology housing figure. It would require an update to Local Plan Policies SS1, SS2, SS12 and SS13. There may be a consequential impact on other policies dealing with housing supply, particularly Policy SS2 and neighbourhood area policies (SDT1, SDP1 and SDB1). A key issue will be whether the standard methodology figure is followed. Officer advice is that Government Policy and good practice advice is that the standard methodology figure should be followed. However, no decision needs to be made on this issue as part of this report. A provisional time-line is set out in the Supporting Information section. It appears possible to complete this partial update by late Summer/Autumn 2022. A key unknown is how long the updated plan takes at examination, and whether major modifications to it are required. Over the last 5 years, plans have taken on average around 65 weeks to go through examination. A main reason for a longer examination period is issues around the Test of Soundness at paragraph 35 of the NPPF. Duty to Cooperate and Sustainability Appraisal issues can also cause significant delays.
- 2.4 **Option 2.** In practice, reviewing housing numbers will result in the need to make consequential edits to related policies, and there is scope to make the Local Plan more concise, ensure consistency with Neighbourhood Plan policies and address other environmental issues that have come to light as a result of the Sustainability Appraisal and other factors. While such minor changes would not make the current policies out of date per se, there is a scope to improve on them. Such an update to "Local Plan 1.1" could improve the Plan significantly and would only take slightly longer than option 1, with a fair prospect of adoption by Autumn 2022 (i.e. not significantly longer than Option 1) The caveats noted above also apply here.
- 2.5 Option 2 could also allow a trimming of policies where there is considered to be an overlap with Neighbourhood Plans, or where there is scope to place more detailed guidance within Supplementary Planning Documents. SPDs can be prepared quickly, although they do not have the full weight of a development plan document.

- 2.6 **Option 3.** A total rewrite of the Plan would take significantly longer to achieve than either options 1 or 2 as it would require a whole round of visioning and issues consultations. This option would provide greater opportunity to more significantly rewrite, remove and introduce policies through more far reaching updates to the Plan. However, unless a radically different course is intended, such an approach is unlikely to justify the additional time it would take, and there is a possibility that it would be overtaken by events such as the proposed White Paper. Because the amount of work entailed is the greatest of all the options, and potential soundness issues are also the most significant, it is unlikely that a plan would be adopted before mid-2024, which misses the Government's 2023 target. This option would also imply that the Local Plan is significantly out of step with government policy and other material considerations, which reduces the weight it could be given in decision making. It may have a knock on effect on Neighbourhood Plans (particularly post June 2021).
- 2.7 A fourth option has been considered, which is to argue that the Plan does not need to be updated, as the Local Plan's housing number with a backlog of under supply is actually higher than the standard methodology figure. The Local Plan contains policies to boost housing numbers in the event of a shortfall against five year supply (SS3 and SS13). This is not a recommended approach. The Council is unable to demonstrate five years' worth of deliverable housing land, which means that the Local Plan would be "deemed" to be out of date by the NPPF, and the presumption in favour of sustainable development would apply to applications for housing. Option 4 would in effect be adding a "double presumption" in favour of granting applications for housing, even where this conflicted with other Local or Neighbourhood Plan policies.
- 2.8 Irrespective of which option is chosen, in the short term housing supply will need (from December 2020) to be assessed against the current standard methodology figure, which is currently 586 dwellings per year. On this basis applications involving the supply of housing will need to be determined on the basis of the presumption in favour of sustainable development in Paragraph 11 of the NPPF. Neighbourhood Plan policies enjoy additional protection under paragraph 14 of the NPPF.
- 2.9 It is worth noting that the Courts have held that out of date policies may still carry weight in decision making<sup>2</sup>.
- 2.10 The Local Plan Working Party met on 7 October 2020 and 5 November 2020 and heard from key stakeholders. At the meeting on 5 November 2020, Officers made a recommendation to the Local Plan Working Party which was as follows:
- That the Local Plan Working Party recommend to cabinet that:
- (i) the review of the Torbay Local Plan 2012-30 in Appendix 1 be approved.
  - (ii) as per option 2 set out in this report, the scope of the update will be: "To carry out a partial update of policies for the supply of housing (i.e. those which set a housing number) and to carry out a light touch update of other policies to reduce repetition and make minor amendments, noting that only those policies for the supply of housing are out of date."
- 2.11 Members of the Local Plan Working Party, and Neighbourhood Forum attendees, discussed the options presented in the report alongside the review in Appendix 1.
- 2.12 Some points of clarification were raised which are noted below:
- (i) The review in appendix 1 is an officer assessment and members can take a different view on what is necessary to update

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<sup>2</sup> i.e. an assessment under paragraph 11 d)ii. of the NPPF that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits can also take local plan policies into account.

- (ii) The process for updating the plan is prescribed and includes some key stages (as well as evidence gathering, document preparation, and reflection on/consideration of consultation responses): publication of Options paper for consultation consider representations; produce a Preferred Option and consult (6 week) consider representations and Submission Version (consultation 6 weeks) and Examination subject to the Planning Inspectorate but on average takes over a year. Gant charts are proportionate to other Local Planning Authority timescales.
- (iii) That there can be no guarantee that updating the housing policies will provide a five year housing land supply as that is also dependent on planning application approvals and progress by applicants on delivering the consents.
- (iv) That there may be a marginal effect on the length of Examination depending on the scope of the amendments/updates proposed in terms of Options 1 and 2. It is for the LPA to determine what goes into the update. Examination timeframe will depend on representations made.
- (v) It was clarified that Option 1 Update of Housing Policies would only include those for the supply of housing i.e.: SS1 SS2 [et al] and STP SDP and SDB policies but not those for housing density or affordable housing for example.

2.13 During the discussion concern was raised about broadening the scope and the ability to maintain focus on those issues identified as most in need of an update, namely the housing policies and associated five year housing land supply.

2.12 Members also recognised however, that there are other aspects of the plan that whilst perhaps broadly according with the NPPF would benefit from an update given changes in circumstances. In particular matters such as planning contributions to the NHS, town centre policies, climate policies, housing density/tenure, parking and street layout were raised.

2.13 It was highlighted that Supplementary Planning Documents (SPDs) can be updated where they already exist or new proposals can be brought forward to address some matters. However, those SPDs are intended to expand upon policy or provide further detail to policies in development plan documents (DPDs), but they do not have development plan status. These documents can demonstrate how policies can be taken forward. They do not include land allocations or policies which should be subject to independent examination. These documents need to be consistent with the policies of the Local Plan.

2.14 On the particular issue of NHS contributions, the existing Planning Contributions and Affordable Housing SPD can be reviewed and updated where appropriate but any changes would need to accord with the existing Local Plan policy and cannot increase the funding envelope, meaning that contributions would be balanced against the other identified needs.

2.15 The focussed scope of the update proposed in Option 1 may, over time, need to be reconsidered but this process is available to the Council through a revised Local Development Scheme. This is because, as noted in Option 2 above, in following Option 1 there may be consequential impacts on other policies that would require edits. The scope of the update through Option 1 does not allow for that, nor does it allow for making general edits to the plan more widely.

### **3. Recommendation(s) / Proposed Decision**

The Local Plan Working Party recommends to Cabinet that:

- (i) the review of the Torbay Local Plan 2012-30 in Appendix 1 be approved and that the decision be published in accordance with Section 17 of the Planning and Compulsory Purchase Act 2004 and Regulation 10A of the Town and Country Planning (Local Plan) (England) Regulations 2012.
- (ii) as per option 1 set out in this report, the scope of the update will be:  
To assess whether the local plan's housing figure should updated in line with the most recent standard methodology housing figure. It would require an update to

Local Plan Policies SS1, SS12 and SS13. There may be a consequential impact on other policies dealing with housing supply, particularly Policy SS2 and neighbourhood area policies (SDT1, SDP1 and SDB1).

- (iii) a decision on any further amendments to the plan arising from updates to the housing policies in line with the review; or identified as necessary following legislative changes; or the identified as necessary to ensure the plan is sound, be delegated to the Assistant Director of Planning, Housing & Climate Emergency in consultation with the Local Plan Working Party.
- (iv) The terms of reference of the Local Plan Working Party, to reflect the work necessary beyond the review to update the Local Plan, are amended from:

“To support the Local Planning Authority’s review of the Torbay Local Plan 2012-2030 and any other associated documents as may be deemed appropriate by the Assistant Director of Planning, Housing and Climate Emergency”

To:

“To support the Local Planning Authority’s review **and update** of the Torbay Local Plan 2012-2030 and any other associated documents as may be deemed appropriate by the Assistant Director of Planning, Housing and Climate Emergency”

## **Appendices**

Appendix 1: Local Plan PAS Toolkit Part 2: Local Plan Content Checklist.

## **Background Documents**

Torbay Local Plan 2012-2030

National Planning Policy Framework (NPPF)

(National) Planning Practice Guidance (PPG)

Torquay, Paignton and Brixham Peninsula Neighbourhood Plans.

## Supporting Information

### 4. Introduction

- 4.1 The Need to review local plans is set out in Regulation 10A of the Local Planning Regulations 2012. Paragraph 33 of the NPPF states:  
*“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future”.*
- 4.2 A review of the Local Plan, using a Planning Advisory Service Checklist is set out at appendix 1. The main issue that will trigger a need to update the plan is the government’s standard methodology local housing need figure (LHN). As October 2020 this requires 586 dwellings per year, i.e. 2930 over five years. With a 5% buffer required by the NPPF, this becomes 615 dwellings a year. It is noted that the figure may change, and the government has recently consulted upon a revised methodology which (if brought into force) would require 635 dwellings per year.
- 4.3 The standard methodology figure is higher than the Local Plan’s average growth rate (495 dwellings per year). However, the Torbay Local Plan 2012-30 has an overall requirement of 8,900 dwellings, with a stepped trajectory (set out in Policy SS13) as follows:
- 400 dwellings per year 2012/13- 2016/17
  - 495 dwellings per year 2017/18—2021/22
  - 555 dwellings per year 2022/23-2029/30
- 4.4 In the 8 years of the plan period 2012-20 there have been 2,907 net new dwellings completed, against a requirement of 3,485, making a shortfall of 578 dwellings. The average number of completions was 363 a year. The shortfall must be made up in 5 years<sup>3</sup>, making an additional 115.6 dwellings a year. With that and a 5% buffer required by the NPPF<sup>4</sup>, the requirement is currently 3,395 dwellings over five years, or 679 dwellings a year.
- 4.5 The standard methodology LHN figure is actually lower than the current figure (615 dwellings per annum (dpa) under the standard methodology plus 5% buffer; against 679 dpa under the local plan with backlog and 5% buffer). However, the difference in the figures, coupled with a shortfall in 5 year supply of deliverable sites is recommended to be sufficient to trigger a review of housing numbers. These are set out in Policies SS1, SS2, SS12 and SS13 of the Local Plan. There is likely to be a consequential impact on other policies dealing with housing supply, particularly Policy SS2 and neighbourhood area policies (SDT1, SDP1 and SDB1). However these latter policies appear robust in terms of their broader conformity to the NPPF, notwithstanding the issue of housing numbers.
- 4.6 **Corporate and Community Plan 2019-23.** Although the Local Plan predates the Corporate and Community Plan, it contains policies that address its objectives. It has policies for schools, affordable housing, local amenities and turning the tide on poverty, which are all part of the “helping people thrive” objective. It contains policies to support the economy, regenerate town centres and to make Torbay the premier resort. The Local Plan has policies on tackling climate change, recycling, flooding and transport connectivity.

<sup>3</sup> Unless an alternative method is agreed at the Plan making stage.

<sup>4</sup> Where the Housing Delivery Test (HDT) is below 85% of the requirement for the last three years, the buffer becomes 20% (NPPF footnote 39). If the HDT is <75% the Presumption is automatically triggered.

Torbay has pioneered partnership working between communities and the council through the roll out of Bay wide neighbourhood planning.

- 4.7 **Neighbourhood Plans.** Torbay has bay wide coverage of Neighbourhood Plans, which were all “made” in June 2019. The online Planning Practice Guidance (PPG) states that:

*“Where a neighbourhood plan has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan. Local plan policies should not duplicate those in the neighbourhood plan, and do not need to supersede them unless changed circumstances justify this. It is important for local plans to make appropriate reference to neighbourhood plan policies and proposals, and similarly for neighbourhood plans to acknowledge local plan policies that they relate to” .  
Paragraph: 006 Reference ID: 61-006-20190723”*

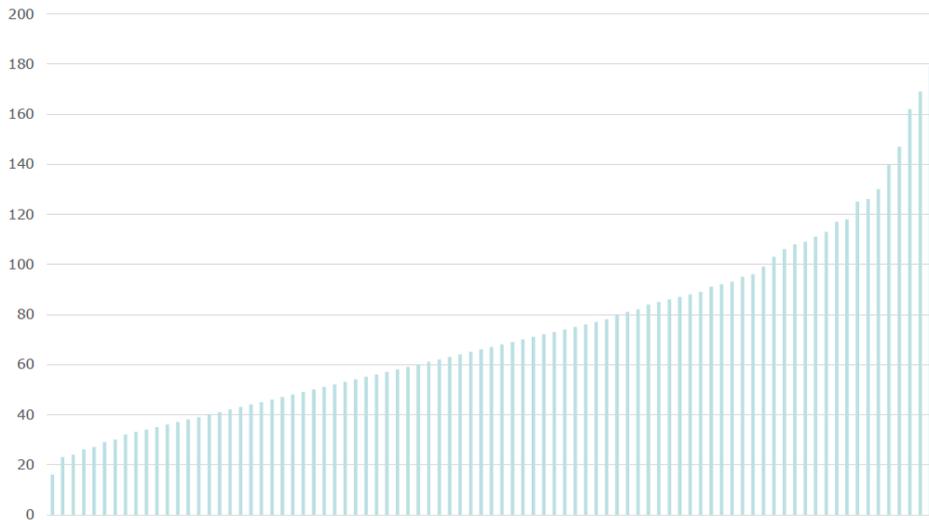
- 4.8 Whilst there are some differences between the Local Plan and the Neighbourhood Plans, these are not considered sufficiently great to necessitate a major update of the Local Plan. In particular, all three Neighbourhood Plans set out strong urban renewal policies which make best use of land, in accordance with the Local Plan and the 2019 NPPF (para 117 et seq.). The Neighbourhood Plan policies were assessed by independent examinations and by Full Council (in November 2019 and June 2019), and found to be in general conformity with the Local Plan. Where there are non-strategic differences, the Neighbourhood Plan takes precedence over the Local Plan (NPPF 30).
- 4.9 It is noted that the Planning for the Future White Paper was published in August 2020. This proposes much shorter Local Plans which allocate land for either growth, renewal or protection. These changes will require primary legislation, and the government is urging local authorities to keep plans up to date in the meantime.

## 5. Options under consideration

- 5.1 Three Options are set out in the main report: 1) to carry out a partial update of policies for the supply of housing; 2) To carry out a partial update of policies for the supply of housing and to carry out a light touch update of other policies to reduce repetition and make minor amendments; or 3) To carry out a more detailed re-write to create a new Local Plan. The second option is recommended as being the most effective.
- 5.2 In terms of timescales, the most significant unknown is examination period. Planning Inspectorate data from the last five years shows that strategic plans such as local plans take on average about 65 weeks to go through examination (post submission), with housing numbers being a significant issue at examinations.

**Figure 1: Duration of Strategic Plan Examinations over 2015-20 in Weeks (Source PINS)**

Duration by length in weeks - all strategic plans in last 5 years



5.3 Therefore, as an approximate estimate, both options 1 and 2 are likely to take until late Summer/Autumn 2022 to reach adoption. Option 3, a more comprehensive re-write is likely to take until at least 2024. It is much more difficult to provide a timescale for if significant modifications need to be made to a plan at Examination, however an estimate is provided in lighter shaded orange. Hopefully the submission of a sound plan would reduce the need for significant changes post submission.

5.4 Approximate timelines for the three options are shown below for information purposes only.

**Option 1 Partial update of policies for the supply of housing only**

Project / Task	2020					2021					2022					2023					2024														
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N
<b>Torbay Local Plan, Review and Estimated Update Timescale: Option 1. Update of Housing Numbers only.</b>																																			
First Five Year Review *																																			
Options Paper (Reg 18) consultation																																			
Regulation 19 Consultation (Consideration of Pre-Sub Revisions*)																																			
Submission Regulation 22**																																			
Examination**																																			
Adoption if no Main Mods or significant dispute																																			
Modifications and consultation (if needed)																																			
Adoption of Updated Local Plan																																			

Key : P Pre-submission S Submission E Examination A Adoption ) \* ( Completion deadline by December 2020) \*\* Submission may be delayed if separate revisions' consultations are required. Adoption delayed if potential Test of Soundness or Duty to Cooperate matter requires additional Modifications.

**Option 2 Update of policies for the supply of housing and to carry out a light touch update of other policies**



flexible policies for town centre regeneration. The neighbourhood plans and Masterplan Supplementary Planning Documents have added further detail to these regeneration proposals. There are also policies seeking to tackle climate change and promoting low carbon development and resilience measures.

- 5.7 Because the Local Plan is broadly consistent with the NPPF and Community Plan, such a root and branch rewrite of the Plan is not recommended to be necessary. It would be very time consuming and may go full circle and come up with a similar strategy to the existing Plan. Furthermore the plan may be overtaken by events if changes to the planning system mooted in the White Paper are progressed.
- 5.8 It is accepted that in some cases, the implementation/effectiveness of policies may benefit from clarification or improvement. Option 2 would allow for a “light touch” update so long as the fundamental thrust of policies is not changed. Further clarification could be achieved through Supplementary Planning Documents and Masterplans. Several policies in the Local Plan contain “hooks” that allow for supplementary guidance. SPD updates can be achieved in a straightforward and simpler manner, although they do not hold the same weight in decision-making as the development plan itself.

## **6. Financial Opportunities and Implications**

- 6.1 The Local Plan is a significant financial commitment, but reviewing and updating plans is a legal requirement. The Local Plan sets the framework for seeking S106 contributions and Community Infrastructure Levy (or their replacement “infrastructure levy”). A minimal update to the Local Plan will mean that the broad framework set out in the Planning Contributions and Affordable Housing SPD is likely to remain relevant, reducing the need for a “deep dive” into the SPD.

## **7. Legal Implications**

- 7.1 The Local Plan, together with neighbourhood plans constitute the “development plan”. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990).
- 7.2 Many aspects of the planning system have been clarified by the Courts. In particular, there is a debate about plans being out of date. The Courts have held that out of date policies may still be given “substantial or even full weight” by the decision maker. In particular, whilst lack of five year supply may “deem” policies to be out of date, other factors such as consistency with national policy, factual and policy changes and the reasons for a housing shortfall may all be material in considering how far a plan is assessed as being out of date, and accordingly how much weight it is reasonable to give it<sup>5</sup>.
- 7.3 The above assessment suggests that, given that the Local Plan is broadly consistent with the 2019 NPPF, and sets out a flexible approach to town centres, it is capable of carrying significant weight in planning decisions- and full weight for non-housing proposals. The housing shortfall means that applications involving the provision of housing must be determined on the basis of the presumption in favour of sustainable development; and housing proposals should be approved unless they can be shown to be significantly and demonstrably harmful (NPPF paragraph 11 d)ii, often called the “tilted balance”). However, the Local Plan may, as a planning judgement, continue to be given significant weight in decision making. Neighbourhood Plans enjoy separate protection under paragraph 14 of the NPPF, so long as they meet the conditions set out therein.

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<sup>5</sup> Holgate J in Gladman v S of S MHCLG, Corby BC and Uttlesfield DC [2020] EWHC 518 (Admin). Paragraphs 94-97. This ruling also determined that development plan policies should be considered within the “tilted balance” in paragraph 11d)ii of the NPPF.

## **8. Engagement and Consultation**

- 8.1 The Checklist has been prepared in discussion with the Planning Advisory Service. Discussions have taken place with Torbay's Neighbourhood Forums/Plan Group in relation to the Local Plan Update.

## **9. Purchasing or Hiring of Goods and/or Services**

- 9.1 Not directly applicable. Updating the Local Plan evidence base is likely to entail appointing consultants on matters such as viability.

## **10. Tackling Climate Change**

- 10.1 The Local Plan is required by law to promote sustainable development. Aspiration 5 (p37) is to respond to climate change. Whilst many policies in the Local Plan are relevant to climate change, Policy SS14 "Low carbon development and adaptation to climate change", ES1 "Energy", and ES2 "Renewable Energy and low-carbon infrastructure" are particularly relevant.

## **11. Associated Risks**

- 11.1 If a review has not been carried out inspectors at appeal may give the plan very little weight. Whilst acknowledging that the Plan is out of date will mean that the Presumption In favour of sustainable development (at paragraph 11 of the NPPF) will apply, the council will be able to argue that most aspects of the plan remain relevant and that accordingly significant weight may be given to it.
- 11.2 The Government has stated that it wants all areas to have an up to date local plan by 2023. Whilst not updating the Local Plan could result in the Government intervention to force an update, this contingency is very unlikely in Torbay's case. A more likely risk would be planning by appeal.

**Equality Impacts** Please complete this section if your proposal results in a change to services and impact on the community or parts of the community – seek advice and help from Policy, Performance and Engagement Team – equalities@torbay.gov.uk

9.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The Local Plan can help provide affordable housing, and contains policies on education and reducing child poverty.		
	People with caring Responsibilities	The Local Plan includes policies on providing and improving the quality of accommodation for people in need of care.		
	People with a disability	Policy H6 of the Local Plan requires the provision of accessible dwellings on larger developments. It contains policies for specialist accommodation (H6) and the provision of disabled parking and other accessibility matters.		
	Women or men		Neutral impact	
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	There is a search for temporary stopping sites for Travellers taking place in parallel to the Local Plan Review.	Overall neutral. Policy H5 deals with travellers, but is a criteria based policy rather than a specific allocation.	
	Religion or belief (including lack of belief)	The local plan provides a framework for the provision of community facilities.	Overall neutral	
	People who are lesbian, gay or bisexual		Neutral impact	

	People who are transgendered		Neutral impact
	People who are in a marriage or civil partnership		Neutral impact
	Women who are pregnant / on maternity leave		Neutral impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The Local Plan contains policies seeking to reduce deprivation and child poverty.	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The provision of housing, affordable housing and open space and recreational facilities all contribute towards better health. Policy SC1 Healthy Bat requires health impact assessments to be carried out for developments of 30+ dwellings.	
<b>10..</b>	<b>Cumulative Council Impact</b> (proposed changes elsewhere which might worsen the impacts identified above)	None direct	
<b>11.</b>	<b>Cumulative Community Impacts</b> (proposed changes within the wider community (inc the public sector) which might worsen	None direct	

	the impacts identified above)	
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# Planning Advisory Service (PAS) LOCAL PLAN ROUTE MAPPER TOOLKIT: LOCAL PLAN FORM & CONTENT CHECKLIST

## Introduction and Summary

The following table assesses the consistency of Torbay Local Plan 2012-30 (“The Local Plan”) with the 2019 National Planning Policy Framework (NPPF). It also considers current changes and proposals in the White Paper etc. In summary, the main issue that would trigger a review of the Local Plan is housing numbers. The Standard Methodology Local Housing Need Figure is broadly similar to the Local Plan Requirement, so an Update would either be to:

- Allocate further land to meet the trajectory.
- Seek to reduce the housing requirement based on the Standard Methodology figure being too high, or environmental constraints. This may also still require replacement or additional site allocations dependent on the outcome.

Whilst the Planning for the Future White paper proposes a foundations-up renewal of the Planning system, these changes will require primary and secondary legislation and are likely to be subject to amendment. They will not come into force for several years. Accordingly the prospect of changes to the planning system does not in itself render the Local Plan out of date, although it does highlight matters that the Government sees as a priority.

Notwithstanding the housing numbers and White Paper issue, most policies in the Local Plan remain consistent with national and local policy.

## PAS Route Mapper Format

This assessment follows the process set out in the PAS Local Plan Route mapper Toolkit, Part 2: Local Plan Form and Content Checklist. This is to provide an indicator of how far the Local Plan remains up to date measured against current national policy at the time of writing National Policy.

The PAS Checklist template colour coded whether the NPPF requirements has changed since the 2012 version. This coding has been removed for ease of interpretation and the Local Plan has been traffic lighted (RAG’ed) against the 2019 NPPF under the following approach

Red	Significant difference or shortfall between the Local Plan and NPPF requirements
Amber	Some difference between the Local Plan and NPPF; but likely to be capable of addressing through updated Supplementary Guidance, or the issue is not assessed to be sufficient to warrant an Update to the Plan.
Green	The Local Plan substantially meets the NPPF requirement
N/A	Paragraph not applicable to Torbay

**Neighbourhood Plans** Torbay has bay wide coverage of Neighbourhood Plans, which were all “made” in June 2019

The PPG states that: *“Where a neighbourhood plan has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan. Local plan policies should not duplicate those in the neighbourhood plan, and do not need to supersede them unless changed circumstances justify this. It is important for local plans to make appropriate reference to neighbourhood plan policies and proposals, and similarly for neighbourhood plans to acknowledge local plan policies that they relate to. Paragraph: 006 Reference ID: 61-006-20190723”*

The Neighbourhood Plan policies were assessed by Independent examinations and by Full Council (in November 2019 and June 2019) to be in general conformity with the Local Plan. Where there are non-strategic differences the Neighbourhood Plan takes precedence over the Local Plan (NPPF 30). On this basis there is no overriding need to update the Local Plan in response to the Neighbourhood Plans.

However there is significant concern in the Neighbourhood Forums that the imposition of a Standard Methodology Local Housing Need figure overestimates the housing need figure and ignores infrastructure and environmental constraints. This threatens to undermine the focus on urban renewal set out in the Neighbourhood Plans. Accordingly, the Forums are likely to support an update that seeks to achieve a lower Local Housing Need figure. There is evidence that would support this argument – but it would be difficult to persuade the Planning Inspectorate to adopt a different approach. There is a strong presumption in the NPPF that local authorities will follow the standard methodology is assessing their housing need.

There is also Forum concern at the length of time an update could take, which leaves Torbay without an up to date Local Plan. The Neighbourhood Plans reach their two years since being “made” in June 2021.

## A Whole New Planning System for England

The Government published its White Paper: “Planning for the Future” in August 2020. This promises to “level (planning to) the foundations and building, from the ground up, a whole new planning system for England. The White Paper proposes a nationally dictated housing requirement (i.e. housing need tempered by infrastructure and environmental capacity), shorter Local Plans prepared over a 30 month time frame, and are a maximum of 50 pages long, but with an emphasis of being map based and the use of digital tools. Local Plans will designate land for either:

- **Growth areas** suitable for substantial development. There will be outline permission for specified development in these areas.
- **Renewal areas** suitable for development. There will be permission in principle for some types of development in these areas
- **Protected Areas**

Development Management Polices will be removed from Local Plans and will be set out in National Guidance. Local Plans and Neighbourhood Plans will still have a role in master planning and setting design codes. The White Paper also proposes to replace S106 and CIL with a single infrastructure levy, which will also cover affordable housing.

Alongside the White Paper, the Government has consulted on “Changes to the Current Planning System”. These proposals include a revised standard methodology (the draft annual housing need figure in Torbay would rise to 635 dwellings a year, up from 586 under the current standard Method). It is also proposed to increase the requirement for “First Homes” (discounted starter homes), raise the affordable housing threshold and increase the use of Permissions in Principle.

In addition, the Government brought into force revisions to the Use Classes Order which creates a wide Class E Commercial use class comprising former Class A1, A2, A3 and B1 uses as well as some Class D leisure and assembly uses. There is also a new Class F1 learning and non-residential institutions and F2 Local community use classes, which may include small shops located at least 1km away from other shops. These changes could have significant implications for planning town centres and industrial areas, as well as implications on out of town commercial/retail provisions. The Government also introduced additional permitted development rights to extend upwards and redevelop vacant office buildings for flats.

The implications of these changes is not yet known. The Use Classes Order and Permitted Development rights change is being challenged in the Courts. The White Paper measures require primary and secondary legislation and would replace the 1990 Town and Country Planning Act.

The Government has indicated that it wants plan making to continue, and will need to introduce transitional arrangements. However the degree of uncertainty inevitably raises the issue of whether the current Local Plan can be “patched up” to bring it up to date pending the advent of a new foundations up planning system. This would only be achievable where the Local Plan is found to at least broadly accord with the

NPPF/Government policy. Fortunately, the review below does find a high level of conformity between the Local Plan and the 2019 NPPF, which removes the need for a wholesale update of the Plan.

**Summary of Main Findings. How up to date is the Local Plan?**

The main issues affecting the Local Plan up to datedness is housing land supply, the impact of the standard methodology and the relation between jobs and homes.

The Local Plan’s housing requirement is for 8,900 dwellings over the period 2012-30. With a backlog, there is an outstanding requirement of around 600 dwellings per year. The current Standard Methodology local housing need figure suggests 586 dwellings per year, whereas the proposed Standard methodology is 635 dwellings a year. The current standard methodology figure would actually be a minor reduction in housing numbers.

	<b>Local Plan</b>	<b>2018 NPPF Standard Methodology</b>	<b>Changes to the Current Planning system standard method, 2020</b>
Backlog of unmet need (to March 2020)	578	N/A	N/A
Requirement 2020/1 to 2021/3	495 x2= 990		
Requirement 2022/3- 2029/30	555 x8= 4440		
Total	6008	5860	6350
Total annualised over 10 years	601	586	635

The Council does not have a five year housing land supply and according to paragraph 11 and footnote 6 of the NPPF the Local Plan will be out of date for determining housing proposals. However, the Courts have made a distinction between policies being out of date due to a change in circumstances, and deemed out of date due to five year supply. The Courts have also held that an out of date policy may still carry considerable weight.

The Local Plan contains policies that seek to boost housing supply and achieve five year supply (Policies SS2, SS3, SS12, SS13, and H1). If the purpose of updating the local plan is to boost housing numbers, then this could be achieved by considering proposals against this “presumption in favour of sustainable development” contained in both the Local Plan (Policies SS3 and SS13) and the NPPF.

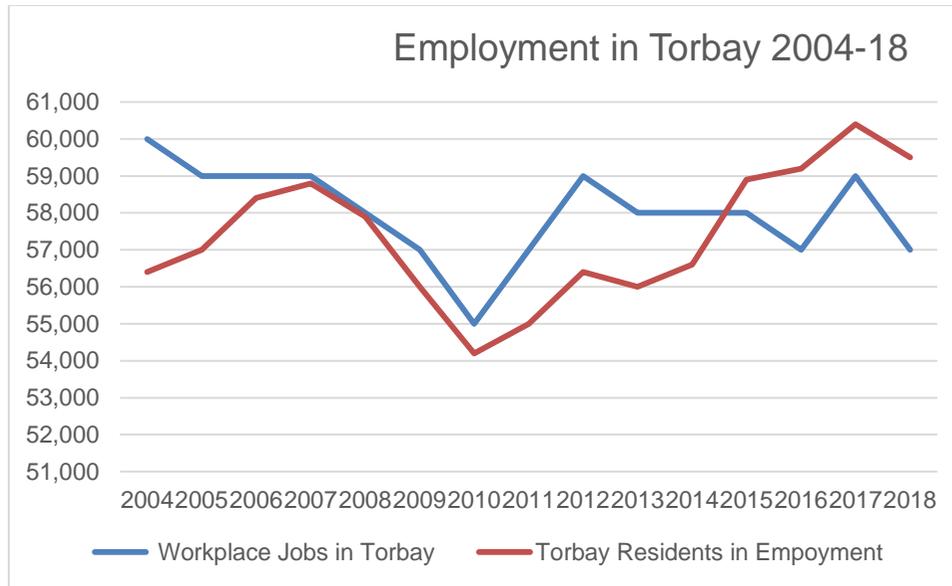
It is noted that the Council is seeking to bring forward sites itself and with partners, such as Preston Down Road. Inglewood (land south of White Rock), an application for 373 dwellings and other uses, is currently at appeal.

### **A reduced requirement?**

One argument to review the Local Plan is that the housing need figure is too high, and should be reduced in line with long term migration trends or to reflect that there has been no increase in jobs since the early 2000s. Additionally, it is a consideration despite Torbay ensuring a new Local Plan was adopted, in accordance with the NPPF at the time and being found sound – embracing the current planning policy set out by Government, the annual delivery figure in the plan period is 363, with the maximum delivery being 531. This questions the achievability of a figure closer to 600 or more. The NPPF indicates that Government Policy is to significantly boost housing supply. To determine the minimum number of homes needed in an area, strategic policies should be informed by a local housing need assessment, conducted using the standard method set out in national guidance. ***Exceptional circumstances may justify an alternative approach, which should also reflect current and future demographic trends and market signals*** (NPPF paragraph 60). Where the standard methodology is not used, LPAs will be scrutinised more closely at examination, and will need to demonstrate exceptional circumstances.

### **Jobs and Homes.**

NOMIS data shows that although the number of jobs within Torbay has not grown since the early 2000s, there has been an increase in Torbay residents in employment, which reflects a pattern outwards commuting, particularly to the Greater Exeter functional economic market area.



The impact of COVID19 is not yet known, but is likely to increase the incidence of home working. Unfortunately COVID19 is also likely to hit the hospitality and tourism sectors with reductions in employed numbers anticipated. Even without COVID19, it looks unlikely that the Local Plan's jobs target of 5,000 to 5,500 new jobs will be achieved.

### Other Matters

**Plan Period:** The Local Plan does not have 15 years remaining Plan period, but does (just) have 10 years of housing trajectory. The NPPF (para 21) only requires 15 years plan period from adoption.

**Other Policies:** Most policies in the Local Plan remain consistent with the NPPF and government policy. The Local Plan is too long, there are repetitions, and the Plan could be reduced in length. There are clearly many minor adjustments that could be made to numerous policies. However, it is doubtful that these issues (taken in isolation from the housing need issue) would justify an Update, particularly in the current circumstances.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
	<i>General Requirements</i>			
1.	Include any relevant material that is set out in a government policy statement(s) for the area for example a national policy statement(s) for major infrastructure and written ministerial statements.	NPPF Para 5, 6	Not applicable	
2.	Contribute to the achievement of sustainable development.	NPPF Para 8, 9, 16	Yes – all policies. This is a legal requirement and tested under the 2012 NPPF.	Green
3.	Apply the presumption in favour of sustainable development.	NPPF Para 11	Yes – This was a requirement under the 2013 NPPF. Policies SS3, SS12 and SS13 apply the Presumption in a local context and contain criteria which seek to boost housing supply in the event of a 5YHLS shortfall.	Green
4.	Provide a positive vision for the future; a framework for addressing housing needs and other economic, social and environmental priorities.	NPPF Para 15	Yes- Chapter 3 Vision and Ambition. Policies SS1, and Strategic Development Policies 1 for each NP area.	Green
5.	Plans should be: Aspirational and deliverable Contain clear and unambiguous policies Accessible through the use of digital tools Serve a clear purpose avoiding duplication	NPPF Para 16	Yes- paragraph 1.1.1  Progress is being made on delivery of Future Growth Areas.  The Plan is available online, as well as an interactive map, but should be made more accessible by removal of DRM to allow downloading.	Green/ Amber

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
			The Policies contain some ambiguities and duplication. There is scope to reduce the length of the Plan. Most of the duplication can be addressed through clear redrafting and clarification). Whilst too long, the policies broadly reflect the policies in the 2012 and 2019 NPPFs.	
6.	<i>Plan Content</i>			
7.	Include strategic policies to address priorities for the development and use of land. They should set out an overall strategy for the pattern, scale and quality of development.	NPPF Para 17, 20	Yes- SS Policies and Strategic Development area polices. This was a requirement under the 2012 NPPF.	Green
8.	Outline which policies are 'strategic' policies	NPPF Para 21	Should be clarified	Amber
9.	Strategic policies should look ahead over a minimum 15-year period <u>from adoption</u> .	NPPF Para 22	No. The Plan period expires in 2030 (9 years). Note however that Paragraph 67b of the NPPF only requires a broad locations for growth to only be identified for 10 years. The Planning For the Future White Paper suggests that Plans will have a 10 year lifespan.	Red /Amber
10.	Indicate broad locations for development on a key diagram, and land use designations and allocations on a policies map.	NPPF Para 23	The Local Plan does this	Green
11.	Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address	NPPF Para 23	The Local Housing Need figure has increased to 586 dwellings a year (635 under the draft new standard methodology).	Red / Amber

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
	objectively assessed needs over the plan period.		<p>The Local Plan trajectory for the remaining plan period is: 495 dwellings for 2020/21 and 2021/2 (two years), and 555 dwellings per year from 2022/2. An assessment is underway of how many of the sites identified as developable in the Local Plan still have a reasonable prospect of being built.</p> <p>Policy SS13 contains policies to increase housing supply to maintain a 5YHLS.</p> <p>There would be a need to increase supply by 90 dpa for two years and 30 dpa post 2022 to meet this trajectory. Reviewing OAN to seek to achieve a lower housing need figure e.g. on the basis of jobs not being created would require a detailed update and there is a strong probability that an Inspector would stick to the standard methodology.</p> <p>The White Paper suggests a move away from local housing need to a requirement (which includes constraints) being handed down by government. Such an approach is likely to recognise Torbay's constraints, which a LHN approach cannot.</p>	
12.	Include non-strategic policies to set out more detailed policies for specific areas.	NPPF Para 18, 28	<p>Included in Part 6 of the Local Plan: Policies for Managing Change.</p> <p>Note that some of these policies are strategic and should be clearly identified as such.</p>	G/ A

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
13.	Set out contributions expected from development, and demonstrate that expected contributions will not undermine the deliverability of the Plan.	NPPF Para 34, 57	<p>The Local Plan sets out where developer contributions are expected, including for affordable housing (Policy H2) and general infrastructure (SS7). The Plan was supported by a Whole Plan Viability Assessment and subsequent viability updates for CIL (most recently 2016).</p> <p>Paragraph 34 of the NPPF is satisfied in full.</p> <p>Paragraph 57 of the NPPF is partly met, but the Local Plan and Planning Contributions SPD contain greater flexibility than anticipated in paragraph 57.</p> <p>Detailed figures sought are contained in the Planning Contributions and Affordable Housing SPD (2017).</p> <p>Both the Local Plan and SPD contain mechanisms to negotiate on the basis of viability.</p> <p>An updated viability assessment would be essential to updating the Local Plan, but would also be very useful to assess viability at 2021 taking into account COVID19 and other circumstances.</p>	G/ A
	<i>Housing</i>			
14.	Be informed by a local housing need assessment, conducted using the standard	NPPF Para 60	See above. The Standard Method was introduced in 2018 so no Local Plan nearing its five year review period will	Red could be

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
	method in national planning guidance as a starting point.		<p>comply with it. The NPPF does not say that all Plans must be updated –only reviewed- so the implication is that Plans should be “informed” by the Standard method.</p> <p>As set out above, the Local Plan baseline trajectory is 90 dwellings less than the standard methodology figure to 2022; and then 30 dpa fewer post 2022. Over the remaining Plan period to 2030 this equates to 420 dwellings. The draft revised standard method of 635 dpa would add approximately 50 dwellings a year/450 over the Plan period to this total.</p> <p>Should the LPA seek to reduce the need figure below the Standard Methodology Figure (demonstrating exceptional circumstances based on demographic trends and market signals) the Local Plan will need to be updated. It is not clear that an Inspector will agree to a lower LHN figure.</p>	made Amber with action to bring forward additional sites.
15.	Identify the size, type and tenure of housing needed for different groups.	NPPF Para 61	<p>The needs for housing for older people has been assessed post Local Plan adoption. However most of this need can be met within Use Class C3.</p> <p>Policy H6 of the Local Plan sets out criteria for considering specialist accommodation.</p> <p>Additional guidance on older persons’ accommodation could be included in SPD if considered to be needed.</p>	Green /Amber

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
			The need to identify a transit/negotiated stopping site for Travellers has been identified. Whilst this could be the subject of a Local Plan allocation; a site could more speedily be identified through a site search and applying the criteria in Policy H5 and national guidance.	
16.	Where a need for affordable housing is identified, specify the type of affordable housing required.	NPPF Para 62	Policy H2 sets this out.	Green
17.	Expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups	NPPF Para 64	Policy H2 provides for 1/3 of affordable housing to be for affordable home ownership. Both Policy H2 and the Planning Contributions SPD allow for flexibility in the tenure of affordable housing. The most pressing need is for social rented housing (and other forms of affordable housing tenure merely increase the Housing Benefit bill) so revising down the rented element of affordable housing would significantly prejudice the ability to meet affordable housing needs. Note that the draft "First Homes" requirement would further reduce the provision of social housing.	Green / Amber
18.	Set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.	NPPF Para 65	Policies SS12 and the Strategic Development (SD) area policies set out a requirement for the three neighbourhood Plan Areas. Each area has a neighbourhood Plan (all Made June 2019), which covers the entire Unitary Authority area.	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
19.	Identify a supply of specific, deliverable sites for years one to five of the plan period, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.	NPPF Para 67	<p><b>There is not a 5 year supply of deliverable housing sites.</b></p> <p>However it is difficult to see how an update of the Local Plan would achieve a five year supply of deliverable sites, unless the requirement was significantly lowered.</p> <p>The NPPF Glossary definition of deliverability is much harsher than in the 2012 NPPF. The allocation of sites in a development plan is not sufficient to ensure deliverability. Deliverability of major sites requires “clear evidence” that sites will yield completions within five years or detailed planning permission.</p> <p>A more productive approach may be to seek to achieve the delivery of key sites.</p> <p>The Local Plan still contains a stock of developable sites to last the remainder of the Plan period (9 years), and potentially longer given that there is a backlog of sites that have not come forward.</p>	<b>Red</b>
20.	Identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare; unless it can be demonstrated that there are strong reasons why the 10% target cannot be achieved.	NPPF Para 68	<p><b>This is not an issue. Far more than 10% of the housing requirement is met on sites of less than 1ha.</b></p>	<b>Green</b>
21.	Support the development of entry level exception sites, suitable for first time buyers, unless the need for such homes is already being met within the authority’s area.	NPPF Para 71	<p><b>Exception sites are not Local Plan allocations. Local Plan Policies C1 and H3 allow for some exceptions sites, particularly self-build housing.</b></p>	<b>Green</b>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
			The Neighbourhood Plans also contain policies on village envelopes and exceptions sites.	
22.	Include a trajectory illustrating the expected rate of housing delivery over the plan period, and requiring a buffer of 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan.	NPPF Para 73	<p>The area Strategic Development (SD) Policies contain detailed trajectories for completions within each area. Whilst circa 7 years old now, they are broadly correct. They are augmented by area Masterplans (SPDs) for the Future Growth Areas and Torquay and Paignton town centres.</p> <p>Policies SS3, SS13 and H1 contain measures to seek to boost delivery in the event of a five year supply shortfall.</p> <p>The Council is not seeking to demonstrate five year supply via a position statement, so the 10% buffer is not relevant.</p>	Green
23.	Be responsive to local circumstances and support rural housing developments that reflect local needs.	NPPF Para 77	Torbay is a largely urban area, but Policies C1 and H3 allow for local needs affordable housing and self-build housing. Brixham Peninsula is the most rural Neighbourhood Plan area and the BPNP also contains Policy BH9 on exceptions sites.	Green
24.	Identify opportunities for villages to grow and thrive, especially where this will support local services.	NPPF Para 78	See above – Torbay is largely urban. The NPs contain policies relating to the villages of Maidencombe and Churston.	Green
25.	Avoid the development of isolated homes in the countryside unless specific	NPPF Para 79	This is covered in Policies C1 and H1	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
	circumstances are consistent with those set out in the NPPF.			
	<i>Economy</i>			
26.	Create conditions in which businesses can invest, expand and adapt.	NPPF Para 80	<p>Policies SS1, SS4, SS5 and the SD area policies set a clear economic strategy.</p> <p>Policies SS3, SS5 and TC4 have been written to be flexible and allow changes within uses.</p> <p>Changes to the Use Classes Order came into force in September 2020 and introduced additional flexibility into commercial uses.</p> <p>Whilst these may modify some aspects of the Plan by increasing the range of uses that commercial premises may be put to, the Local Plan was drafted to allow for flexibility and so is not seriously compromised by the introduction of Class E and F use classes. It is noted that the changes to use classes and permitted development rights are being challenged in the Courts.</p>	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
27.	Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.	NPPF Para 81	Aspiration 1 and Policies SS1, SS4, SS5 and the SD area policies set a clear economic strategy taking into account the Council's Economic development Strategy.	Green
28.	Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.	NPPF Para 81	<p>Policies SS2, SS4, SS% and the area SD policies, as well as Tourism (TO) and Town Centre (TC) polices set a clear framework to encourage investment in the local economy. The Local Plan identifies a need for 5000-5,500 new jobs over the Plan period, including 1375 within the first five years of the Plan Period; and delivery of 17 ha of employment land (for all sources of employment not just class B) See Policies SS1 and SS4.</p> <p>NOMIS data (agreed at p243-4 as a measure) indicate that jobs within Torbay have not increased over the Plan period; although the number of Torbay residents in work had increased 2012-19.</p> <p>This has been interpreted by some stakeholders as an indication that the housing need figure is too high and shows an imbalance between jobs and housing contrary to the balanced job-housing strategy set out in the Local Plan (section 4.1, Policies SS1, SS2 and SS13) which should trigger an early review of the Plan (see Policy SS13, pp243-4</p>	Overall Amber (see text)

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
			<p>The Local Plan is not meeting its jobs target, and it appears unlikely that this figure will be met by 2030 given the immediate implications of COVID19, regardless of the recovery. The 5-5.5 thousand jobs total was an optimistic target based on the 2013 Employment Land Review (Peter Brett Associates). Moreover the assessment of Full Objectively Assessed Need (FOAN) at 2013, of 616 dwellings per year included a buffer above the demographic projections to allow for jobs growth.</p> <p>The Standard Methodology local housing need (both the current NPPF/PPG and 2020 draft versions) are calculated differently from FOAN and do not take job creation into account. Therefore seeking to reduce the housing requirement figure based on jobs not being created is unlikely to be successful.</p> <p>Moreover, the jobs target may need to be revised downwards and the target modified to approval of additional floorspace for instance. The Local Plan cannot create jobs-it can only allocate land and seek to create a flexible land use regime for employers. Secondly, the 2018 based population projections do not project 5,000 additional working aged persons in Torbay by 2020; so the 5,000 job target could necessitate an increase in housing numbers above the Standard methodology figure.</p>	

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
29.	Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.	NPPF Para 81	A requirement of the 20-12 NPPF. See policies SS6, SS7 etc.	Green
30.	Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.	NPPF Para 81	<p>The Local Plan was drafted to provide flexibility over uses. Policy SS3 contains a presumption in favour of sustainable development. Policies SS5 allows for a range of employment uses, and has a “reasonable prospects” test allowing for non-(former) Class B uses to be counted as employment. It also recognises the role of Live-Work units. Policy TC3 is written to allow a range of uses within town centres and does not seek to restrict Primary Shopping frontages to being purely retail.</p> <p>Additional flexibility over use classes has been created by the Government through the creation of a Class C commercial use class, which superimposes significant additional permitted changes of use to former A1-3, B1 and some Class D uses.</p>	Green (overall)

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
31.	Recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.	NPPF Para 82	The Government has obviated this requirement and rendered its own NPPF out of date by the introduction of a Class E use Class. Notwithstanding this, Policy S5 (and the associated table 2) recognises locational clusters of employment uses. Further policy is set out in the Area development SD policies. Policies TO1-3 specifically recognise the needs and promote the tourism industry.	Green
32.	Enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.	NPPF Para 83	No changes from 2012 NPPF. Torbay is a largely urban area. Policy CO1 allows limited development in the countryside area.	Green
33.	Enable the development and diversification of agricultural and other land-based rural businesses.	NPPF Para 83	Torbay is a largely urban area. Policy C1 allows for development needed for agriculture. Policy SC4 is also relevant.	Green
34.	Enable sustainable rural tourism and leisure developments which respect the character of the countryside.	NPPF Para 83	No change from 2012 NPPF. Torbay is primarily a coastal resort and Policies TO1-2 set out a framework to enhance tourism. Some Core Tourist Investment Areas cover green areas such as Babbacombe Downs and Clennon Valley (see paragraph 6.1.2.6 of the explanation to TO1). See also Policy TC 3E	Green
35.	Enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural	NPPF Para 83	No change from previous NPPF, but changes to the Use Classes Order including the creation of a Class F2 Community Use partly removes this matter from planning control.	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
	buildings, public houses and places of worship.		<p>Policy TC3 (E) supports the introduction of village/corner shops serving isolated communities. Policy TC4 seeks to protect corner/village shops in order to protect day to day facilities serving local communities.</p> <p>Policy SS11 (12) seeks to protect community facilities.</p>	
36.	Recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.	NPPF Para 84	Torbay is largely an urban area. Policies CO1, SS11 and SS3 are written to provide a flexible framework for development that can accommodate this NPPF requirement.	Green
37.	<i>Town centres</i>			
38.	Define a network and hierarchy of town centres and promote their long-term vitality and viability.	NPPF Para 85	Policies TC1, TC2 define a hierarchy of town centres.	Green
39.	Define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations.	NPPF Para 85	<p>Policy TC2 and TC3 fully meet this. It is obviated by the changes to the Use Classes Order that create and overarching Class E use.</p> <p>The Planning White Paper would have significant impact on the policy, but there is little point in updating this aspect of the Local Plan until the extent of these changes is known. .</p>	Green
40.	Retain and enhance existing markets and, where appropriate, re-introduce or create new ones.	NPPF Para 85	Policy TC1 would support this objective.	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
41.	Allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead.	NPPF Para 85	The Local Plan allocates a range of town centre regeneration sites. More detail is provided in the areas "SD" policies. These are also allocated in the Neighbourhood Plans and fleshed out in Adopted SPDs for Torquay and Paignton Town Centre.	Green
42.	Where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre.	NPPF Para 85	Note that the creation of a comprehensive Class E Commercial use makes it much harder to gauge need effectively. However the Local Plan allocates sufficient sites in the SD area policies and Future Growth Areas (SS2) to meet the gamut of commercial uses noted in NPPF85 (d).	Green
43.	Recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.	NPPF Para 85	The Local Plan promotes significant housing in the town centres. Policy H1 also supports the principle of town centre housing. The Neighbourhood Plans and town Centre Masterplans also promote town centre housing.	Green
44.	<i>Healthy and safe communities</i>			
45.	Achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.	NPPF Para 91	Addressed throughout the Plan, See particularly Policies SS11, DE1 and SC1. Additional guidance is set out in the Healthy Torbay SPD.	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
46.	Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.	NPPF Para 92	Addressed in the Plan e.g. SC2 and SC3. The new F2 Use Class will also remove some of these matters from planning control.	Green
47.	Take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.	NPPF Para 92	Addressed throughout the Plan. See particularly Policies SS11, DE1 and SC1. Additional guidance is set out in the Healthy Torbay SPD.  Note that the NHS are seeking S106 contributions from new housing development to bridge the gap between housing being occupied and reflected in central government funding. Consideration in this regard also needs to be given to the equality of funding across the health sector, not just that within the NHS.	Green (Amber)
48.	Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.	NPPF Para 92	Covered by Policy TC4 and SC2, as well as by Neighbourhood Plans.	Green
49.	Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.	NPPF Para 92	Covered by Policy TC1 and TC3. Note that the introduction of a Class E use has significantly deregulated retail uses.	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
50.	Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.	NPPF Para 92	Covered in SS1, SS2 and area specific policies. Not a new planning principle.	Green
51.	Consider the social, economic and environmental benefits of estate regeneration.	NPPF Para 93	Green- Many of the identified housing sites are regeneration sites. Policy SS11 notes the specific need to regenerate community investment areas, and sets out a range of objectives.	Green
52.	Promote public safety and take into account wider security and defence requirements.	NPPF Para 95	Security is noted in Policy DE1 criteria 4. Energy security is addressed by SS14 Food security is address in Policy SC4 see also para 6.4.3.22) Security of marine installations is noted in Policy TO3 (6.1.2.29)	Green
53.	Provide open space, sports and recreational facilities which meets the needs of the local area.	NPPF Para 95	Covered in Policy DE3 (private amenity space), SC1 and SC2.	Green
54.	Protect and enhance public rights of way and access.	NPPF Para 98	Addressed in Policy SS6.3 and noted as an issue relevant to AONBs (p248)	Green
55.	<i>Transport</i>			

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
56.	Should actively manage patterns of growth in support of objectives in Para 102. Significant development should be focused on locations which are/can be made sustainable. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas - this should be taken into account in plan-making.	NPPF Para 103	This objective has informed the strategic pattern of development. Policy SS6 deals specifically with transport infrastructure. Policies TA1-TA3 deal with more specific transport matters.	Green
57.	Support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.	NPPF Para 104	Policy SS2 and the area specific "SD" policies seek mixed use developments.	Green
58.	Identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.	NPPF Para 104	Policy SS6 protects and seeks to improve key transport routes and improve transport choice.	Green
59.	Provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).	NPPF Para 104	Policy SS6 and TA1 promote walking and cycle networks. Policy TA3 (and Appendix F) provide minimum cycle parking standards. This is augmented by Highways Standing advice.	Green
60.	Provide for any large-scale transport facilities that need to be located in the area and the infrastructure and wider development required to support their	NPPF Para 104	The main large scale transport investments needed are identified in the Local Plan (SS6). The completion of the South Devon Highway in 2015 was in accordance with the	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
	operation, expansion and contribution to the wider economy.		current and previous local plans. Policy SS6(5) proposes a new railway station at Edginswell.	
61.	Recognise the importance of maintaining a national network of general aviation airfields.	NPPF Para 104	Not relevant To Torbay and no conflict with the Local Plan	N/A
62.	Provide adequate overnight lorry parking facilities, taking into account any local shortages.	NPPF Para 107	No mention of lorry parking mentioned in the Plan. The main issue is likely to be distribution associated with the fishing industry. If significant new B8 facilities are needed this could be dealt with through a planning application rather than requiring a specific Local Plan Update.	Amber (but unlikely to justify an update to the Local Plan)
63.	In assessing sites that may be allocated for development in plans, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be	NPPF Para 108	Green- Noted in Policies SS2, TA1, and TA2	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
	cost effectively mitigated to an acceptable degree.			
64.	Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.	NPPF Para 109	This is a general DM policy. Policy TA2 deals with safe access and impact on the wider road network. Specific requirements are set out by Torbay Council as Highways Authority in the Highways Design Guide and Standing Advice.	Green
65.	<i>Communications</i>			
66.	Support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections, setting out how high-quality digital infrastructure is expected to be delivered and upgraded over time.	NPPF Para 112	Policy IF1 supports the most up to date and fastest ICT. More detailed requirements are set out in Neighbourhood Plans.  The Plan could be strengthened by requiring fibre connections to dwellings, but this is unlikely to warrant updating the Plan for, in isolation.	Green/ Amber
67.	<i>Making effective use of land</i>			

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
68.	Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.	NPPF Para 117	<p>Met across the Local Plan e.g. criteria in Policy H1 for housing development. Policies SS8, NC1 at al. protect the environment. Policy DE3 deals with the amenity (living conditions) of occupants and neighbours.</p> <p>A high proportion of the Local Plan's expected housing yield is on previously developed land.</p>	Green
69.	Set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.	NPPF Para 117	<p>The Local Plan's spatial strategy is based on a Strategic Housing Land Availability Assessment and Employment Land Review (both PBA, 2013) which seek to maximise the use of previously developed land. Policy SS1 sets out a growth strategy that prioritises urban sites (most of which are previously developed land). Policy H1.6 prioritises the reuse of urban brownfield land.</p> <p>The three Neighbourhood Plans contain policies seeking to prioritise brownfield sites, and set out clear regeneration objectives for the three town centres. These are augmented by Town Centre Masterplans for Torquay and Paignton.</p> <p>As at the time of the Local Plan's preparation, the area's objectively assessed needs could not be fully met on brownfield sites, and the allocation of some greenfield land was necessary.</p> <p>Brownfield sites delivered has fallen over the plan period from just over 70% of all dwellings, to just under 60%. This</p>	Green/ Amber

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
			can be addressed through supplementary guidance or other planning tools and is not necessarily a 'fault' of the Local Plan policy.	
70.	Encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains.	NPPF Para 118	<p>Policy SS2 and area specific "SD" policies promote mixed use schemes. Policy NC1 contains a requirement to achieve biodiversity net-gain.</p> <p>There is overlap between Policies SS8 and NC1. There would be scope to simplify and shorten the plan.</p>	Green
71.	Recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.	NPPF Para 118	<p>Largely addressed in the Plan e.g. flooding and water policies ER1, ER2, Policy C5 Urban Landscape Protection Areas.</p> <p>The Neighbourhood Plans had also added their own designations, particularly Local Green Spaces.</p>	Green
72.	Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.	NPPF Para 118	See section 69 above. The Local Plan's spatial strategy has sought to prioritise the use of brownfield land. Policy H1.6 also note it as a priority.	Green
73.	Promote and support the development of under-utilised land and buildings.	NPPF Para 118	As 69 and 72 above.	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
74.	Support opportunities to use the airspace above existing residential and commercial premises for new homes.	NPPF Para 118	Policy DE4 deals with building heights and allows for tall buildings (including upward extensions) where consistent with criteria set out in the Policy.  The Neighbourhood Plans have also set out policy considerations.	Green
75.	Reflect changes in the demand for land.	NPPF Para 120	This was a requirement of the 2012 NPPF. The main issue is likely to be changing nature of town centre uses. As noted above, the Local Plan's town centre policies have been written to ensure flexibility.	Green
76.	Support development that makes efficient use of land, taking into account the need for different types of housing and other forms of development, local market conditions, the availability and capacity of infrastructure and services, the character and setting of the area, and the importance of securing well-designed, attractive and healthy places.	NPPF Para 122	These considerations were central to the drafting of the Local Plan and are covered by specific policies e.g. DE1 on design.	Green
77.	Avoid homes being built at low densities where there is an existing or anticipated shortage of identified housing needs, and where appropriate include the use of minimum density standards.	NPPF Para 123	The Local Plan 2012-30 dropped minimum density requirements set out in the previous Local Plan because they militated towards town cramming. There is a significant issue of conversions to form very small apartments/HMOs in Torbay which exacerbates already high concentrations of deprivation. Policies H1, DE1, DE3, SS11 seek to achieve high density development where this	Green (see explanation)

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
			is consistent with amenity, good design and deprivation considerations.	
78.	<i>Design</i>			
79.	Set out a clear design vision and provide maximum clarity about design expectations.	NPPF Para 125 & 126	Policy DE1 sets out clear design considerations. Policy DE2 deals with building for life. Policy DE4 deals with building heights. Policy SS10 deals with the historic environment. The Neighbourhood Plans also set out design considerations.  There is scope to update the Urban Design Guide SPD, but the development plan policy framework remains largely up to date.	Green
80.	Ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development,	NPPF Para 127	As above –Policy DE1 sets out these as design principles.	Green

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>	<b>RAG</b>
	and create places that are safe, accessible and inclusive.			
81.	<i>Green Belt</i>			
82.	Set out proposals for new Green Belts within strategic policies. This should demonstrate why normal planning and development management policies would not be adequate, any major changes in circumstances, consequences for sustainable development, the need for Green Belt to support adjoining areas, and how new Green Belt would meet other objectives of the Framework.	NPPF Para 135	Torbay does not have green belt. The NPPF policies on Green Belt may be applicable to Local Green Spaces allocated in Neighbourhood Plans	Not applicable

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>	<b>RAG</b>
83.	Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans. Even when exceptional circumstances are demonstrated strategically to take land out of the Green Belt, it is still necessary to demonstrate that exceptional circumstances exist at the site level.	NPPF Para 136	As above	Not applicable

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>	<b>RAG</b>
84.	Strategic policies should make as much use as possible of suitable brownfield sites and underutilised land and optimise the density of development including promoting an uplift in minimum density standards in town and city centres and locations well served by public transport. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.	NPPF Para 137 & 138	See above – these requirements relate to greenbelt authorities. The need to maximise the use of urban land is covered above.	Not applicable

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
85.	When defining Green Belt boundaries, plans should ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development, not include land which it is unnecessary to keep permanently open, identify areas of safeguarded land between the urban area and the Green Belt where necessary, make clear that the safeguarded land is not allocated for development at the present time, be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period, and define boundaries clearly.	NPPF Para 139	Torbay does not have a greenbelt	Not applicable.
86.	<i>Climate change, flooding and coastal change</i>			
87.	Take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperature.	NPPF Para 149	<p>Policy SS14 promotes low carbon development and resilience to climate change. Other policies address the impact of climate change e.g. ER1 and ER2 on flooding, C3 Coastal Change management. Policy ES1 and ES2 deal with energy and lower carbon infrastructure.</p> <p>Torbay Council declared a Climate Change Emergency in July 2019. It seeks to achieve zero carbon emissions by 2050 at the latest; which aligns to the proposal in the Planning White Paper. The Local Plan was prepared at the same time as the Torbay Climate Change Strategy 2014-19.</p>	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
			<p>Whilst Climate Change issues could be given more prominence in the Plan's "running order" the headline policies are already in the Plan.</p> <p>Notwithstanding the sound policy basis, Flood Risk assessment (Local Plan evidence base) would benefit from an update which would improve the day to day management and approach. This could be incorporated in to minor updating of the Plan or be addressed through SPD.</p>	
88.	Support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.	NPPF Para 149	As above. Coastal Change Management (Policy C3) and flooding are likely to be key issues.	Green
89.	Increase the use and supply of renewable and low carbon energy and heat by providing a positive strategy for energy from these sources, identifying suitable areas for renewable and low carbon energy sources, and identifying opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.	NPPF Para 151	Policies ES1 and ES2 provide a framework for considering renewable energy proposals that come forward.	Green
90.	Strategic policies should manage flood risk from all sources.	NPPF Para 156	Torbay is a Critical Drainage Area. Policies ER1, ER2 and W5 consider all forms of flooding, and the impact on the shared sewer system and potential combined sewer	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
			<p>overflows. These policies also promote water sensitive urban design (WSUDs)</p> <p>Note flood risk assessment comments above.</p>	
91.	Avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast.	NPPF Para 167	This is set out in Policy ER1. Note however that there is a conflict with meeting the Government's standard methodology level of housing development without developing in areas of risk. The Local Plan seeks to achieve as much growth as possible within environmental limits.	Green
92.	<i>Natural environment</i>			
93.	Contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.	NPPF Para 170	<p>Fully covered by Policies SS8, NC1, SS9, C1-5. The Area specific SD policies set out specific requirements and considerations for environmental protection.</p> <p>The Neighbourhood Plans set out additional policies. .</p>	Green

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>	<b>RAG</b>
94.	Plans should: distinguish between the hierarchy of international, national and locally designated sites, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure, and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.	NPPF Para 171	<p>Policies SS8, C1-5 set out a hierarchy of sites. The Neighbourhood Plans augment this, particularly with the addition of Local Green Spaces.</p> <p>The Plan also notes cross boundary matters such as the South Hams SAC and South Devon AONB.</p>	Green
95.	Conserve the special character and importance of Heritage Coast areas.	NPPF Para 173	Torbay does not have Heritage Coast. Policy C2 deals with coastal landscape.	N/A
96.	Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity.	NPPF Para 174	<p>Policies NC1 proves a hierarchy of sites and these are indicated on the Policies Map. Additional guidance is published on Greater Horseshoe Bat sustenance zones. Policies SS8 and C4 (trees and hedgerows are also relevant.</p> <p>The Neighbourhood Plans also provide additional detail.</p>	Green
97.	Ensure that a site is suitable for its proposed use taking account of ground conditions, any risks arising from land instability and contamination, and the likely effects of pollution on health, living conditions and the natural environment.	NPPF Para 178 & 180	Covered by polices ER3 Contamination and ER4 Ground stability.	Green

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results	RAG
98.	Sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.	NPPF Para 181	Policy TA1 seeks to minimise the effect of development upon Air Quality Management Areas.	Green
99.	Ensure that new development can be integrated effectively with existing businesses and community facilities.	NPPF Para 182	This relates primarily to noise, nuisance, pollution etc. It is covered by Policy DE3.	Green
100.	<i>Historic Environment</i>			
101.	Set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.	NPPF Para 185	Covered by Policy SS10 Conservation and the historic environment and HE1 Listed Buildings.  Removal of discordant later additions is noted in TO2 in relation to former holiday accommodation. The principle should be extended to all changes of use rather than just former hotels.	Green / Amber
102.	<i>Minerals</i>			
103.	Provide for the extraction of mineral resources of local and national importance.	NPPF Para 204	Covered by Policies M1, M2 and M3	Green

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>	<b>RAG</b>
104.	Take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials.	NPPF Para 204	Covered by Policy M2	Green
105.	Safeguard mineral resources by defining Mineral Safeguarding Areas.	NPPF Para 204	Covered by Policy M3	Green
106.	Encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place.	NPPF Para 204	Prior extraction is not specifically addressed, but would be covered in Policy M3 should the issue arise.	Green
107.	Safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals, the manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.	NPPF Para 204	Unlikely to be an issue in Torbay. Policy M2 sets out a criteria based policy that would address proposals should they arise.	Green
108.	Set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health	NPPF Para 204	Covered in Policies M1 and M2	Green
109.	Recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction	NPPF Para 204	Policy M2 (last section) resists development that would constrain the existing operation of existing facilities.	Green

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>	<b>RAG</b>
110.	Ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.	NPPF Para 204	Policy M1 deals with restoration and after use.	Green